

BILL ANALYSIS

Senate Research Center
80R6013 KEL-F

H.B. 1767
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas, along with most states nationwide, is experiencing a significant increase in thefts of metals, such as copper, bronze, and aluminum. Copper in particular has become a prime target for thieves largely because the price of copper has increased significantly in the last year. Losses from copper theft include not only the value of stolen copper, but also losses resulting from damage done during the process of extracting copper from property and equipments. Vandalism and other acts of criminal mischief are often inflicted upon communications equipment, such as traffic signals, because of the increase in value of the wires and cables in those devices. These acts of criminal mischief pose a threat to public safety. Small and large businesses alike are greatly affected by this crime.

Several states are exploring ways to bring the problem under control. Texas provides for penalties for the offenses of theft and criminal mischief, and the penalties can escalate to second and third degree felonies depending on the value of the property stolen or equipment or property damaged, but clearly, those penalties have not been sufficient to deter this type of crime. Under current law, penalties for criminal mischief vary by the pecuniary loss suffered.

H.B. 1767 makes any act of criminal mischief on transportation communications equipment or transportation communications devices with a pecuniary loss of less than \$100,000 a third degree felony.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.03(g), Penal Code, by adding Subdivisions (4) through (8) to define "aluminum wiring," "bronze wiring," "copper wiring," "transportation communications equipment," and "transportation communications device."

SECTION 2. Amends Section 28.03, Penal Code, by adding Subsection (j), to provide that, notwithstanding Subsection (b), an offense under this section (Criminal Mischief) is a felony of the third degree if the tangible property damaged, destroyed, or tampered with is transportation communications equipment or a transportation communications device and the amount of the pecuniary loss to the tangible property is less than \$100,000.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.