

1-1 By: Pena (Senate Sponsor - Carona) H.B. No. 1767
1-2 (In the Senate - Received from the House April 26, 2007;
1-3 May 1, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 16, 2007, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 16, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the punishment for criminal mischief committed by
1-9 interfering with certain transportation signs, signals, or
1-10 devices.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 28.03(g), Penal Code, is amended by
1-13 adding Subdivisions (4) through (8) to read as follows:

1-14 (4) "Aluminum wiring" means insulated or noninsulated
1-15 wire or cable that consists of at least 50 percent aluminum,
1-16 including any tubing or conduit attached to the wire or cable.

1-17 (5) "Bronze wiring" means insulated or noninsulated
1-18 wire or cable that consists of at least 50 percent bronze, including
1-19 any tubing or conduit attached to the wire or cable.

1-20 (6) "Copper wiring" means insulated or noninsulated
1-21 wire or cable that consists of at least 50 percent copper, including
1-22 any tubing or conduit attached to the wire or cable.

1-23 (7) "Transportation communications equipment" means:

1-24 (A) an official traffic-control device, railroad
1-25 sign or signal, or traffic-control signal, as those terms are
1-26 defined by Section 541.304, Transportation Code; or

1-27 (B) a sign, signal, or device erected by a
1-28 railroad, public body, or public officer to direct the movement of a
1-29 railroad train, as defined by Section 541.202, Transportation Code.

1-30 (8) "Transportation communications device" means any
1-31 item attached to transportation communications equipment,
1-32 including aluminum wiring, bronze wiring, and copper wiring.

1-33 SECTION 2. Section 28.03, Penal Code, is amended by adding
1-34 Subsection (j) to read as follows:

1-35 (j) Notwithstanding Subsection (b), an offense under this
1-36 section is a felony of the third degree if:

1-37 (1) the tangible property damaged, destroyed, or
1-38 tampered with is transportation communications equipment or a
1-39 transportation communications device; and

1-40 (2) the amount of the pecuniary loss to the tangible
1-41 property is less than \$100,000.

1-42 SECTION 3. The change in law made by this Act applies only
1-43 to an offense committed on or after the effective date of this Act.
1-44 An offense committed before the effective date of this Act is
1-45 covered by the law in effect when the offense was committed, and the
1-46 former law is continued in effect for that purpose. For purposes of
1-47 this section, an offense was committed before the effective date of
1-48 this Act if any element of the offense was committed before that
1-49 date.

1-50 SECTION 4. This Act takes effect September 1, 2007.

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