

## **BILL ANALYSIS**

Senate Research Center  
81R8527 BEF-D

H.B. 1614  
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Criminal Justice  
5/17/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law provides that the penalty for the offense of criminal mischief is a Class A misdemeanor when the amount of pecuniary loss is less than \$1,500 and the actor caused disruption of a public service. There have been several instances in Texas and across the country in which the theft of certain items, such as copper wiring from telephone poles, endangered thousands of lives and required the expenditure of taxpayer dollars to remedy the situation. Such acts can create major safety concerns for areas that lose power and can have a devastating economic impact on businesses.

This bill makes an offense of criminal mischief a state jail felony if the pecuniary loss is less than \$20,000 and if the crime impairs or interrupts a public service, such as public transportation, a public gas supply, a public power supply, or public communications.

H.B. 1614 amends current law relating to the punishment for the offense of criminal mischief.

### **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(b), Penal Code, to delete existing text providing that, except as provided by Subsections (f) (relating to a state jail felony and damage to certain places) and (h) (relating to a state jail felony and the pecuniary loss of certain property), an offense under this section is a Class A misdemeanor if the amount of pecuniary loss is less than \$1,500 and the actor causes in whole or in part impairment or interruption of public communications, public transportation, public gas or power supply, or other public service, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for any such purpose, any public communications or public gas or power supply. Provides that, except as provided by Subsections (f) and (h), certain offenses under this section are a state jail felony, including if the amount of pecuniary loss is less than \$20,000 and the actor causes wholly or partly impairment or interruption of public communications, public transportation, public gas or power supply, or other public service, or causes to be diverted wholly, partly, or in any manner, including installation or removal of any device for any such purpose, any public communications or public gas or power supply. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.