

By: Brown of Kaufman, et al.

H.B. No. 1614

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment for the offense of criminal mischief.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 28.03(b), Penal Code, is amended to read
5 as follows:

6 (b) Except as provided by Subsections (f) and (h), an
7 offense under this section is:

8 (1) a Class C misdemeanor if:

9 (A) the amount of pecuniary loss is less than
10 \$50; or

11 (B) except as provided in Subdivision (3)(A) or
12 (3)(B), it causes substantial inconvenience to others;

13 (2) a Class B misdemeanor if the amount of pecuniary
14 loss is \$50 or more but less than \$500;

15 (3) a Class A misdemeanor if:

16 (A) the amount of pecuniary loss is[+

17 [~~(i)~~] \$500 or more but less than \$1,500; or

18 [~~(ii)~~] ~~less than \$1,500 and the actor causes~~

19 ~~in whole or in part impairment or interruption of public~~

20 ~~communications, public transportation, public gas or power supply,~~

21 ~~or other public service, or causes to be diverted in whole, in part,~~

22 ~~or in any manner, including installation or removal of any device~~

23 ~~for any such purpose, any public communications or public gas or~~

24 ~~power supply, or]~~

1 (B) the actor causes in whole or in part
2 impairment or interruption of any public water supply, or causes to
3 be diverted in whole, in part, or in any manner, including
4 installation or removal of any device for any such purpose, any
5 public water supply, regardless of the amount of the pecuniary
6 loss;

7 (4) a state jail felony if the amount of pecuniary loss
8 is:

9 (A) \$1,500 or more but less than \$20,000;

10 (B) less than \$1,500, if the property damaged or
11 destroyed is a habitation and if the damage or destruction is caused
12 by a firearm or explosive weapon; ~~[or]~~

13 (C) less than \$1,500, if the property was a fence
14 used for the production or containment of:

15 (i) cattle, bison, horses, sheep, swine,
16 goats, exotic livestock, or exotic poultry; or

17 (ii) game animals as that term is defined by
18 Section 63.001, Parks and Wildlife Code; or

19 (D) less than \$20,000 and the actor causes wholly
20 or partly impairment or interruption of public communications,
21 public transportation, public gas or power supply, or other public
22 service, or causes to be diverted wholly, partly, or in any manner,
23 including installation or removal of any device for any such
24 purpose, any public communications or public gas or power supply;

25 (5) a felony of the third degree if the amount of the
26 pecuniary loss is \$20,000 or more but less than \$100,000;

27 (6) a felony of the second degree if the amount of

1 pecuniary loss is \$100,000 or more but less than \$200,000; or

2 (7) a felony of the first degree if the amount of
3 pecuniary loss is \$200,000 or more.

4 SECTION 2. The change in law made by this Act in amending
5 Section 28.03(b), Penal Code, applies only to an offense committed
6 on or after the effective date of this Act. An offense committed
7 before the effective date of this Act is covered by the law in
8 effect when the offense was committed, and the former law is
9 continued in effect for that purpose. For purposes of this section,
10 an offense is committed before the effective date of this Act if any
11 element of the offense occurred before that date.

12 SECTION 3. This Act takes effect September 1, 2009.