

1-1 By: Brown of Kaufman, et al. H.B. No. 1614
1-2 (Senate Sponsor - Patrick)
1-3 (In the Senate - Received from the House May 4, 2009;
1-4 May 6, 2009, read first time and referred to Committee on Criminal
1-5 Justice; May 20, 2009, reported favorably by the following vote:
1-6 Yeas 6, Nays 0; May 20, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the punishment for the offense of criminal mischief.
1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11 SECTION 1. Section 28.03(b), Penal Code, is amended to read
1-12 as follows:
1-13 (b) Except as provided by Subsections (f) and (h), an
1-14 offense under this section is:
1-15 (1) a Class C misdemeanor if:
1-16 (A) the amount of pecuniary loss is less than
1-17 \$50; or
1-18 (B) except as provided in Subdivision (3)(A) or
1-19 (3)(B), it causes substantial inconvenience to others;
1-20 (2) a Class B misdemeanor if the amount of pecuniary
1-21 loss is \$50 or more but less than \$500;
1-22 (3) a Class A misdemeanor if:
1-23 (A) the amount of pecuniary loss is ~~is~~
1-24 ~~[(i)]~~ \$500 or more but less than \$1,500; or
1-25 ~~[(ii)] less than \$1,500 and the actor causes~~
1-26 ~~in whole or in part impairment or interruption of public~~
1-27 ~~communications, public transportation, public gas or power supply,~~
1-28 ~~or other public service, or causes to be diverted in whole, in part,~~
1-29 ~~or in any manner, including installation or removal of any device~~
1-30 ~~for any such purpose, any public communications or public gas or~~
1-31 ~~power supply; or]~~
1-32 (B) the actor causes in whole or in part
1-33 impairment or interruption of any public water supply, or causes to
1-34 be diverted in whole, in part, or in any manner, including
1-35 installation or removal of any device for any such purpose, any
1-36 public water supply, regardless of the amount of the pecuniary
1-37 loss;
1-38 (4) a state jail felony if the amount of pecuniary loss
1-39 is:
1-40 (A) \$1,500 or more but less than \$20,000;
1-41 (B) less than \$1,500, if the property damaged or
1-42 destroyed is a habitation and if the damage or destruction is caused
1-43 by a firearm or explosive weapon; ~~or~~
1-44 (C) less than \$1,500, if the property was a fence
1-45 used for the production or containment of:
1-46 (i) cattle, bison, horses, sheep, swine,
1-47 goats, exotic livestock, or exotic poultry; or
1-48 (ii) game animals as that term is defined by
1-49 Section 63.001, Parks and Wildlife Code; or
1-50 (D) less than \$20,000 and the actor causes wholly
1-51 or partly impairment or interruption of public communications,
1-52 public transportation, public gas or power supply, or other public
1-53 service, or causes to be diverted wholly, partly, or in any manner,
1-54 including installation or removal of any device for any such
1-55 purpose, any public communications or public gas or power supply;
1-56 (5) a felony of the third degree if the amount of the
1-57 pecuniary loss is \$20,000 or more but less than \$100,000;
1-58 (6) a felony of the second degree if the amount of
1-59 pecuniary loss is \$100,000 or more but less than \$200,000; or
1-60 (7) a felony of the first degree if the amount of
1-61 pecuniary loss is \$200,000 or more.
1-62 SECTION 2. The change in law made by this Act in amending
1-63 Section 28.03(b), Penal Code, applies only to an offense committed
1-64 on or after the effective date of this Act. An offense committed

2-1 before the effective date of this Act is covered by the law in
2-2 effect when the offense was committed, and the former law is
2-3 continued in effect for that purpose. For purposes of this section,
2-4 an offense is committed before the effective date of this Act if any
2-5 element of the offense occurred before that date.

2-6 SECTION 3. This Act takes effect September 1, 2009.

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