

By: Gutierrez

H.B. No. 1706

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 \$100 [~~\$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 \$100 [~~\$50~~] or more but less than \$500;

15 (3) a Class A misdemeanor if:

16 (A) the amount of pecuniary loss is \$500 or more  
17 but less than \$1,500; or

18 (B) the actor causes in whole or in part  
19 impairment or interruption of any public water supply, or causes to  
20 be diverted in whole, in part, or in any manner, including  
21 installation or removal of any device for any such purpose, any  
22 public water supply, regardless of the amount of the pecuniary  
23 loss;

24 (4) a state jail felony if the amount of pecuniary loss

1 is:

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

3 (B) less than \$1,500, if the property damaged or  
4 destroyed is a habitation and if the damage or destruction is caused  
5 by a firearm or explosive weapon;

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

8 (i) cattle, bison, horses, sheep, swine,  
9 goats, exotic livestock, or exotic poultry; or

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

12 (D) less than \$20,000 and the actor causes wholly  
13 or partly impairment or interruption of public communications,  
14 public transportation, public gas or power supply, or other public  
15 service, or causes to be diverted wholly, partly, or in any manner,  
16 including installation or removal of any device for any such  
17 purpose, any public communications or public gas or power supply;

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

20 (6) a felony of the second degree if the amount of  
21 pecuniary loss is \$100,000 or more but less than \$200,000; or

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

24 SECTION 2. The change in law made by this Act applies only  
25 to an offense committed on or after the effective date of this Act.  
26 An offense committed before the effective date of this Act is  
27 governed by the law in effect on the date the offense was committed,

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

5 SECTION 3. This Act takes effect September 1, 2011.