

By: Gallego

H.B. No. 3478

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the punishment for criminal mischief involving cattle,
3 horses, and exotic livestock.

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

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

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

9 (1) a Class C misdemeanor if:

10 (A) the amount of pecuniary loss is less than
11 \$50; or

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

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

16 (3) a Class A misdemeanor if:

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

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

1 (4) a state jail felony if the amount of pecuniary loss
2 is:

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

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

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

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

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

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

19 (5) a felony of the third degree if:

20 (A) the amount of the pecuniary loss is \$20,000
21 or more but less than \$100,000; or

22 (B) the damaged or destroyed property:

23 (i) is more than one head of cattle, horses,
24 or exotic livestock, as that term is defined by Section 142.001,
25 Agriculture Code;

26 (ii) is damaged or destroyed during a
27 single transaction; and

1 (iii) has an aggregate value of less than
2 \$20,000;

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

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

7 SECTION 2. The change in law made by this Act applies only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 governed by the law in effect on the date the offense was committed,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense was committed before the
13 effective date of this Act if any element of the offense occurred
14 before that date.

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