

1-1 By: Kacal (Senate Sponsor - Birdwell) H.B. No. 1257
 1-2 (In the Senate - Received from the House March 27, 2017;
 1-3 April 12, 2017, read first time and referred to Committee on
 1-4 Criminal Justice; May 11, 2017, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; May 11, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the prosecution of and punishment for the offense of
 1-20 criminal mischief involving property used for flood control
 1-21 purposes or a dam.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 28.03(b), Penal Code, is amended to read
 1-24 as follows:

1-25 (b) Except as provided by Subsections (f) and (h), an
 1-26 offense under this section is:

1-27 (1) a Class C misdemeanor if:

1-28 (A) the amount of pecuniary loss is less than
 1-29 \$100; or

1-30 (B) except as provided in Subdivision (3)(A) or
 1-31 (3)(B), it causes substantial inconvenience to others;

1-32 (2) a Class B misdemeanor if the amount of pecuniary
 1-33 loss is \$100 or more but less than \$750;

1-34 (3) a Class A misdemeanor if:

1-35 (A) the amount of pecuniary loss is \$750 or more
 1-36 but less than \$2,500; or

1-37 (B) the actor causes in whole or in part
 1-38 impairment or interruption of any public water supply, or causes to
 1-39 be diverted in whole, in part, or in any manner, including
 1-40 installation or removal of any device for any such purpose, any
 1-41 public water supply, regardless of the amount of the pecuniary
 1-42 loss;

1-43 (4) a state jail felony if the amount of pecuniary loss
 1-44 is:

1-45 (A) \$2,500 or more but less than \$30,000;

1-46 (B) less than \$2,500, if the property damaged or
 1-47 destroyed is a habitation and if the damage or destruction is caused
 1-48 by a firearm or explosive weapon;

1-49 (C) less than \$2,500, if the property was a fence
 1-50 used for the production or containment of:

1-51 (i) cattle, bison, horses, sheep, swine,
 1-52 goats, exotic livestock, or exotic poultry; or

1-53 (ii) game animals as that term is defined by
 1-54 Section 63.001, Parks and Wildlife Code; or

1-55 (D) less than \$30,000 and the actor:

1-56 (i) causes wholly or partly impairment or
 1-57 interruption of property used for flood control purposes or a dam or
 1-58 of public communications, public transportation, public gas or
 1-59 power supply, or other public service; [7] or

1-60 (ii) causes to be diverted wholly, partly,
 1-61 or in any manner, including installation or removal of any device

2-1 for any such purpose, any public communications or public gas or
2-2 power supply;

2-3 (5) a felony of the third degree if the amount of the
2-4 pecuniary loss is \$30,000 or more but less than \$150,000;

2-5 (6) a felony of the second degree if the amount of
2-6 pecuniary loss is \$150,000 or more but less than \$300,000; or

2-7 (7) a felony of the first degree if the amount of
2-8 pecuniary loss is \$300,000 or more.

2-9 SECTION 2. The change in law made by this Act applies only
2-10 to an offense committed on or after the effective date of this Act.
2-11 An offense committed before the effective date of this Act is
2-12 governed by the law in effect on the date the offense was committed,
2-13 and the former law is continued in effect for that purpose. For
2-14 purposes of this section, an offense was committed before the
2-15 effective date of this Act if any element of the offense occurred
2-16 before that date.

2-17 SECTION 3. This Act takes effect September 1, 2017.

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