

By: González of El Paso, King of Uvalde,
Stucky

H.B. No. 2817

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of and punishment for the offense of
criminal mischief involving the death of a head of cattle or bison
or a horse.

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

SECTION 1. Section 28.03, Penal Code, is amended by
amending Subsection (b) and adding Subsection (k) to read as
follows:

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

(1) a Class C misdemeanor if:

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

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

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

(3) a Class A misdemeanor if:

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

(B) the actor causes in whole or in part
impairment or interruption of any public water supply, or causes to
be diverted in whole, in part, or in any manner, including
installation or removal of any device for any such purpose, any

1 public water supply, regardless of the amount of the pecuniary
2 loss;

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

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

6 (B) less than \$2,500, if the property damaged or
7 destroyed is a habitation and if the damage or destruction is caused
8 by a firearm or explosive weapon;

9 (C) less than \$2,500, if the property was a fence
10 used for the production or containment of:

11 (i) cattle, bison, horses, sheep, swine,
12 goats, exotic livestock, or exotic poultry; or

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

15 (D) less than \$30,000 and the actor causes wholly
16 or partly impairment or interruption of public communications,
17 public transportation, public gas or power supply, or other public
18 service, or causes to be diverted wholly, partly, or in any manner,
19 including installation or removal of any device for any such
20 purpose, any public communications or public gas or power supply;

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

22 (A) the amount of the pecuniary loss is \$30,000
23 or more but less than \$150,000; or

24 (B) the actor, by discharging a firearm or other
25 weapon or by any other means, causes the death of one or more head of
26 cattle or bison or one or more horses;

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

1 pecuniary loss is \$150,000 or more but less than \$300,000; or

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

4 (k) Subsection (a)(1) or (2) does not apply if the tangible
5 personal property of the owner was a head of cattle or bison killed,
6 or a horse killed, in the course of the actor's:

7 (1) actual discharge of official duties as a member of
8 the United States armed forces or the state military forces as
9 defined by Section 437.001, Government Code; or

10 (2) regular agricultural labor duties and practices.

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

19 SECTION 3. This Act takes effect September 1, 2017.