

BILL ANALYSIS

Senate Research Center

S.B. 516
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Jurisprudence
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

ATM "smash and grab" crimes have seen a stark increase throughout the past year amid the COVID-19 pandemic. These crimes have become especially commonplace in urban areas, with many crimes being executed by use of trucks and even tractors to rip ATMs from their locations.

In these cases, law enforcement officers often pursue federal bank robbery charges against the perpetrators. The challenge, however, is that once police and law enforcement agents have done their jobs, prosecution of these crimes may be seen as a low priority to some federal prosecutors—especially if the attempt was unsuccessful. When federal prosecutors decide to not pursue these charges, it negates the deterrence of future crimes.

Under current law, it is a second-degree felony to steal an ATM or the contents of an ATM. An unsuccessful theft is only a state jail felony for "criminal mischief." S.B. 516 would amend the criminal mischief statute to clearly provide that damage to or destruction of an ATM is a third-degree felony.

S.B. 516 amends current law relating to increasing the criminal penalty for the offense of criminal mischief involving impairment or interruption of access to an automated teller machine.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.03(b), Penal Code, to provide that, except as provided by Subsections (f) (relating to the penalty for offenses inflicted on a place of worship or human burial, a public monument, or certain community centers) and (h) (relating to the penalty for certain offenses inflicted on certain public or private schools), an offense of criminal mischief under Section 28.03 (Criminal Mischief) is a felony of the third degree if the actor causes wholly or partly impairment or interruption of access to an automated teller machine, regardless of the amount of the pecuniary loss. Makes nonsubstantive changes.

SECTION 2. Amends Section 28.03(g), Penal Code, by adding Subdivision (9), to define "automated teller machine" in Section 28.03.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.