

By: Murr

H.B. No. 3323

A BILL TO BE ENTITLED

1 AN ACT
2 relating to increasing the criminal penalty for the offense of
3 criminal mischief involving impairment or interruption of access to
4 an automated teller machine.

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

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

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

- 10 (1) a Class C misdemeanor if:
11 (A) the amount of pecuniary loss is less than
12 \$100; or
13 (B) except as provided in Subdivision (3)(A) or
14 (3)(B), it causes substantial inconvenience to others;
- 15 (2) a Class B misdemeanor if the amount of pecuniary
16 loss is \$100 or more but less than \$750;
- 17 (3) a Class A misdemeanor if:
18 (A) the amount of pecuniary loss is \$750 or more
19 but less than \$2,500; or
20 (B) the actor causes in whole or in part
21 impairment or interruption of any public water supply, or causes to
22 be diverted in whole, in part, or in any manner, including
23 installation or removal of any device for any such purpose, any
24 public water supply, regardless of the amount of the pecuniary

1 loss;

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

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

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

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

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

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

14 (D) less than \$30,000 and the actor:

15 (i) causes wholly or partly impairment or
16 interruption of property used for flood control purposes or a dam or
17 of public communications, public transportation, public gas or
18 power supply, or other public service; or

19 (ii) causes to be diverted wholly, partly,
20 or in any manner, including installation or removal of any device
21 for any such purpose, any public communications or public gas or
22 power supply;

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

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

26 (B) the actor, by discharging a firearm or other
27 weapon or by any other means, causes the death of one or more head of

1 cattle or bison or one or more horses; or

2 (C) the actor causes wholly or partly impairment
3 or interruption of access to an automated teller machine,
4 regardless of the amount of the pecuniary loss;

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

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

9 SECTION 2. Section 28.03(g), Penal Code, is amended by
10 adding Subdivision (9) to read as follows:

11 (9) "Automated teller machine" has the meaning
12 assigned by Section 31.03.

13 SECTION 3. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 governed by the law in effect when the offense was committed, and
17 the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense occurred
20 before that date.

21 SECTION 4. This Act takes effect September 1, 2021.