

1-1 By: Huffman S.B. No. 516
1-2 (In the Senate - Filed January 28, 2021; March 9, 2021, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 March 23, 2021, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; March 23, 2021, 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 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to increasing the criminal penalty for the offense of
1-16 criminal mischief involving impairment or interruption of access to
1-17 an automated teller machine.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 28.03(b), Penal Code, is amended to read
1-20 as follows:

1-21 (b) Except as provided by Subsections (f) and (h), an
1-22 offense under this section is:

1-23 (1) a Class C misdemeanor if:

1-24 (A) the amount of pecuniary loss is less than
1-25 \$100; or

1-26 (B) except as provided in Subdivision (3)(A) or
1-27 (3)(B), it causes substantial inconvenience to others;

1-28 (2) a Class B misdemeanor if the amount of pecuniary
1-29 loss is \$100 or more but less than \$750;

1-30 (3) a Class A misdemeanor if:

1-31 (A) the amount of pecuniary loss is \$750 or more
1-32 but less than \$2,500; or

1-33 (B) the actor causes in whole or in part
1-34 impairment or interruption of any public water supply, or causes to
1-35 be diverted in whole, in part, or in any manner, including
1-36 installation or removal of any device for any such purpose, any
1-37 public water supply, regardless of the amount of the pecuniary
1-38 loss;

1-39 (4) a state jail felony if the amount of pecuniary loss
1-40 is:

1-41 (A) \$2,500 or more but less than \$30,000;

1-42 (B) less than \$2,500, if the property damaged or
1-43 destroyed is a habitation and if the damage or destruction is caused
1-44 by a firearm or explosive weapon;

1-45 (C) less than \$2,500, if the property was a fence
1-46 used for the production or containment of:

1-47 (i) cattle, bison, horses, sheep, swine,
1-48 goats, exotic livestock, or exotic poultry; or

1-49 (ii) game animals as that term is defined by
1-50 Section 63.001, Parks and Wildlife Code; or

1-51 (D) less than \$30,000 and the actor:

1-52 (i) causes wholly or partly impairment or
1-53 interruption of property used for flood control purposes or a dam or
1-54 of public communications, public transportation, public gas or
1-55 power supply, or other public service; or

1-56 (ii) causes to be diverted wholly, partly,
1-57 or in any manner, including installation or removal of any device
1-58 for any such purpose, any public communications or public gas or
1-59 power supply;

1-60 (5) a felony of the third degree if:

1-61 (A) the amount of the pecuniary loss is \$30,000

2-1 or more but less than \$150,000; [~~or~~]

2-2 (B) the actor, by discharging a firearm or other
2-3 weapon or by any other means, causes the death of one or more head of
2-4 cattle or bison or one or more horses; or

2-5 (C) the actor causes wholly or partly impairment
2-6 or interruption of access to an automated teller machine,
2-7 regardless of the amount of the pecuniary loss;

2-8 (6) a felony of the second degree if the amount of
2-9 pecuniary loss is \$150,000 or more but less than \$300,000; or

2-10 (7) a felony of the first degree if the amount of
2-11 pecuniary loss is \$300,000 or more.

2-12 SECTION 2. Section 28.03(g), Penal Code, is amended by
2-13 adding Subdivision (9) to read as follows:

2-14 (9) "Automated teller machine" has the meaning
2-15 assigned by Section 31.03.

2-16 SECTION 3. The change in law made by this Act applies only
2-17 to an offense committed on or after the effective date of this Act.
2-18 An offense committed before the effective date of this Act is
2-19 governed by the law in effect when the offense was committed, and
2-20 the former law is continued in effect for that purpose. For
2-21 purposes of this section, an offense was committed before the
2-22 effective date of this Act if any element of the offense occurred
2-23 before that date.

2-24 SECTION 4. This Act takes effect September 1, 2021.

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