

BILL ANALYSIS

Senate Research Center
88R10437 MZM-F

H.B. 2086
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 86th and 87th Texas Legislatures enacted legislation aimed at combatting card skimmers at gas pumps in Texas. In recent years, the use of manipulation devices at gas pumps has increasingly become an issue. Criminals are installing these manipulation devices so that the motor fuel metering device is no longer accurately measuring the amount of fuel being dispensed. H.B. 2086 seeks to prevent this conduct by creating the second degree felony offense of interference with a motor fuel metering device or motor fuel unattended payment terminal.

H.B. 2086 amends current law relating to creating a criminal offense for interfering with a motor fuel metering device or motor fuel unattended payment terminal and the prosecution of organized criminal activity involving that conduct.

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 Chapter 16, Penal Code, by adding Section 16.021, as follows:

Sec. 16.021. INTERFERENCE WITH MOTOR FUEL METERING DEVICE OR MOTOR FUEL UNATTENDED PAYMENT TERMINAL. (a) Defines "motor fuel manipulation device," "motor fuel metering device" and "motor fuel unattended payment terminal."

(b) Provides that a person commits an offense if the person:

- (1) intentionally intercepts, disrupts, or otherwise interferes with the operation of or attempts to intercept, disrupt, or otherwise interfere with the operation of a motor fuel metering device or motor fuel unattended payment terminal;
- (2) intentionally modifies or attempts to modify a motor fuel metering device or motor fuel unattended payment terminal;
- (3) intentionally manufactures, assembles, possesses, sells, or attempts to sell a motor fuel manipulation device;
- (4) knowingly benefits from conduct described by Subdivision (1) or (2);
or
- (5) knowingly benefits from the sale of a motor fuel manipulation device.

(c) Provides that it is an affirmative defense to prosecution under Subsection (b)(3) for possession of a motor fuel manipulation device that the device is possessed by:

(1) a service technician, as defined by Section 2310.151 (Definitions), Occupations Code, acting in the course and scope of the technician's employment, as authorized by the technician's employer, the Texas Department of Licensing and Regulation (TDLR), or a law enforcement agency;

(2) an employee or authorized representative of TDLR assigned to administer or enforce Chapter 2310 (Motor Fuel Metering and Quality), Occupations Code, acting in the course and scope of the employee's or representative's official duties; or

(3) a law enforcement officer while engaged in the actual discharge of the officer's official duties.

(d) Provides that an offense under this section is a felony of the second degree.

SECTION 2. Amends Section 71.02(a), Penal Code, to provide that a person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of certain offenses, including any offense under Section 16.021.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.