

BILL ANALYSIS

H.B. 2086
By: Perez
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2086 amends the Penal Code to create the second degree felony offense of interference with a motor fuel metering device or motor fuel unattended payment terminal for a person who does any of the following:

- intentionally intercepts, disrupts, or otherwise interferes with the operation of or attempts to intercept, disrupt, or otherwise interfere with the operation of such a device or payment terminal;
- intentionally modifies or attempts to modify such a device or payment terminal;
- knowingly benefits from any of that aforementioned conduct or from the sale of a motor fuel manipulation device, defined by the bill as a mechanism manufactured, assembled, or adapted to manipulate or alter a motor fuel metering device or a motor fuel unattended payment terminal for an unlawful purpose; or
- intentionally manufactures, assembles, possesses, sells, or attempts to sell a motor fuel manipulation device.

H.B. 2086 establishes as an affirmative defense to prosecution for the intentional possession of a motor fuel manipulation device that the device is possessed by any of the following:

- a licensed motor fuel metering device service technician acting in the course and scope of their employment, as authorized by their employer, the Texas Department of Licensing and Regulation (TDLR), or a law enforcement agency;
- an employee or authorized representative of TDLR assigned to administer or enforce Occupations Code provisions regulating motor fuel metering and quality who is acting in the course and scope of their official duties; or
- a law enforcement officer while engaged in the actual discharge of their official duties.

H.B. 2086 expands the conduct that constitutes the offense of engaging in organized criminal activity to include committing or conspiring to commit the offense of interfering with a motor fuel metering device or motor fuel unattended payment terminal 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.

H.B. 2086 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.