

BILL ANALYSIS

S.B. 467
By: Bettencourt
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Reports have surfaced that, since late 2021, organized criminal groups have learned how to disrupt fuel dispenser pulsers in North Texas gas pumps. The pulser controls communication between the gas pump and the terminal, which regulates the fuel flow at the pump. Criminals are breaking into gas pumps and damaging the pulser in order to gain unlimited access to fuel, causing substantial financial loss. Typically, a suspect will disrupt the pulser while other suspects pump the stolen fuel into large auxiliary tanks. The pulser itself costs a few hundred dollars to replace or repair. So police officers who have caught suspects damaging pulsers are only able to charge the suspects with misdemeanor criminal mischief. S.B. 467 would amend the criminal mischief statute to clearly provide that damage to or destruction of a retail motor fuel pump is a third-degree felony. By increasing this penalty, law enforcement and prosecutors will have another tool and deterrent to reduce fuel theft.

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

S.B. 467 amends the Penal Code to increase the penalty for the offense of criminal mischief to a third-degree felony for an actor who causes wholly or partly impairment or disruption to a retail motor fuel pump, regardless of the amount of pecuniary loss. This provision 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.