

BILL ANALYSIS

Senate Research Center
88R4229 MPF-D

S.B. 467
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Since the Fall of 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 to gain unlimited access to fuel, causing substantial financial loss. Typically, the suspect will disrupt the pulser, and other suspects pump the stolen fuel into large auxiliary tanks. The pulser itself costs a few hundred dollars to replace or repair. Hence police officers who have caught suspects damaging it are only able to charge them 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 the penalty for damaging or destroying a motor fuel pump, law enforcement and prosecutors will have another tool and deterrent to reduce fuel theft.

As proposed, S.B. 467 amends current law relating to increasing the criminal penalty for the offense of criminal mischief involving impairment of a motor fuel pump.

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 Section 28.03(b), Penal Code, as follows:

(b) Provides that, except as provided by Subsections (f) (relating to providing that an offense is a state jail felony offense if damage or destruction is inflicted upon certain public locations) and (h) (relating to providing that an offense is a state jail felony for damage or destruction inflicted on an elementary school, secondary school, or institution of higher education), an offense under Section 28.03 (Criminal Mischief) is:

(1)-(4) makes no changes to these subdivisions;

(5) a felony of the third degree if:

(A) makes no changes to this paragraph;

(B)-(C) makes nonsubstantive changes to these paragraphs; or

(D) the actor causes wholly or partly impairment or disruption to a retail motor fuel pump, regardless of the amount of pecuniary loss; or

(6)-(7) makes no changes to these subdivisions.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.