

By: Allison

H.B. No. 650

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to increasing the criminal penalty for the offense of  
3 criminal mischief involving the damage or destruction of a public  
4 monument or a place of worship.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 28.03, Penal Code, is amended by  
7 amending Subsections (b) and (f) and adding Subsection (l) to read  
8 as follows:

9 (b) Except as provided by Subsections (f) and (h), an  
10 offense under this section is:

11 (1) a Class C misdemeanor if:

12 (A) the amount of pecuniary loss is less than  
13 \$100; or

14 (B) except as provided in Subdivision (3)(A) or  
15 (3)(B), it causes substantial inconvenience to others;

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

18 (3) a Class A misdemeanor if:

19 (A) the amount of pecuniary loss is \$750 or more  
20 but less than \$2,500; or

21 (B) the actor causes in whole or in part  
22 impairment or interruption of any public water supply, or causes to  
23 be diverted in whole, in part, or in any manner, including  
24 installation or removal of any device for any such purpose, any

1 public water supply, regardless of the amount of the pecuniary  
2 loss;

3 (4) a state jail felony if the amount of pecuniary loss  
4 is:

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

6 (B) less than \$2,500, if the property damaged or  
7 destroyed is a habitation and if the damage or destruction is caused  
8 by a firearm or explosive weapon;

9 (C) less than \$2,500, if the property was a fence  
10 used for the production or containment of:

11 (i) cattle, bison, horses, sheep, swine,  
12 goats, exotic livestock, or exotic poultry; or

13 (ii) game animals as that term is defined by  
14 Section 63.001, Parks and Wildlife Code; or

15 (D) less than \$30,000 and the actor:

16 (i) causes wholly or partly impairment or  
17 interruption of property used for flood control purposes or a dam or  
18 of public communications, public transportation, public gas or  
19 power supply, or other public service; or

20 (ii) causes to be diverted wholly, partly,  
21 or in any manner, including installation or removal of any device  
22 for any such purpose, any public communications or public gas or  
23 power supply;

24 (5) a felony of the third degree if:

25 (A) the amount of the pecuniary loss is \$30,000  
26 or more but less than \$150,000;

27 (B) the actor, by discharging a firearm or other

1 weapon or by any other means, causes the death of one or more head of  
2 cattle or bison or one or more horses; or

3 (C) regardless of the amount of pecuniary loss:

4 (i) the property damaged or destroyed is a  
5 public monument or a place of worship; or

6 (ii) [~~(C)~~] the actor causes wholly or  
7 partly impairment or interruption of access to an automated teller  
8 machine[~~, regardless of the amount of the pecuniary loss~~];

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

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

13 (f) An offense under this section is a state jail felony if  
14 the damage or destruction is inflicted on a place of [~~worship or~~]  
15 human burial[~~, a public monument,~~] or on a community center that  
16 provides medical, social, or educational programs and if the amount  
17 of the pecuniary loss to real property or to tangible personal  
18 property is \$750 or more but less than \$30,000.

19 (1) If conduct that constitutes an offense under this  
20 section also constitutes an offense under any other law, the actor  
21 may be prosecuted under this section, the other law, or both.

22 SECTION 2. Section 28.03(g), Penal Code, is amended by  
23 adding Subdivision (10) to read as follows:

24 (10) "Public monument" means a statue, structure,  
25 building, or site that is in a public place and that is of  
26 historical importance or interest, including a statue, structure,  
27 building, or site that is designed to recognize or commemorate a

1 notable person or event.

2           SECTION 3. The change in law made by this Act applies only  
3 to an offense committed on or after the effective date of this Act.  
4 An offense committed before the effective date of this Act is  
5 governed by the law in effect on the date the offense was committed,  
6 and the former law is continued in effect for that purpose. For  
7 purposes of this section, an offense was committed before the  
8 effective date of this Act if any element of the offense occurred  
9 before that date.

10           SECTION 4. This Act takes effect September 1, 2023.