

AN ACT

relating to increasing the criminal penalty for the offense of criminal mischief involving a public power supply.

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

SECTION 1. Section 28.03(b), Penal Code, is amended to read as follows:

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

(1) a Class C misdemeanor if:

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

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

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

(3) a Class A misdemeanor if:

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

(B) the actor causes in whole or in part impairment or interruption of any public water supply, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for any such purpose, any public water supply, regardless of the amount of the pecuniary loss;

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

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

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

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

9                           (i) cattle, bison, horses, sheep, swine,  
10 goats, exotic livestock, or exotic poultry; or

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

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

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

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

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

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

25                   (B) the actor, by discharging a firearm or other  
26 weapon or by any other means, causes the death of one or more head of  
27 cattle or bison or one or more horses; [~~or~~]

1 (C) the actor causes wholly or partly impairment  
2 or interruption of access to an automated teller machine,  
3 regardless of the amount of the pecuniary loss; or

4 (D) the amount of pecuniary loss is less than  
5 \$150,000 and the actor:

6 (i) causes wholly or partly impairment or  
7 interruption of property used for public power supply; or

8 (ii) causes to be diverted wholly, partly,  
9 or in any manner, including installation or removal of any device  
10 for any such purpose, any public power supply;

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

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

15 SECTION 2. The change in law made by this Act applies only  
16 to an offense committed on or after the effective date of this Act.  
17 An offense committed before the effective date of this Act is  
18 governed by the law in effect on the date the offense was committed,  
19 and the former law is continued in effect for that purpose. For  
20 purposes of this section, an offense was committed before the  
21 effective date of this Act if any element of the offense occurred  
22 before that date.

23 SECTION 3. This Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1833 was passed by the House on May 5, 2023, by the following vote: Yeas 140, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1833 on May 25, 2023, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1833 was passed by the Senate, with amendments, on May 23, 2023, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor