

By: Bettencourt, et al.
(Leach)

S.B. No. 467

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for the offense of
criminal mischief involving impairment of a motor fuel pump.

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

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

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

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

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