

By: Zaffirini

S.B. No. 2305

A BILL TO BE ENTITLED

AN ACT

relating to creating a criminal offense for interfering with a motor fuel metering device or motor fuel unattended payment terminal and the prosecution of organized criminal activity involving that conduct.

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

SECTION 1. Chapter 16, Penal Code, is amended by adding Section 16.021 to read as follows:

Sec. 16.021. INTERFERENCE WITH MOTOR FUEL METERING DEVICE OR MOTOR FUEL UNATTENDED PAYMENT TERMINAL. (a) In this section:

(1) "Motor fuel manipulation device" means a mechanism manufactured, assembled, or adapted to manipulate or alter a motor fuel metering device or a motor fuel unattended payment terminal for an unlawful purpose.

(2) "Motor fuel metering device" has the meaning assigned by Section 2310.001, Occupations Code.

(3) "Motor fuel unattended payment terminal" has the meaning assigned by Section 607.001, Business & Commerce Code.

(b) A person commits an offense if the person:

(1) intentionally intercepts, disrupts, or otherwise interferes with the operation of or attempts to intercept, disrupt, or otherwise interfere with the operation of a motor fuel metering device or motor fuel unattended payment terminal;

(2) intentionally modifies or attempts to modify a

1 motor fuel metering device or motor fuel unattended payment  
2 terminal;

3 (3) intentionally manufactures, assembles, possesses,  
4 sells, or attempts to sell a motor fuel manipulation device;

5 (4) knowingly benefits from conduct described by  
6 Subdivision (1) or (2); or

7 (5) knowingly benefits from the sale of a motor fuel  
8 manipulation device.

9 (c) It is an affirmative defense to prosecution under  
10 Subsection (b)(3) for possession of a motor fuel manipulation  
11 device that the device is possessed by:

12 (1) a service technician, as defined by Section  
13 2310.151, Occupations Code, acting in the course and scope of the  
14 technician's employment, as authorized by the technician's  
15 employer, the Texas Department of Licensing and Regulation, or a  
16 law enforcement agency;

17 (2) an employee or authorized representative of the  
18 Texas Department of Licensing and Regulation assigned to administer  
19 or enforce Chapter 2310, Occupations Code, acting in the course and  
20 scope of the employee's or representative's official duties; or

21 (3) a law enforcement officer while engaged in the  
22 actual discharge of the officer's official duties.

23 (d) An offense under this section is a felony of the second  
24 degree.

25 SECTION 2. Section 71.02(a), Penal Code, is amended to read  
26 as follows:

27 (a) A person commits an offense if, with the intent to

1 establish, maintain, or participate in a combination or in the  
2 profits of a combination or as a member of a criminal street gang,  
3 the person commits or conspires to commit one or more of the  
4 following:

5           (1) murder, capital murder, arson, aggravated  
6 robbery, robbery, burglary, theft, aggravated kidnapping,  
7 kidnapping, aggravated assault, aggravated sexual assault, sexual  
8 assault, continuous sexual abuse of young child or disabled  
9 individual, solicitation of a minor, forgery, deadly conduct,  
10 assault punishable as a Class A misdemeanor, burglary of a motor  
11 vehicle, or unauthorized use of a motor vehicle;

12           (2) any gambling offense punishable as a Class A  
13 misdemeanor;

14           (3) promotion of prostitution, aggravated promotion  
15 of prostitution, or compelling prostitution;

16           (4) unlawful manufacture, transportation, repair, or  
17 sale of firearms or prohibited weapons;

18           (5) unlawful manufacture, delivery, dispensation, or  
19 distribution of a controlled substance or dangerous drug, or  
20 unlawful possession of a controlled substance or dangerous drug  
21 through forgery, fraud, misrepresentation, or deception;

22           (5-a) causing the unlawful delivery, dispensation, or  
23 distribution of a controlled substance or dangerous drug in  
24 violation of Subtitle B, Title 3, Occupations Code;

25           (6) any unlawful wholesale promotion or possession of  
26 any obscene material or obscene device with the intent to wholesale  
27 promote the same;

- 1           (7) any offense under Subchapter B, Chapter 43,  
2 depicting or involving conduct by or directed toward a child  
3 younger than 18 years of age;
- 4           (8) any felony offense under Chapter 32;
- 5           (9) any offense under Chapter 36;
- 6           (10) any offense under Chapter 34, 35, or 35A;
- 7           (11) any offense under Section 37.11(a);
- 8           (12) any offense under Chapter 20A;
- 9           (13) any offense under Section 37.10;
- 10          (14) any offense under Section 38.06, 38.07, 38.09, or  
11 38.11;
- 12          (15) any offense under Section 42.10;
- 13          (16) any offense under Section 46.06(a)(1) or 46.14;
- 14          (17) any offense under Section 20.05 or 20.06;
- 15          (18) any offense under Section 16.02 or 16.021; or
- 16          (19) any offense classified as a felony under the Tax  
17 Code.

18           SECTION 3. The change in law made by this Act applies only  
19 to an offense committed on or after the effective date of this Act.  
20 An offense committed before the effective date of this Act is  
21 governed by the law in effect on the date the offense was committed,  
22 and the former law is continued in effect for that purpose. For  
23 purposes of this section, an offense was committed before the  
24 effective date of this Act if any element of the offense occurred  
25 before that date.

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