

By: Leach

H.B. No. 2461

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to increasing the criminal penalty for the offense of  
3 criminal mischief involving impairment of or disruption to a retail  
4 motor fuel pump.

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

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

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

- 10 (1) a Class C misdemeanor if:  
11 (A) the amount of pecuniary loss is less than  
12 \$100; or  
13 (B) except as provided in Subdivision (3)(A) or  
14 (3)(B), it causes substantial inconvenience to others;
- 15 (2) a Class B misdemeanor if the amount of pecuniary  
16 loss is \$100 or more but less than \$750;
- 17 (3) a Class A misdemeanor if:  
18 (A) the amount of pecuniary loss is \$750 or more  
19 but less than \$2,500; or  
20 (B) the actor causes in whole or in part  
21 impairment or interruption of any public water supply, or causes to  
22 be diverted in whole, in part, or in any manner, including  
23 installation or removal of any device for any such purpose, any  
24 public water supply, regardless of the amount of the pecuniary

1 loss;

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

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

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

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

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

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

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

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

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

23 (E) less than \$30,000, if the property is a motor  
24 vehicle that is damaged, destroyed, or tampered with during the  
25 removal or attempted removal of a catalytic converter from the  
26 motor vehicle;

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

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

3 (B) the actor, by discharging a firearm or other  
4 weapon or by any other means, causes the death of one or more head of  
5 cattle or bison or one or more horses;

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

9 (D) the amount of pecuniary loss is less than  
10 \$150,000 and the actor:

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

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

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

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

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

23 SECTION 2. The change in law made by this Act applies only  
24 to an offense committed on or after the effective date of this Act.  
25 An offense committed before the effective date of this Act is  
26 governed by the law in effect on the date the offense was committed,  
27 and the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the  
2 effective date of this Act if any element of the offense occurred  
3 before that date.

4 SECTION 3. This Act takes effect September 1, 2025.