

By: Bettencourt

S.B. No. 988

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 a motor fuel pump or
4 electric vehicle charging station.

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 or disruption to a retail motor fuel pump or electric vehicle
18 charging station, regardless of the 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. Section 28.03(g), Penal Code, is amended by
24 adding Subdivisions (10) and (11) to read as follows:

25 (10) "Retail motor fuel pump" means a device or
26 equipment at a retail facility designed for dispensing motor fuel
27 as defined by Section 162.001, Tax Code.

1 (11) "Electric vehicle charging station" means any
2 equipment, structure, or facility designed and used for the purpose
3 of charging electric vehicles, including Level 1, Level 2, and DC
4 fast charging stations, whether publicly or privately owned. The
5 term includes any electrical infrastructure directly supporting
6 the operation of the charging station.

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

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