

By: Birdwell

S.B. No. 903

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of and punishment for the offense of criminal mischief involving property used for flood control purposes or a dam.

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

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; or

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 or  
18 power supply, or other public service; ~~or~~ 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 or  
22 power supply;

23 (5) a felony of the third degree if the amount of the  
24 pecuniary loss is \$30,000 or more but less than \$150,000;

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

27 (7) a felony of the first degree if the amount of

1   pecuniary loss is \$300,000 or more.

2           SECTION 2.   The change in law made by this Act applies only  
3   to an offense committed on or after the effective date of this Act.  
4   An offense committed before the effective date of this Act is  
5   governed by the law in effect on the date the offense was committed,  
6   and the former law is continued in effect for that purpose. For  
7   purposes of this section, an offense was committed before the  
8   effective date of this Act if any element of the offense occurred  
9   before that date.

10          SECTION 3.   This Act takes effect September 1, 2017.