

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.

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

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

9 (1) a Class C misdemeanor if:

10 (A) the amount of pecuniary loss is less than
11 \$100; or

12 (B) except as provided in Subdivision (3)(A) or
13 (3)(B), it causes substantial inconvenience to others;

14 (2) a Class B misdemeanor if the amount of pecuniary
15 loss is \$100 or more but less than \$750;

16 (3) a Class A misdemeanor if:

17 (A) the amount of pecuniary loss is \$750 or more
18 but less than \$2,500; or

19 (B) the actor causes in whole or in part
20 impairment or interruption of any public water supply, or causes to
21 be diverted in whole, in part, or in any manner, including
22 installation or removal of any device for any such purpose, any
23 public water supply, regardless of the amount of the pecuniary
24 loss;

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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;

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
17 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
21 supply: or

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

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

27 (A) the amount of the pecuniary loss is \$30,000

1 or more but less than \$150,000;

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

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

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

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

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

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

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

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

22 SECTION 2. The change in law made by this Act applies only
23 to an offense committed on or after the effective date of this Act.

24 An offense committed before the effective date of this Act is
25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

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1 effective date of this Act if any element of the offense occurred
2 before that date.

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