

## **BILL ANALYSIS**

S.B. 516  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

ATM "smash and grab" crimes have increased amid the COVID-19 pandemic. In these cases, law enforcement officers often pursue federal bank robbery charges against the perpetrators. The challenge, however, is that once police and law enforcement agents have done their jobs, prosecution of these crimes may be seen as a low priority to some federal prosecutors, especially if the attempt was unsuccessful. When federal prosecutors decide to not pursue these charges, it negates the deterrence of future crimes. While it is a second degree felony to steal an ATM or the contents of an ATM, an unsuccessful theft is punishable as criminal mischief, which can carry less serious penalties depending on the amount of pecuniary loss involved. S.B. 516 seeks to address this issue by establishing a uniform third degree felony penalty for criminal mischief involving impairment or interruption of access to an ATM.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 516 amends the Penal Code to establish a uniform third degree felony penalty for criminal mischief involving the whole or partial impairment or interruption of access to an ATM, regardless of the amount of the pecuniary loss.

### **EFFECTIVE DATE**

September 1, 2021.