

## **BILL ANALYSIS**

Senate Research Center

H.B. 1370  
By: Garcia (Shapiro)  
Criminal Justice  
5-18-97  
Committee Report (Amended)

### **DIGEST**

In recent years, drive-by shootings have increased in many Texas cities. This crime has either changed the lives or seriously injured many innocent people who are often caught in the crossfire. Along with human casualties, drive-by shootings produce much property damage. Stray bullets have shattered windows in both buildings and vehicles or have been found lodged in walls of residential complexes and schools. Under current law, if someone involved in a drive-by shooting only damages property the person is charged with a misdemeanor offense of criminal mischief. This bill will increase the punishment for the offense of criminal mischief under certain circumstances.

### **PURPOSE**

As proposed, H.B. 1370 provides regulations regarding the punishment for the offense of criminal mischief.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 28.03, Penal Code, by amending Subsection (b) and adding Subsection (g), to provide that an offense under this section is, among other penalties, a Class C misdemeanor if the amount of pecuniary loss is less than \$50, rather than \$20; or a state jail felony if the amount of the pecuniary loss is less than \$1,500, if the property damaged or destroyed is a habitation and if the damage or destruction is caused by a firearm or explosive weapon. Defines "firearm" and "explosive weapon." Makes a conforming change.

SECTION 2. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 3. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

On page 2, lines 1-8, by striking Subdivisions (4) and (5), and substituting the following:

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

(A) \$1,500 or more but less than \$20,000; or

(B) less than \$1,500, if the property damaged or destroyed is a habitation and if the damage or destruction is caused by a firearm or explosive weapon;

(5) a felony of the third degree if the amount of the pecuniary loss is \$20,000 or more but less than \$100,000;"