

BILL ANALYSIS

Senate Research Center
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S.B. 1218
By: Moncrief
Criminal Justice
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As Filed

DIGEST

Currently, many fire departments have reported problems in combating arson fires and some firefighters have expressed frustration over the lack of prosecution of such fires. This bill would redefine the offense for starting a fire and establish guidelines for the prosecution of and the punishment for certain offenses involving damage or destruction of property.

PURPOSE

As proposed, S.B. 1218 establishes guidelines for the prosecution of and the punishment for certain offenses involving damage or destruction of property.

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 Sections 28.02(a), and (d), Penal Code, to provide that a person commits an offense if a person starts a fire, regardless of its continuation after ignition, or attempts to start a fire or cause an explosion to damage any tangible property, including a building, habitation or vehicle. Provides that an offense under this section is a felony in the first degree if the actor knew the property intended to be damaged was a habitation or a place of assembly. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Sections 28.03(f) and (g), Penal Code, to provide that an offense under this section is a state jail felony if the amount of pecuniary loss to real property or to tangible personal property is less than \$20,000 inflicted on an elementary school, secondary school, or institution of higher education. Defines "explosive weapon," "firearm," and "institution of higher education." Deletes provision regarding an amount of pecuniary loss. Deletes definitions for "firearm" and "explosive weapon." Makes nonsubstantive changes.

SECTION 3. Amends Section 28.06, Penal Code, by adding Subsection (f), to provide that the amount of pecuniary loss is the amount ascertainable by using the criteria set forth in Subsections (a) through (d) if the damage is caused by a fire or explosion, or if the damaged property is a document with readily ascertainable market value plus any other reasonable foreseeable economic losses to the owner of the property that result from the commission of an offense.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.