

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 171
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Criminal Justice
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Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, if an intentionally-set fire does not continue after explosion or ignition and no damage is caused, Texas law states that no crime has been committed. The burning of a place of worship is considered a first-degree felony, and damages under \$20,000 to places of worship or human burial, public monuments, and community centers that provide medical, social, or educational programs are considered a state jail felony. C.S.H.B. 171 makes an attempt to destroy property by fire or explosion a second-degree felony, regardless of the continuation of the fire. The bill makes the burning of a place of assembly or habitation a first-degree felony, and the destruction or damage to a public or private elementary school, secondary school, or institute of higher education a state jail felony if the property loss is \$1,500 or more but less than \$20,000.

RULEMAKING AUTHORITY

This bill does not expressly 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 the person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage certain structures. Provides that an offense under this section is a first degree felony if the property intended to be damaged or destroyed by the actor was a habitation or a place of assembly or worship.

SECTION 2. Amends Sections 28.03, Penal Code, to provide that an offense under this section is a state jail felony if the amount of the pecuniary loss to real property or to tangible personal property is \$1500 or more but less than \$20,000 and the damage or destruction is inflicted on a public or private elementary school, secondary school, or institution of higher education. Defines “explosive weapon” and “institution of higher education.” Makes conforming changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2001.