

## BILL ANALYSIS

Senate Research Center

H.B. 1634  
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Criminal Justice  
5/19/2005  
Engrossed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, very little can be done to punish people who cause a fire to ignite or an explosion to occur as a result of the manufacturing of a controlled substance, specifically methamphetamine. Current arson statute requires a conscious objective or desire to cause damage to property for charges to be filed, and in some cases there is not enough evidence left after the fire occurs for narcotics detectives to make a case against the person who started the fire.

H.B. 1634 creates a third degree felony offense for a person who recklessly starts a fire or causes an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages or destroys any building, habitation, or vehicle.

### 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 Section 28.02, Penal Code, by amending Subsection (d) and adding Subsections (a-1) and (e), as follows:

(a-1) Provides that a person commits an offense if the person recklessly starts a fire or causes an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle.

(d) Provides that an offense under Subsection (a), rather than this section, is a felony of the second degree, except that the offense is a felony of the first degree if it is shown on the trial of the offense that certain conditions exist.

(e) Provides that an offense under Subsection (a-1) is a state jail felony, except that the offense is a felony of the third degree if it is shown on the trial of the offense that bodily injury or death was suffered by any person by reason of the commission of the offense.

SECTION 2. Amends Section 352.021, Local Government Code, by adding Subsection (a-1), as follows:

(a-1) Provides that a person commits an offense if the person is the owner of property subject to an investigation under Section 352.015 (Arson Investigation) and the person refuses to be sworn, refuses to appear and testify, or fails and refuses to produce before the county fire marshal any book, paper, or other document relating to any matter under investigation if called on by the fire marshal to do so.

SECTION 3. Effective date: September 1, 2005