

BILL ANALYSIS

Senate Research Center
85R772 LHC-D

H.B. 1257
By: Kacal (Birdwell)
Criminal Justice
5/5/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State law is currently unclear on the exact punishment for the offense of criminal mischief involving the impairment or interruption of property used for flood control purposes and dams. H.B. 1257 seeks to clarify this issue by providing an appropriate penalty for such conduct.

H.B. 1257 amends the Penal Code to expand the conduct that constitutes a state jail felony criminal mischief offense to include causing wholly or partly the impairment or interruption of property used for flood control purposes or a dam when the amount of pecuniary loss is less than \$30,000.

H.B. 1257 amends current law relating to the prosecution of and punishment for the offense of criminal mischief involving property used for flood control purposes or a dam.

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 28.03(b), Penal Code, as follows:

(b) Provides that, except as provided by certain subsections, an offense under this section (Criminal Mischief) is a state jail felony if the amount of pecuniary loss is less than \$30,000 and the actor causes wholly or partly impairment or interruption of property used for flood control purposes or a dam or of public communications, public transportation, public gas or power supply, or other public service. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.