

BILL ANALYSIS

Senate Research Center
76R8808 BDH-D

H.B. 690
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Natural Resources
5/5/1999
Committee Report (Amended)

DIGEST

Barbed wire fence cutting has developed into a serious problem in several rural areas of Texas. When a fence is cut, livestock can escape, a danger to both the livestock, and possibly the lives of passing motorists. In the past, the penalty for cutting a fence was a third degree felony. With the rewriting of the Penal Code in 1993, the penalty was reduced to a Class C misdemeanor in most cases. The code's current reliance on pecuniary loss to establish the level of the offense does not take into account potential loss of property or human life in the instance of fence cutting. Police and prosecutors may be more apt to seek out and punish offenders if a higher penalty is available for this offense. This bill would increase the penalty for criminal mischief to a state jail felony if the amount of pecuniary loss is less than \$1,500 and the property was a fence used for the production or containment of certain animals.

PURPOSE

As proposed, H.B. 690 increases the penalty for criminal mischief to a state jail felony if the amount of pecuniary loss is less than \$1,500 and the property was a fence used for the production or containment of certain animals.

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(b), Penal Code, to make criminal mischief a state jail felony if the amount of pecuniary loss is less than \$1,500 and the property was a fence used for the production or containment of certain animals.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 28.03(b), Penal Code, to make criminal mischief a state jail felony if the amount of pecuniary loss is less than \$1,500 and the property was a fence used for the production or containment, rather than only the production, of certain animals. Includes bison among the animals contained or produced.