

## **BILL ANALYSIS**

Senate Research Center  
77R11917 KEL-D

C.S.S.B. 103  
By: Nelson  
Criminal Justice  
4/12/2001  
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. C.S.S.B. 103 makes an attempt to destroy property by fire or explosion a second-degree felony, regardless of the continuation of the fire.

### **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. Makes nonsubstantive changes. 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 Section 28.03 (g), Penal Code, to defines “explosive weapon” and redefines “firearm.”

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1. Differs from As Filed version by deleting proposed text regarding the attempt to start a fire.

SECTION 2. Differs from As Filed version by deleting proposed Subsection (f), and deleting the definition of “Institution of higher education.”

SECTION 3. Deletes proposed SECTION 3 and rennumbers proposed SECTION 4 as SECTION 3.

SECTION 4. Rennumbers proposed SECTION 5 as SECTION 4 regarding the effective date.

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