

BILL ANALYSIS

Senate Research Center
77R10832 JMC-D

C.S.S.B. 1174
By: Wentworth
Criminal Justice
4/2/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Water supply issues in Texas are significant, especially in the smaller towns and rural communities of Texas. In time of drought, rural water supply corporations, small towns, and remote districts can be especially plagued by illegal connections and tampering with meters by individuals illicitly diverting water, which may often be in short supply, and which can represent significant revenue losses for small public water suppliers. More importantly, the unsupervised connection to public water distribution lines, in circumvention of state health and safety regulations, creates a risk of contamination of the public water supply. These illegal diversions can be difficult to prosecute, in part because it can be virtually impossible to prove a dollar amount for prosecution by the district or county attorney. C.S.S.B. 1174 makes any impairment or interruption of a public water supply a third degree felony regardless of the amount of pecuniary loss to the public water supplier.

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 28.03(b) and (d), Penal Code, to provide that except as provided by this section, it is a Class A misdemeanor if the amount of pecuniary loss is a certain amount, or the actor causes in whole or in part impairment or interruption of any public water supply, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for any such purpose, any public water supply, regardless of the amount of the pecuniary loss. Defines "public water supply."

SECTION 2. (a) Makes application of this Act prospective.

(b) Provides that a defendant who so chooses may be assessed punishment under this Act for an action taken prior to the effective date of this Act.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Differs from As Filed version by relocating a paragraph to a new subdivision for clarity referring to an actor who causes impairment or interruption to a public water supply.

SECTION 2. Separates the prospective clause from the effective date and adds Subsection (b) regarding punishment for certain defendants.

SECTION 3. New SECTION containing the effective date.

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