

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 29, 2009

Date

Honorable David Dewhurst
President of the Senate

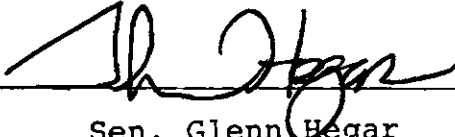
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill 322^A have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



Sen. John Whitmire



Sen. Glenn Hegar

Sen. Tommy Williams



Sen. Leticia Van de Putte

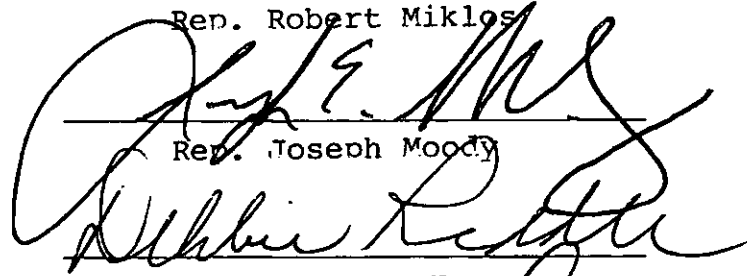
On the part of the Senate
Sen. Kel Seliger



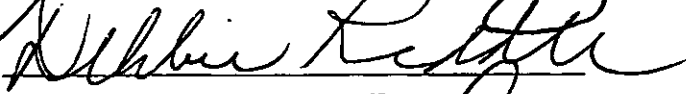
Rep. Jerry Madden



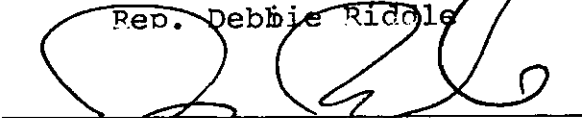
Rep. Robert Miklos



Rep. Joseph Moody



Rep. Debbie Riddle



On the part of the House
Rep. Dwayne Bohac

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 3224

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of arson.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.02, Penal Code, is amended by adding Subsection (a-2) and amending Subsections (f) and (g) to read as follows:

(a-2) A person commits an offense if the person intentionally starts a fire or causes an explosion and in so doing:

(1) recklessly damages or destroys a building belonging to another; or

(2) recklessly causes another person to suffer bodily injury or death.

(f) An offense under Subsection (a-2) is a state jail felony
~~[It is a felony of the third degree if a person commits an offense under Subsection (a)(2) of this section and the person intentionally starts a fire in or on a building, habitation, or vehicle, with intent to damage or destroy property belonging to another, or with intent to injure any person, and in so doing, recklessly causes damage to the building, habitation, or vehicle].~~

(g) If conduct that constitutes an offense under Subsection (a-1) or that constitutes an offense under Subsection (a-2) [~~(f)~~] also constitutes an offense under another subsection of this section or another section of this code, the actor may be prosecuted under Subsection (a-1) or Subsection (a-2) [~~(f)~~], under the other

1 subsection of this section, or under the other section of this code.

2 SECTION 2. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 covered by the law in effect when the offense was committed, and the
6 former law is continued in effect for that purpose. For purposes of
7 this section, an offense was committed before the effective date of
8 this Act if any element of the offense occurred before that date.

9 SECTION 3. This Act takes effect September 1, 2009.

House Bill 3224
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Amends Section 28.02, Penal Code, by adding Subsection (a-2) and amending Subsections (f) and (g), relating to arson.

SECTION 2. Saving provision.

SECTION 3. This Act takes effect September 1, 2009.

SENATE VERSION

SECTION 1. Same as House version, except also adds Subsection (h) providing the attorney general, with the consent of the appropriate local county or district attorney, concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives**

FROM: John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3224 by Madden (Relating to the prosecution and punishment of the offense of arson.),
Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to make intentionally starting a fire or causing an explosion punishable as a state jail felony if a building belonging to another person is recklessly damaged or destroyed or recklessly causes another person to suffer bodily injury or death. The bill would increase the punishment of recklessly damaging a building, habitation, or vehicle if the person intentionally started a fire in or on a building, habitation, or vehicle with the intent to damage or destroy property of another or injure another from a felony of the third degree to a felony of the first degree or felony of the second degree depending on the circumstances. The bill would take effect on September 1, 2009 and would apply to an offense committed on or after the effective date.

It is assumed many persons convicted under this statute are currently being charged with other offenses and the bill would not result in a significant impact on programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, TMP