



Meter Tampering

The following is an excerpt from the Texas Penal Code regarding "Criminal Mischief" (Vernon's Texas Codes Annotated §28.03). The TCEQ is providing this information in response to inquiries from utilities and their customers. **Questions about the interpretation or enforcement of this statute should be directed to local law enforcement officials.**

Investor-owned utilities and their customers may also want to review TCEQ rules regarding meter tampering. (See "Customer Service and Protection," Subchapter E, Chapter 291, Title 30, Texas Administrative Code.) Questions about those rules can be directed to the Consumer Assistance Team in the TCEQ's Water Supply Division at 512-239-4691 (fax 512-239-6972). Copies of TCEQ rules are available from Publications at 512-239-0028 and are on the TCEQ's Web site at <www.tceq.state.tx.us>.

Texas Penal Code, §28.03, Criminal Mischief

(a) A person commits an offense if, without the effective consent of the owner:

- (1) he intentionally or knowingly damages or destroys the tangible property of the owner;**
- (2) he intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or**
- (3) he intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner.**

(b) Except as provided by Subsection (f), an offense under this section is:

- (1) a Class C misdemeanor if:**
 - (A) the amount of pecuniary loss is less than \$20; or**
 - (B) except as provided in Subdivision (3)(B), it causes substantial inconvenience to others;**

- (2) a Class B misdemeanor if the amount of pecuniary loss is \$20 or more but less than \$500;**

(3) a Class A misdemeanor if the amount of pecuniary loss is:

- (A) \$500 or more but less than \$1,500; or**

- (B) less than \$1,500 and the actor causes in whole or in part impairment or interruption of public communications, public transportation, public water, gas, or power supply, or other public service, 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 communications, public water, gas, or power supply;**

- (4) a state jail felony if the amount of pecuniary loss is \$1,500 or more but less than \$20,000;**

- (5) a felony of the third degree if the amount of the pecuniary loss is \$20,000 or more but less than \$100,000;**

- (6) a felony of the second degree if the amount of pecuniary loss is \$100,000 or more but less than \$200,000; or**

- (7) a felony of the first degree if the amount of pecuniary loss is \$200,000 or more**

(c) For the purposes of this section, it shall be presumed that a person who is receiving the economic benefit of public communications, public water, gas, or power supply, has knowingly tampered with the tangible property of the owner if the communication or supply has been:

- (1) diverted from passing through a metering device; or**
- (2) prevented from being correctly registered by a metering device; or**
- (3) activated by any device installed to obtain public communications, public water, gas, or power supply without a metering device.**

- (d) The term "public communication, public transportation, public water, gas, or power**

supply, or other public service” **shall mean, refer to, and include any such services subject to regulation by** the Public Utility Commission of Texas, the Railroad Commission of Texas, or **the Texas Water Commission** [predecessor agency of the TCEQ] or any such services enfranchised by the State of Texas or any political subdivision thereof.

- (e) When more than one item of tangible property, belonging to one or more owners, is damaged, destroyed, or tampered with in violation of this section pursuant to one scheme or continuing course of conduct, the conduct may be

considered as one offense, and the amounts of pecuniary loss to property resulting from the damage to, destruction of, or tampering with the property may be aggregated in determining the grade of the offense.

- (f) An offense under this section is a state jail felony if the damage or destruction is inflicted on a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs and the amount of the pecuniary loss to real property or to tangible personal property is less than \$20,000.