

By: Armbrister

S.B. No. 380

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of theft of service.

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

SECTION 1. Sections 31.04(b) and (c), Penal Code, are amended to read as follows:

(b) For purposes of this section, intent to avoid payment is presumed if:

(1) the actor absconded without paying for the service or expressly refused to pay for the service in circumstances where payment is ordinarily made immediately upon rendering of the service, as in hotels, campgrounds, recreational vehicle parks, restaurants, and comparable establishments;

(2) the actor failed to ~~[return the property held under a rental agreement or failed to]~~ make payment under a service agreement within 10 days after receiving notice demanding payment ~~[return]~~; ~~[or]~~

(3) the actor returns property held under a rental agreement after the expiration of the rental agreement and fails to pay the applicable rental charge for the property within 10 days after the date on which the actor received notice demanding payment; or

(4) the actor failed to return the property held under a rental agreement:

(A) within five days after receiving notice

1 demanding return, if the property is valued at less than \$1,500; or
2 (B) within three days after receiving notice
3 demanding return, if the property is valued at \$1,500 or more.

4 (c) For purposes of Subsections (a)(4), ~~[and]~~ (b)(2), and
5 (b)(4), notice shall be notice in writing, sent by registered or
6 certified mail with return receipt requested or by telegram with
7 report of delivery requested, and addressed to the actor at his
8 address shown on the rental agreement or service agreement.

9 SECTION 2. This Act takes effect September 1, 2003.

10 SECTION 3. (a) The change in law made by this Act applies
11 only to an offense committed on or after the effective date of this
12 Act. For purposes of this section, an offense was committed before
13 the effective date of this Act if any element of the offense was
14 committed before that date.

15 (b) An offense committed before the effective date of this
16 Act is covered by the law in effect when the offense was committed,
17 and the former law is continued in effect for that purpose.