

1-1 By: Armbrister S.B. No. 380
1-2 (In the Senate - Filed February 6, 2003; February 11, 2003,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 25, 2003, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 25, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the prosecution of theft of service.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsections (b) and (c), Section 31.04, Penal
1-11 Code, are amended to read as follows:

1-12 (b) For purposes of this section, intent to avoid payment is
1-13 presumed if:

1-14 (1) the actor absconded without paying for the service
1-15 or expressly refused to pay for the service in circumstances where
1-16 payment is ordinarily made immediately upon rendering of the
1-17 service, as in hotels, campgrounds, recreational vehicle parks,
1-18 restaurants, and comparable establishments;

1-19 (2) the actor failed to ~~[return the property held~~
1-20 ~~under a rental agreement or failed to]~~ make payment under a service
1-21 agreement within 10 days after receiving notice demanding payment
1-22 ~~[return]; [or]~~

1-23 (3) the actor returns property held under a rental
1-24 agreement after the expiration of the rental agreement and fails to
1-25 pay the applicable rental charge for the property within 10 days
1-26 after the date on which the actor received notice demanding
1-27 payment; or

1-28 (4) the actor failed to return the property held under
1-29 a rental agreement:

1-30 (A) within five days after receiving notice
1-31 demanding return, if the property is valued at less than \$1,500; or

1-32 (B) within three days after receiving notice
1-33 demanding return, if the property is valued at \$1,500 or more.

1-34 (c) For purposes of Subsections (a)(4), ~~[and]~~ (b)(2), and
1-35 (b)(4), notice shall be notice in writing, sent by registered or
1-36 certified mail with return receipt requested or by telegram with
1-37 report of delivery requested, and addressed to the actor at his
1-38 address shown on the rental agreement or service agreement.

1-39 SECTION 2. This Act takes effect September 1, 2003.

1-40 SECTION 3. (a) The change in law made by this Act applies
1-41 only to an offense committed on or after the effective date of this
1-42 Act. For purposes of this section, an offense was committed before
1-43 the effective date of this Act if any element of the offense was
1-44 committed before that date.

1-45 (b) An offense committed before the effective date of this
1-46 Act is covered by the law in effect when the offense was committed,
1-47 and the former law is continued in effect for that purpose.

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