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H.B. No. 752

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for theft of identifying information.

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

SECTION 1. Section 31.03(e), Penal Code, is amended to read
as follows:

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

(1) a Class C misdemeanor if the value of the property
stolen is less than:

(A) \$50; or

(B) \$20 and the defendant obtained the property
by issuing or passing a check or similar sight order in a manner
described by Section 31.06;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is:

(i) \$50 or more but less than \$500; or

(ii) \$20 or more but less than \$500 and the
defendant obtained the property by issuing or passing a check or
similar sight order in a manner described by Section 31.06; or

(B) the value of the property stolen is less
than:

(i) \$50 and the defendant has previously
been convicted of any grade of theft; or

(ii) \$20, the defendant has previously been

1 convicted of any grade of theft, and the defendant obtained the
2 property by issuing or passing a check or similar sight order in a
3 manner described by Section 31.06;

4 (3) a Class A misdemeanor if the value of the property
5 stolen is \$500 or more but less than \$1,500;

6 (4) a state jail felony if:

7 (A) the value of the property stolen is \$1,500 or
8 more but less than \$20,000, or the property is less than 10 head of
9 cattle, horses, or exotic livestock or exotic fowl as defined by
10 Section 142.001, Agriculture Code, or any part thereof under the
11 value of \$20,000, or less than 100 head of sheep, swine, or goats or
12 any part thereof under the value of \$20,000;

13 (B) regardless of value, the property is stolen
14 from the person of another or from a human corpse or grave;

15 (C) the property stolen is a firearm, as defined
16 by Section 46.01;

17 (D) the value of the property stolen is less than
18 \$1,500 and the defendant has been previously convicted two or more
19 times of any grade of theft; ~~or~~

20 (E) the property stolen is an official ballot or
21 official carrier envelope for an election; or

22 (F) regardless of value, the property stolen is
23 identifying information, as defined by Section 32.51, and it is
24 shown on the trial of the offense that the defendant knew at the
25 time of the offense that the property stolen was identifying
26 information or contained identifying information;

27 (5) a felony of the third degree if the value of the

1 property stolen is \$20,000 or more but less than \$100,000, or the
2 property is:

3 (A) 10 or more head of cattle, horses, or exotic
4 livestock or exotic fowl as defined by Section 142.001, Agriculture
5 Code, stolen during a single transaction and having an aggregate
6 value of less than \$100,000; or

7 (B) 100 or more head of sheep, swine, or goats
8 stolen during a single transaction and having an aggregate value of
9 less than \$100,000;

10 (6) a felony of the second degree if the value of the
11 property stolen is \$100,000 or more but less than \$200,000; or

12 (7) a felony of the first degree if the value of the
13 property stolen is \$200,000 or more.

14 SECTION 2. The change in law made by this Act applies only
15 to an offense committed on or after September 1, 2005. An offense
16 committed before September 1, 2005, is governed by the law in effect
17 when the offense was committed, and the former law is continued in
18 effect for that purpose. For purposes of this section, an offense
19 was committed before September 1, 2005, if any element of the
20 offense was committed before that date.

21 SECTION 3. This Act takes effect September 1, 2005.