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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;

24 (5) a felony of the third degree if the value of the  
25 property stolen is \$20,000 or more but less than \$100,000, or the  
26 property is:

27 (A) 10 or more head of cattle, horses, or exotic

1 livestock or exotic fowl as defined by Section 142.001, Agriculture  
2 Code, stolen during a single transaction and having an aggregate  
3 value of less than \$100,000; or

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

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

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

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

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