

Amend HB 1887 (house committee printing) as follows:

(1) On page 1, strike lines 5-20 and substitute the following:

SECTION 1. Section 30.04, Penal Code, is amended by amending Subsection (d) and adding Subsections (d-1), (f), and (g) to read as follows:

(d) An offense under this section is:

(1) a Class B misdemeanor if the amount of pecuniary loss to tangible personal property is less than \$500;

(2) a Class A misdemeanor if the amount of pecuniary loss to tangible personal property is \$500 or more but less than \$1,500;

(3) a state jail felony if:

(A) the amount of pecuniary loss to tangible personal property is \$1,500 or more but less than \$20,000;

(B) the amount of pecuniary loss to tangible personal property is less than \$1,500 and the actor has previously been convicted two or more times under this section;

(C) the amount of pecuniary loss to tangible personal property is less than \$1,500 and the actor commits theft of an official ballot or official carrier envelope for an election in the course of committing the offense; or

(D) the amount of pecuniary loss to tangible personal property is less than \$1,500 and ~~unless~~ the vehicle or part of the vehicle broken into or entered is a rail car;

(4) a felony of the third degree if the amount of pecuniary loss to tangible personal property is \$20,000 or more but less than \$100,000;

(5) a felony of the second degree if the amount of pecuniary loss to tangible personal property is \$100,000 or more but less than \$200,000; or

(6) a felony of the first degree if the amount of pecuniary loss to tangible personal property is \$200,000 or more [~~in which event the offense is a state jail felony~~].

(2) On page 2, between lines 3 and 4, insert the following:

(f) If the actor, pursuant to one scheme or continuing course of conduct, commits three or more offenses under this

section in a 24-hour period, the conduct may be considered as one offense and the amounts of pecuniary loss aggregated in determining the grade of offense.

(g) For the purposes of Subsection (d), the amount of pecuniary loss to tangible personal property is the sum of:

(1) the cost of repairing or restoring the vehicle, if the actor damaged the vehicle in the course of committing the offense; and

(2) the fair market value of any tangible personal property the actor stole from the vehicle, if the actor committed theft in the course of committing the offense.

(3) Strike SECTIONS 2 and 3 of the bill (page 2, lines 4-15) and renumber subsequent SECTIONS of the bill accordingly.