

By: Pena, et al. (Senate Sponsor - Carona) H.B. No. 1766  
(In the Senate - Received from the House April 10, 2007;  
April 11, 2007, read first time and referred to Committee on  
Criminal Justice; May 4, 2007, reported favorably by the following  
vote: Yeas 5, Nays 0; May 4, 2007, sent to printer.)

A BILL TO BE ENTITLED  
AN ACT

relating to the punishment for theft of aluminum, bronze, or copper  
wiring.

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

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

(4) a state jail felony if:

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

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

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

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

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

(F) the value of the property stolen is less than  
\$20,000 and the property stolen is insulated or noninsulated wire  
or cable that consists of at least 50 percent:

(i) aluminum;

(ii) bronze; or

(iii) copper;

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

(A) 10 or more head of cattle, horses, or exotic  
livestock or exotic fowl as defined by Section 142.001, Agriculture  
Code, stolen during a single transaction and having an aggregate

2-1 value of less than \$100,000; or

2-2 (B) 100 or more head of sheep, swine, or goats  
2-3 stolen during a single transaction and having an aggregate value of  
2-4 less than \$100,000;

2-5 (6) a felony of the second degree if the value of the  
2-6 property stolen is \$100,000 or more but less than \$200,000; or

2-7 (7) a felony of the first degree if the value of the  
2-8 property stolen is \$200,000 or more.

2-9 SECTION 2. The change in law made by this Act applies only  
2-10 to an offense committed on or after the effective date of this Act.  
2-11 An offense committed before the effective date of this Act is  
2-12 governed by the law in effect when the offense was committed, and  
2-13 the former law is continued in effect for that purpose. For the  
2-14 purposes of this section, an offense is committed before the  
2-15 effective date of this Act if any element of the offense occurs  
2-16 before that date.

2-17 SECTION 3. This Act takes effect September 1, 2007.

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