

By: Branch

H.B. No. 56

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the theft or unlawful possession of a motor vehicle  
3 inspection certificate; providing penalties.

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

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

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

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

11 (A) \$50; or

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

15 (2) a Class B misdemeanor if:

16 (A) the value of the property stolen is:

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

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

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

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

1 (ii) \$20, the defendant has previously been  
2 convicted of any grade of theft, and the defendant obtained the  
3 property by issuing or passing a check or similar sight order in a  
4 manner described by Section 31.06;

5 (3) a Class A misdemeanor if:

6 (A) the value of the property stolen is \$500 or  
7 more but less than \$1,500; or

8 (B) the property is an inspection certificate, as  
9 defined by Section 548.603, Transportation Code, that has not been  
10 issued for a vehicle;

11 (4) a state jail felony if:

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

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

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

22 (D) the value of the property stolen is less than  
23 \$1,500 and the defendant has been previously convicted two or more  
24 times of any grade of theft;

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

27 (F) the value of the property stolen is less than

1 \$20,000 and the property stolen is insulated or noninsulated wire  
2 or cable that consists of at least 50 percent:

- 3 (i) aluminum;
- 4 (ii) bronze; or
- 5 (iii) copper;

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

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

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

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

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

20 SECTION 2. Subchapter I, Chapter 548, Transportation Code,  
21 is amended by adding Section 548.6035 to read as follows:

22 Sec. 548.6035. UNLAWFUL POSSESSION OF INSPECTION  
23 CERTIFICATE. (a) In this section, "inspection certificate" has  
24 the meaning assigned by Section 548.603.

25 (b) A person commits an offense if the person possesses an  
26 inspection certificate that has not been issued for a vehicle, with  
27 knowledge that the certificate was obtained unlawfully.

1           (c) An offense under this section is a Class A misdemeanor.

2           SECTION 3. The change in law made by this Act applies only  
3 to an offense committed on or after September 1, 2009. An offense  
4 committed before September 1, 2009, is covered by the law in effect  
5 when the offense was committed, and the former law is continued in  
6 effect for that purpose. For purposes of this section, an offense  
7 was committed before September 1, 2009, if any element of the  
8 offense was committed before that date.

9           SECTION 4. This Act takes effect September 1, 2009.