

By: Peña, Leibowitz, et al.

H.B. No. 348

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the punishment for theft of certain aluminum, bronze,
3 or copper materials.

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

7 (4) a state jail felony if:

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

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

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

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

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

23 (F) the value of the property stolen is less than
24 \$20,000 and the property stolen is insulated or noninsulated
25 tubing, rods, wire, or cable that consists of at least 50 percent:

26 (i) aluminum;

27 (ii) bronze; or

1 (iii) copper;

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

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

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

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

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

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

24 SECTION 3. This Act takes effect September 1, 2009.