

1-1 By: Peña, et al. (Senate Sponsor - Carona) H.B. No. 348
1-2 (In the Senate - Received from the House April 16, 2009;
1-3 April 27, 2009, read first time and referred to Committee on
1-4 Criminal Justice; May 15, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 15, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 348 By: Hinojosa

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the punishment for theft of certain aluminum, bronze,
1-11 or copper materials.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 31.03(e), Penal Code, is amended to read
1-14 as follows:

1-15 (e) Except as provided by Subsection (f), an offense under
1-16 this section is:

1-17 (1) a Class C misdemeanor if the value of the property
1-18 stolen is less than:

1-19 (A) \$50; or

1-20 (B) \$20 and the defendant obtained the property
1-21 by issuing or passing a check or similar sight order in a manner
1-22 described by Section 31.06;

1-23 (2) a Class B misdemeanor if:

1-24 (A) the value of the property stolen is:

1-25 (i) \$50 or more but less than \$500; or

1-26 (ii) \$20 or more but less than \$500 and the
1-27 defendant obtained the property by issuing or passing a check or
1-28 similar sight order in a manner described by Section 31.06; or

1-29 (B) the value of the property stolen is less
1-30 than:

1-31 (i) \$50 and the defendant has previously
1-32 been convicted of any grade of theft; or

1-33 (ii) \$20, the defendant has previously been
1-34 convicted of any grade of theft, and the defendant obtained the
1-35 property by issuing or passing a check or similar sight order in a
1-36 manner described by Section 31.06;

1-37 (3) a Class A misdemeanor if the value of the property
1-38 stolen is \$500 or more but less than \$1,500;

1-39 (4) a state jail felony if:

1-40 (A) the value of the property stolen is \$1,500 or
1-41 more but less than \$20,000, or the property is less than 10 head of
1-42 cattle, horses, or exotic livestock or exotic fowl as defined by
1-43 Section 142.001, Agriculture Code, or any part thereof under the
1-44 value of \$20,000, or less than 100 head of sheep, swine, or goats or
1-45 any part thereof under the value of \$20,000;

1-46 (B) regardless of value, the property is stolen
1-47 from the person of another or from a human corpse or grave;

1-48 (C) the property stolen is a firearm, as defined
1-49 by Section 46.01;

1-50 (D) the value of the property stolen is less than
1-51 \$1,500 and the defendant has been previously convicted two or more
1-52 times of any grade of theft;

1-53 (E) the property stolen is an official ballot or
1-54 official carrier envelope for an election; or

1-55 (F) the value of the property stolen is less than
1-56 \$20,000 and the property stolen is insulated or noninsulated
1-57 tubing, rods, water gate stems, wire, or cable that consists of at
1-58 least 50 percent:

1-59 (i) aluminum;

1-60 (ii) bronze; or

1-61 (iii) copper;

1-62 (5) a felony of the third degree if the value of the
1-63 property stolen is \$20,000 or more but less than \$100,000, or the

2-1 property is:
 2-2 (A) 10 or more head of cattle, horses, or exotic
 2-3 livestock or exotic fowl as defined by Section 142.001, Agriculture
 2-4 Code, stolen during a single transaction and having an aggregate
 2-5 value of less than \$100,000; or
 2-6 (B) 100 or more head of sheep, swine, or goats
 2-7 stolen during a single transaction and having an aggregate value of
 2-8 less than \$100,000;
 2-9 (6) a felony of the second degree if the value of the
 2-10 property stolen is \$100,000 or more but less than \$200,000; or
 2-11 (7) a felony of the first degree if the value of the
 2-12 property stolen is \$200,000 or more.
 2-13 SECTION 2. The change in law made by this Act applies only
 2-14 to an offense committed on or after the effective date of this Act.
 2-15 An offense committed before the effective date of this Act is
 2-16 governed by the law in effect when the offense was committed, and
 2-17 the former law is continued in effect for that purpose. For the
 2-18 purposes of this section, an offense is committed before the
 2-19 effective date of this Act if any element of the offense occurs
 2-20 before that date.
 2-21 SECTION 3. This Act takes effect September 1, 2009.

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