

By: Lucio III

H.B. No. 435

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for theft of a pet.

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

SECTION 1. Section 31.01, Penal Code, is amended by adding Subdivision (11) to read as follows:

(11) "Pet" means a domesticated animal owned by a person other than the actor. The term includes a dog, cat, rodent, fish, reptile, or bird. The term does not include a livestock animal, as defined by Section 42.09(b)(5)(A), (C), or (D), or a wildlife resource, as defined by Section 61.005, Parks and Wildlife Code.

SECTION 2. 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

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

4 (B) the value of the property stolen is less
5 than:

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

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

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

14 (4) a state jail felony if:

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

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

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

25 (D) the value of the property stolen is less than
26 \$1,500 and the defendant has been previously convicted two or more
27 times of any grade of theft;

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

3 (F) the value of the property stolen is less than
4 \$20,000 and the property stolen is insulated or noninsulated wire
5 or cable that consists of at least 50 percent:

6 (i) aluminum;

7 (ii) bronze; or

8 (iii) copper; or

9 (G) the property stolen is a pet;

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

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

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

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

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

24 SECTION 3. The change in law made by this Act applies only
25 to an offense committed on or after the effective date of this Act.
26 An offense committed before the effective date of this Act is
27 covered by the law in effect when the offense was committed, and the

1 former law is continued in effect for that purpose. For purposes of
2 this section, an offense is committed before the effective date of
3 this Act if any element of the offense occurs before that date.

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