

1-1 By: Darby, et al. (Senate Sponsor - Seliger) H.B. No. 671
1-2 (In the Senate - Received from the House April 22, 2009;
1-3 May 1, 2009, read first time and referred to Committee on Criminal
1-4 Justice; May 23, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 671 By: Seliger

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

1-10 relating to the penalty for theft from a nonprofit organization or
1-11 by Medicare providers.

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

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

1-15 (f) An offense described for purposes of punishment by
1-16 Subsections (e)(1)-(6) is increased to the next higher category of
1-17 offense if it is shown on the trial of the offense that:

1-18 (1) the actor was a public servant at the time of the
1-19 offense and the property appropriated came into the actor's
1-20 custody, possession, or control by virtue of his status as a public
1-21 servant;

1-22 (2) the actor was in a contractual relationship with
1-23 government at the time of the offense and the property appropriated
1-24 came into the actor's custody, possession, or control by virtue of
1-25 the contractual relationship; ~~or~~

1-26 (3) the owner of the property appropriated was at the
1-27 time of the offense:

1-28 (A) an elderly individual; or

1-29 (B) a nonprofit organization; or

1-30 (4) the actor was a Medicare provider in a contractual
1-31 relationship with the federal government at the time of the offense
1-32 and the property appropriated came into the actor's custody,
1-33 possession, or control by virtue of the contractual relationship.

1-34 SECTION 2. Section 31.03(h), Penal Code, is amended by
1-35 adding Subdivision (3) to read as follows:

1-36 (3) "Nonprofit organization" means an organization
1-37 that is exempt from federal income taxation under Section 501(a),
1-38 Internal Revenue Code of 1986, by being described as an exempt
1-39 organization by Section 501(c)(3) of that code.

1-40 SECTION 3. The change in law made by this Act applies only
1-41 to an offense committed on or after the effective date of this Act.
1-42 An offense committed before the effective date of this Act is
1-43 covered by the law in effect when the offense was committed, and the
1-44 former law is continued in effect for that purpose. For purposes of
1-45 this section, an offense was committed before the effective date of
1-46 this Act if any element of the offense was committed before that
1-47 date.

1-48 SECTION 4. This Act takes effect September 1, 2009.

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