

By: McClendon

H.B. No. 1282

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the penalty for theft of a driver's license, commercial
3 driver's license, or personal identification certificate.

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 stolen is a driver's license,
9 commercial driver's license, or personal identification
10 certificate issued by this state or another state;

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. The change in law made by this Act applies only
21 to an offense committed on or after the effective date of this Act.
22 An offense committed before the effective date of this Act is
23 covered by the law in effect when the offense was committed, and the
24 former law is continued in effect for that purpose. For purposes of
25 this section, an offense was committed before the effective date of
26 this Act if any element of the offense occurred before that date.

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