

1-1 By: McClendon, et al (Senate Sponsor - Zaffirini) H.B. No. 1282
1-2 (In the Senate - Received from the House April 8, 2009;
1-3 April 15, 2009, read first time and referred to Committee on
1-4 Criminal Justice; May 1, 2009, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; May 1, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the penalty for theft of a driver's license, commercial
1-9 driver's license, or personal identification certificate.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 31.03(e), Penal Code, is amended to read
1-12 as follows:

1-13 (e) Except as provided by Subsection (f), an offense under
1-14 this section is:

1-15 (1) a Class C misdemeanor if the value of the property
1-16 stolen is less than:

1-17 (A) \$50; or

1-18 (B) \$20 and the defendant obtained the property
1-19 by issuing or passing a check or similar sight order in a manner
1-20 described by Section 31.06;

1-21 (2) a Class B misdemeanor if:

1-22 (A) the value of the property stolen is:

1-23 (i) \$50 or more but less than \$500; or

1-24 (ii) \$20 or more but less than \$500 and the
1-25 defendant obtained the property by issuing or passing a check or
1-26 similar sight order in a manner described by Section 31.06; ~~or~~

1-27 (B) the value of the property stolen is less
1-28 than:

1-29 (i) \$50 and the defendant has previously
1-30 been convicted of any grade of theft; or

1-31 (ii) \$20, the defendant has previously been
1-32 convicted of any grade of theft, and the defendant obtained the
1-33 property by issuing or passing a check or similar sight order in a
1-34 manner described by Section 31.06; or

1-35 (C) the property stolen is a driver's license,
1-36 commercial driver's license, or personal identification
1-37 certificate issued by this state or another state;

1-38 (3) a Class A misdemeanor if the value of the property
1-39 stolen is \$500 or more but less than \$1,500;

1-40 (4) a state jail felony if:

1-41 (A) the value of the property stolen is \$1,500 or
1-42 more but less than \$20,000, or the property is less than 10 head of
1-43 cattle, horses, or exotic livestock or exotic fowl as defined by
1-44 Section 142.001, Agriculture Code, or any part thereof under the
1-45 value of \$20,000, or less than 100 head of sheep, swine, or goats or
1-46 any part thereof under the value of \$20,000;

1-47 (B) regardless of value, the property is stolen
1-48 from the person of another or from a human corpse or grave;

1-49 (C) the property stolen is a firearm, as defined
1-50 by Section 46.01;

1-51 (D) the value of the property stolen is less than
1-52 \$1,500 and the defendant has been previously convicted two or more
1-53 times of any grade of theft;

1-54 (E) the property stolen is an official ballot or
1-55 official carrier envelope for an election; or

1-56 (F) the value of the property stolen is less than
1-57 \$20,000 and the property stolen is insulated or noninsulated wire
1-58 or cable that consists of at 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
1-64 property is:

2-1 (A) 10 or more head of cattle, horses, or exotic
2-2 livestock or exotic fowl as defined by Section 142.001, Agriculture
2-3 Code, stolen during a single transaction and having an aggregate
2-4 value of less than \$100,000; or

2-5 (B) 100 or more head of sheep, swine, or goats
2-6 stolen during a single transaction and having an aggregate value of
2-7 less than \$100,000;

2-8 (6) a felony of the second degree if the value of the
2-9 property stolen is \$100,000 or more but less than \$200,000; or

2-10 (7) a felony of the first degree if the value of the
2-11 property stolen is \$200,000 or more.

2-12 SECTION 2. The change in law made by this Act applies only
2-13 to an offense committed on or after the effective date of this Act.
2-14 An offense committed before the effective date of this Act is
2-15 covered by the law in effect when the offense was committed, and the
2-16 former law is continued in effect for that purpose. For purposes of
2-17 this section, an offense was committed before the effective date of
2-18 this Act if any element of the offense occurred before that date.

2-19 SECTION 3. This Act takes effect September 1, 2009.

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