

By: Bolton

H.B. No. 1532

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment for theft of copper or brass material.

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

4 SECTION 1. Sections 31.03(e) and (h), Penal Code, are
5 amended to read as follows:

6 (e) Except as provided by Subsection (f), an offense under
7 this section is:

8 (1) a Class C misdemeanor if the value of the property
9 stolen is less than:

10 (A) \$50; or

11 (B) \$20 and the defendant obtained the property
12 by issuing or passing a check or similar sight order in a manner
13 described by Section 31.06;

14 (2) a Class B misdemeanor if:

15 (A) the value of the property stolen is:

16 (i) \$50 or more but less than \$500; or

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

20 (B) the value of the property stolen is less
21 than:

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

24 (ii) \$20, the defendant has previously been

1 convicted of any grade of theft, and the defendant obtained the
2 property by issuing or passing a check or similar sight order in a
3 manner described by Section 31.06;

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

6 (4) a state jail felony if:

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

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

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

17 (D) the value of the property stolen is less than
18 \$1,500 and the defendant has been previously convicted two or more
19 times of any grade of theft;

20 (E) the property stolen is an official ballot or
21 official carrier envelope for an election; or

22 (F) the value of the property stolen is less than
23 \$20,000 and the property stolen is copper or brass material or is
24 insulated or noninsulated wire or cable that consists of at least 50
25 percent:

26 (i) aluminum;

27 (ii) bronze; or

1 (iii) copper;

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

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

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

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

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

16 (h) In this section:

17 (1) "Copper or brass material" means:

18 (A) insulated or noninsulated copper wire or
19 cable that is of the type used by a public utility or common carrier
20 and that contains copper or an alloy of copper or zinc;

21 (B) a copper or brass item of a type commonly used
22 in construction or by a public utility; or

23 (C) copper pipe or copper tubing.

24 (2) "Restricted-use pesticide" means a pesticide
25 classified as a restricted-use pesticide by the administrator of
26 the Environmental Protection Agency under 7 U.S.C. Section 136a, as
27 that law existed on January 1, 1995, and containing an active

1 ingredient listed in the federal regulations adopted under that law
2 (40 C.F.R. Section 152.175) and in effect on that date.

3 (3) [~~(2)~~] "State-limited-use pesticide" means a
4 pesticide classified as a state-limited-use pesticide by the
5 Department of Agriculture under Section 76.003, Agriculture Code,
6 as that section existed on January 1, 1995, and containing an active
7 ingredient listed in the rules adopted under that section (4 TAC
8 Section 7.24) as that section existed on that date.

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

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