

By: Smithee

H.B. No. 4241

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the theft of a military grave marker.

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

4 SECTION 1. Section 31.03(e), Penal Code, is amended to read
5 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 including property that is a military grave marker;

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

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

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

23 (F) the value of the property stolen is less than
24 \$20,000 and the property stolen is insulated or noninsulated wire
25 or cable that consists of at least 50 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 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2009.