

By: Carona

S.B. No. 1273

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of and punishment for the theft of
3 certain electronic equipment and interference with certain radio
4 frequencies.

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

6 SECTION 1. Subsection (e), Section 31.03, Penal Code, is
7 amended to read as follows:

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

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

12 (A) \$50; or

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

16 (2) a Class B misdemeanor if:

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

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

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

22 (B) the value of the property stolen is less
23 than:

24 (i) \$50 and the defendant has previously

1 been convicted of any grade of theft; or

2 (ii) \$20, the defendant has previously been
3 convicted of any grade of theft, and the defendant obtained the
4 property by issuing or passing a check or similar sight order in a
5 manner described by Section 31.06;

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

8 (4) a state jail felony if:

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

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

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

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

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

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

27 (i) aluminum;

1 (ii) bronze; or

2 (iii) copper; or

3 (G) the value of the property stolen is less than
4 \$20,000 and the property stolen is a radio, data terminal, or
5 computer that is:

6 (i) capable of two-way communications; and

7 (ii) owned by or issued to a law enforcement
8 agency as defined by Article 59.01, Code of Criminal Procedure, a
9 fire department, or an emergency medical services provider as
10 defined by Section 773.003, Health and Safety Code;

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

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

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

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

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

25 SECTION 2. Chapter 38, Penal Code, is amended by adding
26 Section 38.152 to read as follows:

27 Sec. 38.152. INTERFERENCE WITH RADIO FREQUENCY LICENSED TO

1 GOVERNMENT ENTITY. (a) A person commits an offense if, without
2 the effective consent of the law enforcement agency, fire
3 department, or emergency medical services provider, the person
4 intentionally interrupts, disrupts, impedes, jams, or otherwise
5 interferes with a radio frequency that is licensed by the Federal
6 Communications Commission to a government entity and is used by the
7 law enforcement agency, fire department, or emergency medical
8 services provider.

9 (b) An offense under this section is a Class A misdemeanor,
10 except that the offense is a state jail felony if the actor
11 committed the offense with the intent to:

- 12 (1) facilitate the commission of another offense; or
13 (2) interfere with the ability of a law enforcement
14 agency, a fire department, or an emergency medical services
15 provider to respond to an emergency.

16 (c) In this section:

17 (1) "Emergency" has the meaning assigned by Section
18 38.15.

19 (2) "Emergency medical services provider" has the
20 meaning assigned by Section 773.003, Health and Safety Code.

21 (3) "Law enforcement agency" has the meaning assigned
22 by Article 59.01, Code of Criminal Procedure.

23 (d) If conduct constituting an offense under this section
24 also constitutes an offense under another section of this code, the
25 actor may be prosecuted under either section or under both
26 sections.

27 SECTION 3. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect when the offense was committed, and
4 the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense was
7 committed before that date.

8 SECTION 4. This Act takes effect September 1, 2009.

COMMITTEE AMENDMENT NO. 1

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Amend S.B. 1273 as follows:

Strike "or" from line 2, page 3, Subsection (F) of Section 31.03, Penal Code in SECTION 1 and strike proposed Subsection (G) from line 3 to line 10, page 3 in SECTION 1 of the bill.

Miklos