

1-1 By: Carona S.B. No. 1273
1-2 (In the Senate - Filed March 3, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 8, 2009, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 8, 2009, sent to printer.)

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

1-8 relating to the prosecution of and punishment for the theft of
1-9 certain electronic equipment and interference with certain radio
1-10 frequencies.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (e), Section 31.03, Penal Code, is
1-13 amended to read as follows:

1-14 (e) Except as provided by Subsection (f), an offense under
1-15 this section is:

1-16 (1) a Class C misdemeanor if the value of the property
1-17 stolen is less than:

1-18 (A) \$50; or

1-19 (B) \$20 and the defendant obtained the property
1-20 by issuing or passing a check or similar sight order in a manner
1-21 described by Section 31.06;

1-22 (2) a Class B misdemeanor if:

1-23 (A) the value of the property stolen is:

1-24 (i) \$50 or more but less than \$500; or

1-25 (ii) \$20 or more but less than \$500 and the
1-26 defendant obtained the property by issuing or passing a check or
1-27 similar sight order in a manner described by Section 31.06; or

1-28 (B) the value of the property stolen is less
1-29 than:

1-30 (i) \$50 and the defendant has previously
1-31 been convicted of any grade of theft; or

1-32 (ii) \$20, the defendant has previously been
1-33 convicted of any grade of theft, and the defendant obtained the
1-34 property by issuing or passing a check or similar sight order in a
1-35 manner described by Section 31.06;

1-36 (3) a Class A misdemeanor if the value of the property
1-37 stolen is \$500 or more but less than \$1,500;

1-38 (4) a state jail felony if:

1-39 (A) the value of the property stolen is \$1,500 or
1-40 more but less than \$20,000, or the property is less than 10 head of
1-41 cattle, horses, or exotic livestock or exotic fowl as defined by
1-42 Section 142.001, Agriculture Code, or any part thereof under the
1-43 value of \$20,000, or less than 100 head of sheep, swine, or goats or
1-44 any part thereof under the value of \$20,000;

1-45 (B) regardless of value, the property is stolen
1-46 from the person of another or from a human corpse or grave;

1-47 (C) the property stolen is a firearm, as defined
1-48 by Section 46.01;

1-49 (D) the value of the property stolen is less than
1-50 \$1,500 and the defendant has been previously convicted two or more
1-51 times of any grade of theft;

1-52 (E) the property stolen is an official ballot or
1-53 official carrier envelope for an election; ~~or~~

1-54 (F) the value of the property stolen is less than
1-55 \$20,000 and the property stolen is insulated or noninsulated wire
1-56 or cable that consists of at least 50 percent:

1-57 (i) aluminum;

1-58 (ii) bronze; or

1-59 (iii) copper; or

1-60 (G) the value of the property stolen is less than
1-61 \$20,000 and the property stolen is a radio, data terminal, or
1-62 computer that is:

1-63 (i) capable of two-way communications; and

1-64 (ii) owned by or issued to a law enforcement

2-1 agency as defined by Article 59.01, Code of Criminal Procedure, a
2-2 fire department, or an emergency medical services provider as
2-3 defined by Section 773.003, Health and Safety Code;

2-4 (5) a felony of the third degree if the value of the
2-5 property stolen is \$20,000 or more but less than \$100,000, or the
2-6 property is:

2-7 (A) 10 or more head of cattle, horses, or exotic
2-8 livestock or exotic fowl as defined by Section 142.001, Agriculture
2-9 Code, stolen during a single transaction and having an aggregate
2-10 value of less than \$100,000; or

2-11 (B) 100 or more head of sheep, swine, or goats
2-12 stolen during a single transaction and having an aggregate value of
2-13 less than \$100,000;

2-14 (6) a felony of the second degree if the value of the
2-15 property stolen is \$100,000 or more but less than \$200,000; or

2-16 (7) a felony of the first degree if the value of the
2-17 property stolen is \$200,000 or more.

2-18 SECTION 2. Chapter 38, Penal Code, is amended by adding
2-19 Section 38.152 to read as follows:

2-20 Sec. 38.152. INTERFERENCE WITH RADIO FREQUENCY LICENSED TO
2-21 GOVERNMENT ENTITY. (a) A person commits an offense if, without
2-22 the effective consent of the law enforcement agency, fire
2-23 department, or emergency medical services provider, the person
2-24 intentionally interrupts, disrupts, impedes, jams, or otherwise
2-25 interferes with a radio frequency that is licensed by the Federal
2-26 Communications Commission to a government entity and is used by the
2-27 law enforcement agency, fire department, or emergency medical
2-28 services provider.

2-29 (b) An offense under this section is a Class A misdemeanor,
2-30 except that the offense is a state jail felony if the actor
2-31 committed the offense with the intent to:

2-32 (1) facilitate the commission of another offense; or

2-33 (2) interfere with the ability of a law enforcement
2-34 agency, a fire department, or an emergency medical services
2-35 provider to respond to an emergency.

2-36 (c) In this section:

2-37 (1) "Emergency" has the meaning assigned by Section
2-38 38.15.

2-39 (2) "Emergency medical services provider" has the
2-40 meaning assigned by Section 773.003, Health and Safety Code.

2-41 (3) "Law enforcement agency" has the meaning assigned
2-42 by Article 59.01, Code of Criminal Procedure.

2-43 (d) If conduct constituting an offense under this section
2-44 also constitutes an offense under another section of this code, the
2-45 actor may be prosecuted under either section or under both
2-46 sections.

2-47 SECTION 3. The change in law made by this Act applies only
2-48 to an offense committed on or after the effective date of this Act.
2-49 An offense committed before the effective date of this Act is
2-50 governed by the law in effect when the offense was committed, and
2-51 the former law is continued in effect for that purpose. For
2-52 purposes of this section, an offense was committed before the
2-53 effective date of this Act if any element of the offense was
2-54 committed before that date.

2-55 SECTION 4. This Act takes effect September 1, 2009.

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