

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Peña, Leibowitz, et al.

H.B. No. 348

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment for theft of certain aluminum, bronze,  
3 or copper materials.

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

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

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

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

11 (A) \$50; or

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

15 (2) a Class B misdemeanor if:

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

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

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

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

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

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

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

7                   (4) a state jail felony if:

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

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

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  
25 tubing, rods, wire, 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. The change in law made by this Act applies only  
17 to an offense committed on or after the effective date of this Act.  
18 An offense committed before the effective date of this Act is  
19 governed by the law in effect when the offense was committed, and  
20 the former law is continued in effect for that purpose. For the  
21 purposes of this section, an offense is committed before the  
22 effective date of this Act if any element of the offense occurs  
23 before that date.

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

**ADOPTED**

MAY 21 2009

*Atty. Gen.*  
Secretary of the Senate

By: Pena et al. / Carona

H.B. No. 348

Substitute the following for H.B. No. 348:

By: *J. J. King*

C.S. H.B. No. 348

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

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

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

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

7 (4) a state jail felony if:

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

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

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  
25 tubing, rods, water gate stems, wire, or cable that consists of at  
26 least 50 percent:

27 (i) aluminum;

1 (ii) bronze; or

2 (iii) copper;

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

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

10 (B) 100 or more head of sheep, swine, or goats  
11 stolen during a single transaction and having an aggregate value of  
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20 governed by the law in effect when the offense was committed, and  
21 the former law is continued in effect for that purpose. For the  
22 purposes of this section, an offense is committed before the  
23 effective date of this Act if any element of the offense occurs  
24 before that date.

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

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

May 21, 2009

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB348** by Pena (Relating to the punishment for theft of certain aluminum, bronze, or copper materials.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code to include theft of tubing, rods, and water gate stems valued at less than \$20,000 and consisting of at least 50 percent aluminum, bronze, or copper as punishable as a state jail felony.

The bill would take effect on September 1, 2009 and would apply to an offense committed on or after the effective date.

It is assumed the number of persons convicted under this statute would not result in a significant impact on programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, SD, ESi, GG, TMP





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 14, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB348** by Pena (Relating to the punishment for theft of certain aluminum, bronze, or copper materials. ), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code to include theft of tubing, rods, and water gate stems valued at less than \$20,000 and consisting of at least 50 percent aluminum, bronze, or copper as punishable as a state jail felony.

The bill would take effect on September 1, 2009 and would apply to an offense committed on or after the effective date.

It is assumed the number of persons convicted under this statute would not result in a significant impact on programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, GG, TMP



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 8, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB348** by Pena (Relating to the punishment for theft of certain aluminum, bronze, or copper materials.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code to include theft of tubing and rods valued at less than \$20,000 and consisting of at least 50 percent aluminum, bronze, or copper as punishable as a state jail felony.

The bill would take effect on September 1, 2009 and would apply to an offense committed on or after the effective date.

It is assumed the number of persons convicted under this statute would not result in a significant impact on programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, GG, TMP



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 4, 2009**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB348** by Pena (Relating to the punishment for theft of certain aluminum, bronze, or copper materials.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code to include theft of tubing and rods valued at less than \$20,000 and consisting of at least 50 percent aluminum, bronze, or copper as punishable as a state jail felony.

The bill would take effect on September 1, 2009 and would apply to an offense committed on or after the effective date.

It is assumed the number of persons convicted under this statute would not result in a significant impact on programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, GG, TMP



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**81ST LEGISLATIVE REGULAR SESSION**

**May 14, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB348** by Pena (Relating to the punishment for theft of certain aluminum, bronze, or copper materials. ), **Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, GG





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**81ST LEGISLATIVE REGULAR SESSION**

**May 11, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB348** by Pena (Relating to the punishment for theft of certain aluminum, bronze, or copper materials.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, GG



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**81ST LEGISLATIVE REGULAR SESSION**

**March 5, 2009**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB348** by Pena (Relating to the punishment for theft of certain aluminum, bronze, or copper materials.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, GG

