

BILL ANALYSIS

H.B. 612
By: Hopson
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under certain circumstances, it is a state jail felony if a trustee fails to pay the beneficiaries of a trust the purchase price for timber sold by the trustee. According to some Texas citizens, such an offense should be enhanced depending on the value of the timber sold. H.B. 612 enhances the offense for a trustee's failure to fully pay beneficiaries, under certain circumstances, the purchase price for timber sold to a third, second, or first degree felony, depending on the value of the timber.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 612 amends the Natural Resources Code to make it a state jail felony for a timber trustee, knowingly or with intent to defraud, to directly or indirectly retain, use, disperse, or otherwise divert more than \$500 of trust money without first fully paying all of the beneficiaries the purchase price for timber only if it is shown on the trial of the offense that the value of the timber sold is at least \$500 but less than \$20,000. The bill increases the penalty to a felony of the third degree if it is shown on the trial of the offense that the value of the timber sold is at least \$20,000 but less than \$100,000, a felony of the second degree if it is shown on the trial of the offense that the value of the timber sold is at least \$100,000 but less than \$200,000, or a felony of the first degree if it is shown on the trial of the offense that the value of the timber sold is at least \$200,000.

EFFECTIVE DATE

September 1, 2011.