

## **BILL ANALYSIS**

H.B. 2196  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Theft of service occurs under certain circumstances when employers fail to pay employees the wages that were promised by the employer. Interested parties note that this type of theft occurs frequently in Texas and cite reports showing that approximately 20 percent of employees in certain industries, such as construction, have experienced theft of service and that around 50 percent of day laborers have experienced such theft. The impact of this type of theft is widespread and has caused many employees working in Texas to be unable to meet their family's basic needs. H.B. 2196 seeks to address theft of service instances when an employee receives periodic or partial payment of wages.

### **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. 2196 amends the Penal Code to specify that for purposes of conduct constituting the offense of theft of service that involves intentionally or knowingly securing the performance of a service with the intent to avoid payment for the service by agreeing to provide compensation and failing to make payment after the service is rendered and after receiving notice demanding payment, if the compensation is or was to be paid on a periodic basis, the intent to avoid payment for a service may be formed at any time during or before a pay period and that the partial payment of wages alone is not sufficient evidence to negate the actor's intent to avoid payment for a service. The bill specifies that the failure to make payment for a service after receiving notice demanding payment refers to the full payment for the service. The bill makes nonsubstantive changes.

### **EFFECTIVE DATE**

September 1, 2011.