

BILL ANALYSIS

S.B. 887
By: Carona
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Automated teller machine (ATM) theft, a relatively new crime, is increasing in frequency around the state. There were more than one hundred instances in Texas in the past year alone. It is also a crime that may typically involve more than one person because of its labor intensity. An ATM theft usually involves backing a vehicle up to a store's front door, destroying the windows, and attaching chains to the ATM from the vehicle. The vehicle can then be driven in the opposite direction from the store, moving the ATM, along with the front doors and any other property in its path, into the parking lot. The ATM can then be lifted onto the flatbed of the vehicle.

Because of the way this crime is committed, the perpetrator(s) may be charged with a variety of offenses. For example, the perpetrator could be charged with criminal mischief due to significant property damage or be charged with the theft of the money from the ATM machine.

S.B. 887 seeks to remedy the offense inconsistencies related to this crime by making any ATM theft, including theft of its contents and components, a second degree felony.

As proposed, S.B. 887 amends current law relating to the penalty for theft of an automated teller machine or the contents or components of an automated teller machine.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 31.03(e), Penal Code, as follows:

(e) Provides that, except as provided by Subsection (f) (relating to increasing punishment for an offense described by Subsections (e)(1)-(6) if certain things are shown on the trial of the offense), an offense under this section is:

(1)-(5) Makes no changes to these subdivisions;

(6) a felony of the second degree if:

(A) the value of the property stolen is \$100,000 or more but less than \$200,000; or

(B) the value of the property stolen is less than \$200,000 and the property stolen is an automated teller machine or the contents or components of an automated teller machine; or

(7) Makes no changes to this subdivision.

Makes non-substantive changes

SECTION 2. Amends Section 31.03(h), Penal Code, by adding Subdivision (4), to define "automated teller machine."

SECTION 3. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2011.