

By: Riddle

H.B. No. 922

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for theft of an automated teller machine.

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

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

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

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

(A) \$50; or

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

(2) a Class B misdemeanor if:

(A) the value of the property stolen is:

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

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

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

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

(ii) \$20, the defendant has previously been

1 convicted of any grade of theft, and the defendant obtained the
2 property by issuing or passing a check or similar sight order in a
3 manner described by Section 31.06; or

4 (C) the property stolen is a driver's license,
5 commercial driver's license, or personal identification
6 certificate issued by this state or another state;

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

9 (4) a state jail felony if:

10 (A) the value of the property stolen is \$1,500 or
11 more but less than \$20,000, or the property is less than 10 head of
12 sheep, swine, or goats or any part thereof under the value of
13 \$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 including property that is a military grave marker;

17 (C) the property stolen is a firearm, as defined
18 by Section 46.01;

19 (D) the value of the property stolen is less than
20 \$1,500 and the defendant has been previously convicted two or more
21 times of any grade of theft;

22 (E) the property stolen is an official ballot or
23 official carrier envelope for an election; or

24 (F) the value of the property stolen is less than
25 \$20,000 and the property stolen is insulated or noninsulated
26 tubing, rods, water gate stems, wire, or cable that consists of at
27 least 50 percent:

- 1 (i) aluminum;
- 2 (ii) bronze; or
- 3 (iii) copper;

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

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

11 (B) 10 or more head of sheep, swine, or goats
12 stolen during a single transaction and having an aggregate value of
13 less than \$100,000;

14 (6) a felony of the second degree if:

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

17 (B) the value of the property stolen is less than
18 \$200,000 and the property stolen is an automated teller machine; or

19 (7) a felony of the first degree if the value of the
20 property stolen is \$200,000 or more.

21 SECTION 2. Section 31.03(h), Penal Code, is amended by
22 adding Subdivision (4) to read as follows:

23 (4) "Automated teller machine" means an unmanned
24 electronic information processing device that, at the request of a
25 user, performs a financial transaction through the direct
26 transmission of electronic impulses to a financial institution or
27 through the recording of electronic impulses or other indicia of a

1 transaction for delayed transmission to a financial institution.

2 The term includes an automated banking machine.

3 SECTION 3. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 governed by the law in effect when the offense was committed, and
7 the former law is continued in effect for that purpose. For
8 purposes of this section, an offense was committed before the
9 effective date of this Act if any element of the offense occurred
10 before that date.

11 SECTION 4. This Act takes effect September 1, 2011.