

By: Lucio III

H.B. No. 1102

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for theft of a pet.

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

SECTION 1. Section 31.01, Penal Code, is amended by adding Subdivision (11) to read as follows:

(11) "Pet" means a domesticated animal owned by a person other than the actor. The term includes a dog, cat, rodent, fish, reptile, or bird. The term does not include a livestock animal, as defined by Section 42.09(b)(5)(A), (C), or (D), or a wildlife resource, as defined by Section 61.005, Parks and Wildlife Code.

SECTION 2. 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

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

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

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

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

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

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

17 (4) a state jail felony if:

18 (A) the value of the property stolen is \$1,500 or
19 more but less than \$20,000, or the property is less than 10 head of
20 sheep, swine, or goats or any part thereof under the value of
21 \$20,000;

22 (B) regardless of value, the property is stolen
23 from the person of another or from a human corpse or grave,
24 including property that is a military grave marker;

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

27 (D) the value of the property stolen is less than

1 \$1,500 and the defendant has been previously convicted two or more
2 times of any grade of theft;

3 (E) the property stolen is an official ballot or
4 official carrier envelope for an election; ~~or~~

5 (F) the value of the property stolen is less than
6 \$20,000 and the property stolen is insulated or noninsulated
7 tubing, rods, water gate stems, wire, or cable that consists of at
8 least 50 percent:

9 (i) aluminum;

10 (ii) bronze; or

11 (iii) copper; or

12 (G) the property stolen is a pet;

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

16 (A) cattle, horses, or exotic livestock or exotic
17 fowl as defined by Section 142.001, Agriculture Code, stolen during
18 a single transaction and having an aggregate value of less than
19 \$100,000; or

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

23 (6) a felony of the second degree if the value of the
24 property stolen is \$100,000 or more but less than \$200,000; or

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

27 SECTION 3. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 covered by the law in effect when the offense was committed, and the
4 former law is continued in effect for that purpose. For purposes of
5 this section, an offense is committed before the effective date of
6 this Act if any element of the offense occurs before that date.

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