

By: Smith of Harris, Cook, Dutton, et al.

H.B. No. 1933

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the regulation of metal recycling entities; providing  
3 penalties.

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

5 SECTION 1. Section 1956.001, Occupations Code, is amended  
6 by amending Subdivisions (1), (4), and (10) and adding Subdivision  
7 (1-a) to read as follows:

8 (1) "Air conditioning and refrigeration contracting  
9 company" has the meaning assigned by Section 1302.002.

10 (1-a) "Aluminum material" means a product made from  
11 aluminum, an aluminum alloy, or an aluminum by-product. The term  
12 includes aluminum wiring and an aluminum beer keg but does not  
13 include another type of aluminum can used to contain a food or  
14 beverage.

15 (4) "Copper or brass material" means:

16 (A) insulated or noninsulated copper wire or  
17 cable of the type used by a public utility or common carrier that  
18 contains copper or an alloy of copper or zinc; or

19 (B) a copper or brass item of a type commonly used  
20 in construction or by a public utility[ ~~or~~

21 [~~(C) copper pipe or copper tubing~~].

22 (10) "Regulated metal" means:

23 (A) manhole covers;

24 (B) guardrails;

- 1 (C) metal cylinders designed to contain  
2 compressed air, oxygen, gases, or liquids;
- 3 (D) beer kegs made from metal other than  
4 aluminum;
- 5 (E) historical markers or cemetery vases,  
6 receptacles, or memorials made from metal other than aluminum;
- 7 (F) unused rebar;
- 8 (G) street signs;
- 9 (H) drain gates;
- 10 (I) safes;
- 11 (J) communication, transmission, and service  
12 wire or cable;
- 13 (K) condensing or evaporator coils for central  
14 heating or air conditioning units;
- 15 (L) utility structures, including the fixtures  
16 and hardware;
- 17 (M) aluminum or stainless steel containers  
18 designed to hold propane for fueling forklifts; ~~and~~
- 19 (N) metal railroad equipment, including tie  
20 plates, signal houses, control boxes, signs, signals, traffic  
21 devices, traffic control devices, traffic control signals, switch  
22 plates, e-clips, and rail tie functions;
- 23 (O) catalytic converters not attached to a  
24 vehicle;
- 25 (P) fire hydrants;
- 26 (Q) metal bleachers or other seating facilities  
27 used in recreational areas or sporting arenas;

1           (R) any metal item clearly and conspicuously  
2 marked with any form of the name, initials, or logo of a  
3 governmental entity, utility, cemetery, or railroad;

4           (S) insulated utility, communications, or  
5 electrical wire that has been burned wholly or partly to remove the  
6 insulation;

7           (T) backflow valves;

8           (U) metal in the form of commonly recognized  
9 products of the industrial metals recycling process, including  
10 bales, briquettes, billets, sows, ingots, pucks, and chopped or  
11 shredded metals;

12           (V) copper pipe or tubing; and

13           (W) any metal item readily identifiable as being  
14 used in an aircraft engine.

15           SECTION 2. The heading to Section 1956.003, Occupations  
16 Code, is amended to read as follows:

17           Sec. 1956.003. LOCAL LAW; CRIMINAL PENALTY.

18           SECTION 3. Section 1956.003, Occupations Code, is amended  
19 by adding Subsections (a-1), (a-2), (f), and (g) to read as follows:

20           (a-1) A county, municipality, or other political  
21 subdivision may require the record of purchase described under  
22 Section 1956.033 to contain a clear and legible thumbprint of a  
23 seller of regulated material.

24           (a-2) A county, municipality, or other political  
25 subdivision that, as authorized under Subsection (a), requires a  
26 metal recycling entity to report to the county, municipality, or  
27 political subdivision information relating to a sale of regulated

1 material shall include in any contract entered into by the county,  
2 municipality, or political subdivision relating to the reporting of  
3 the information a provision that:

4 (1) requires any contractor, subcontractor, or third  
5 party that has access to, comes into possession of, or otherwise  
6 obtains information relating to a sale of regulated material to  
7 maintain the confidentiality of the information received; and

8 (2) allows the county, municipality, or political  
9 subdivision to terminate the contract of any contractor,  
10 subcontractor, or third party that violates the confidentiality  
11 provision required by Subdivision (1).

12 (f) A person commits an offense if the person operates a  
13 metal recycling entity and does not hold a valid license or permit  
14 required by a county, municipality, or other political subdivision  
15 as authorized under Subsection (b). An offense under this  
16 subsection is a Class B misdemeanor unless it is shown on the trial  
17 of the offense that the person has been previously convicted under  
18 this subsection, in which event the offense is a Class A  
19 misdemeanor.

20 (g) A county, municipality, or other political subdivision  
21 shall provide a written notice to a metal recycling entity issued a  
22 citation for an offense described by Subsection (f). The notice  
23 must state that the metal recycling entity must cease operation  
24 until the person holds the appropriate license or permit issued by a  
25 county, municipality, or other political subdivision as authorized  
26 under Subsection (b).

27 SECTION 4. Section 1956.015, Occupations Code, is amended

1 by amending Subsection (d) and adding Subsection (e) to read as  
2 follows:

3       (d) Information provided under this section is not subject  
4 to disclosure under Chapter 552, Government Code. The department  
5 shall maintain the confidentiality of information provided under  
6 this section [~~that relates to the financial condition or business~~  
7 ~~affairs of a metal recycling entity or that is otherwise~~  
8 ~~commercially sensitive. The confidential information is not~~  
9 ~~subject to disclosure under Chapter 552, Government Code].~~

10       (e) The department may enter into contracts relating to the  
11 operation of the statewide electronic reporting system established  
12 by this section. A contract under this subsection must:

13               (1) require that any contractor, subcontractor, or  
14 third party that has access to, comes into possession of, or  
15 otherwise obtains information provided under this section maintain  
16 the confidentiality of the information provided under this section;  
17 and

18               (2) provide that the department may terminate the  
19 contract of any contractor, subcontractor, or third party that  
20 violates the confidentiality provision required by Subdivision  
21 (1).

22       SECTION 5. Subchapter A-1, Chapter 1956, Occupations Code,  
23 is amended by adding Section 1956.016 to read as follows:

24       Sec. 1956.016. REGISTRATION DATABASE. The department shall  
25 make available on its Internet website a publicly accessible list  
26 of all registered metal recycling entities.

27       SECTION 6. Section 1956.032, Occupations Code, is amended

1 to read as follows:

2           Sec. 1956.032. INFORMATION PROVIDED BY SELLER. (a) Except  
3 as provided by Subsection (f), a person attempting to sell  
4 regulated material to a metal recycling entity shall:

5           (1) display to the metal recycling entity the person's  
6 personal identification document;

7           (2) provide to the metal recycling entity:

8                   (A) the make, model, color, and license plate  
9 number, and the state of issuance, of the motor vehicle used to  
10 transport the regulated material; and

11                   (B) a description and any license plate number of  
12 any trailer used to transport the regulated material; ~~and~~

13           (3) if the regulated material includes condensing or  
14 evaporator coils, tubing, or pipes for central heating or air  
15 conditioning units, display to the metal recycling entity:

16                   (A) the person's air conditioning and  
17 refrigeration contractor license issued under Subchapter F or G,  
18 Chapter 1302;

19                   (B) the person's air conditioning and  
20 refrigeration technician registration issued under Subchapter K,  
21 Chapter 1302;

22                   (C) a receipt, bill of sale, or other  
23 documentation showing that the seller purchased the heating or air  
24 conditioning unit components the seller is attempting to sell; or

25                   (D) a receipt, bill of sale, or other  
26 documentation showing that the seller has purchased a replacement  
27 heating or air conditioning unit;

1           (4) if the regulated material includes insulated  
2 utility, communications, or electrical wire that has been burned  
3 wholly or partly to remove the insulation, display to the metal  
4 recycling entity documentation from the fire department of a  
5 county, municipality, or other political subdivision stating that  
6 the material was salvaged from a fire in that county, municipality,  
7 or political subdivision; and

8           (5) either:

9                   (A) present written documentation evidencing  
10 that the person is the legal owner or is lawfully entitled to sell  
11 the regulated material; or

12                   (B) sign a written statement provided by the  
13 metal recycling entity that the person is the legal owner of or is  
14 lawfully entitled to sell the regulated material offered for sale.

15           (b) A person required by a municipality to prepare a signed  
16 statement consisting of the information required by Subsection  
17 (a)(5) [~~(a)(3)~~] may use the statement required by the municipality  
18 to comply with Subsection (a)(5) [~~(a)(3)~~].

19           (c) The metal recycling entity [~~or the entity's agent~~] shall  
20 visually verify the accuracy of the personal identification  
21 document presented by the seller at the time of the purchase of  
22 regulated material and make a copy of the document [~~identification~~]  
23 to be maintained by the entity in the entity's records, except as  
24 otherwise provided by Subsection (f).

25           (d) Unless exempt as provided by Section 1956.0335, the  
26 [~~The~~] metal recycling entity shall obtain a digital or video [~~or the~~  
27 ~~entity's agent for recordkeeping purposes may~~] photograph that

1 accurately depicts the seller's entire face, not including any hat,  
2 and obtain the name of the seller's employer.

3 (e) Unless exempt as provided by Section 1956.0335, the  
4 ~~[The]~~ metal recycling entity shall obtain a digital or video ~~[or the~~  
5 ~~entity's agent for recordkeeping purposes may take a]~~ photograph  
6 that accurately depicts:

7 (1) ~~[of]~~ the motor vehicle of the seller in which the  
8 make, model, color, and license plate number of the motor vehicle  
9 are identifiable; and

10 (2) the model and any license plate number of any  
11 trailer attached to the seller's motor vehicle ~~[in lieu of the~~  
12 ~~information required under Subsection (a)(3)]~~.

13 (f) The metal recycling entity is not required to make a  
14 copy of the identification as required under Subsection (c) or  
15 collect the information required under Subsection (a)(5) ~~[(a)(3)]~~  
16 if:

17 (1) the seller signs the written statement as required  
18 under Subsection (a)(5) ~~[(a)(3)]~~;

19 (2) the seller has previously provided the information  
20 required under Subsections ~~[Subsection]~~ (a) and (c); and

21 (3) the previously provided information has not  
22 changed.

23 (g) Notwithstanding Section 1956.002, a person attempting  
24 to sell regulated material who represents that the person is a metal  
25 recycling entity shall provide a copy of the certificate of  
26 registration issued under Section 1956.022 in addition to the  
27 information required under Subsection (a).



1 SECTION 7. Section 1956.033, Occupations Code, is amended  
2 to read as follows:

3 Sec. 1956.033. RECORD OF PURCHASE. (a) Each metal  
4 recycling entity in this state shall keep an accurate electronic  
5 record or an accurate and legible written record of each purchase of  
6 regulated material made in the course of the entity's business from  
7 an individual ~~[of:~~

8 ~~[(1) copper or brass material;~~

9 ~~[(2) bronze material;~~

10 ~~[(3) aluminum material; or~~

11 ~~[(4) regulated metal].~~

12 (b) The record must be in English and include:

13 (1) the name and address of the metal recycling  
14 entity;

15 (2) the ~~[place and]~~ date of the purchase;

16 (3) [(2)] the name, ~~[and]~~ address, and ~~[of each~~  
17 ~~individual from whom the regulated material is purchased or~~  
18 ~~obtained;~~

19 ~~[(3) the]~~ identifying number displayed on ~~[of]~~ the  
20 seller's personal identification document and a copy of the  
21 seller's personal identification document as required under  
22 Section 1956.032;

23 (4) as applicable:

24 (A) the identifying number of the seller's air  
25 conditioning and refrigeration contractor license displayed under  
26 Section 1956.032(a)(3)(A);

27 (B) a copy of the seller's air conditioning and

1 refrigeration technician registration displayed under Section  
2 1956.032(a)(3)(B);

3 (C) a copy of the documentation described by  
4 Section 1956.032(a)(3)(C);

5 (D) a copy of the documentation described by  
6 Section 1956.032(a)(3)(D); or

7 (E) a copy of the documentation described by  
8 Section 1956.032(a)(4);

9 (5) a digital or video photograph that accurately  
10 depicts each item of regulated material purchased unless the metal  
11 recycling entity is exempt as provided by Section 1956.0335;

12 (6) a description made in accordance with the custom  
13 of the trade of the type and quantity of regulated material  
14 purchased;

15 (7) copies of the photographs described by Sections  
16 1956.032(d) and (e) unless the metal recycling entity is exempt as  
17 provided by Section 1956.0335;

18 (8) a copy of the seller's thumbprint if required by a  
19 county, municipality, or other political subdivision as provided by  
20 Section 1956.003(a-1); and

21 (9) [~~5~~] the information required by Section  
22 1956.032(a)(5) [~~1956.032(a)(3)~~].

23 SECTION 8. Subchapter A-3, Chapter 1956, Occupations Code,  
24 is amended by adding Section 1956.0335 to read as follows:

25 Sec. 1956.0335. EXEMPTION FROM PHOTOGRAPH REQUIREMENT. A  
26 metal recycling entity is exempt from the requirements of Sections  
27 1956.032(d) and (e) and 1956.033(b)(5) and (7) if:

1           (1) the entity annually submits to the department:

2                   (A) an application requesting an exception to the  
3 requirements; and

4                   (B) an affidavit stating that the entity does not  
5 have an available means of obtaining a digital or video photograph;  
6 and

7           (2) the department approves the entity's application  
8 under this section.

9           SECTION 9. Section 1956.034, Occupations Code, is amended  
10 to read as follows:

11           Sec. 1956.034. PRESERVATION OF RECORDS; UNAUTHORIZED USE OF  
12 INFORMATION. (a) A metal recycling entity shall preserve each  
13 record required by Sections 1956.032 and 1956.033 until the third  
14 anniversary of the date the record was made.

15           (b) The records may be maintained in an electronic medium or  
16 through other recordkeeping technology. If a record is not  
17 maintained in a hard copy format, the metal recycling entity must  
18 provide a legible hard copy of the record on request of a peace  
19 officer under Section 1956.035.

20           (c) The records must be kept in the office or place of  
21 business where the purchase was made until the first anniversary of  
22 the date of purchase.

23           (d) Except as authorized by this chapter, a person commits  
24 an offense if the person knowingly releases or discloses  
25 information regarding a seller of regulated material that is  
26 contained in a record required by Section 1956.032 or 1956.033.

27           (e) An offense under Subsection (d) is a Class A misdemeanor

1 unless it is shown on trial of the offense that the person has  
2 previously been convicted under Subsection (d), in which event the  
3 offense is a state jail felony.

4 SECTION 10. Section 1956.036, Occupations Code, is amended  
5 by amending Subsections (a) and (b) and adding Subsection (d) to  
6 read as follows:

7 (a) Except as provided by Subsections [~~Subsection~~] (b) and  
8 (d), not later than 48 hours [~~the seventh day~~] after the [~~date of~~  
9 ~~the~~] purchase or other acquisition of material for which a record is  
10 required under Section 1956.033, a metal recycling entity shall  
11 send an electronic transaction report to the department via the  
12 department's Internet website. The [~~by facsimile or electronic~~  
13 ~~mail to or file with the department a~~] report must contain  
14 [~~containing~~] the information required to be recorded under Section  
15 1956.033, other than the photographs described by Sections  
16 1956.033(b)(5) and (7) [~~that section~~].

17 (b) If a metal recycling entity purchases bronze material  
18 that is a cemetery vase, receptacle, memorial, or statuary or a pipe  
19 that can reasonably be identified as aluminum irrigation pipe, the  
20 entity shall:

21 (1) not later than the close of business on the  
22 entity's first working day after the purchase date:

23 (A) by telephone [~~7~~] notify the department of the  
24 purchase; or

25 (B) submit to the department electronically via  
26 the department's Internet website or file with the department a  
27 report containing the information required to be recorded under

1 Section 1956.033, other than the photographs described by Sections  
2 1956.033(b)(5) and (7); and

3 (2) if not already submitted or filed under  
4 Subdivision (1)(B), not later than 48 hours [~~the fifth day~~] after  
5 the purchase [~~date~~], submit to the department electronically via  
6 the department's Internet website [~~mail to~~] or file with the  
7 department a report containing the information required to be  
8 recorded under Section 1956.033, other than the photographs  
9 described by Sections 1956.033(b)(5) and (7).

10 (d) A metal recycling entity may submit the transaction  
11 report required under Subsection (a) by facsimile if:

12 (1) the entity annually submits to the department:

13 (A) an application requesting an exception to the  
14 electronic reporting requirement; and

15 (B) an affidavit stating that the entity does not  
16 have an available and reliable means of submitting the transaction  
17 report electronically; and

18 (2) the department approves the entity's application  
19 under this subsection.

20 SECTION 11. Section 1956.037(a), Occupations Code, is  
21 amended to read as follows:

22 (a) A metal recycling entity may not dispose of, process,  
23 sell, or remove from the premises an item of regulated metal unless:

24 (1) the entity acquired the item more than:

25 (A) 30 days, excluding weekends and holidays,  
26 before the disposal, processing, sale, or removal, if the item is a  
27 cemetery vase, receptacle, or memorial made from a regulated

1 material other than aluminum material; or

2 (B) five days [72 hours], excluding weekends and  
3 holidays, before the disposal, processing, sale, or removal, if the  
4 item is not an item described by Paragraph (A); or

5 (2) the entity purchased the item from a  
6 manufacturing, industrial, commercial, retail, or other seller  
7 that sells regulated material in the ordinary course of its  
8 business.

9 SECTION 12. Section 1956.038, Occupations Code, is amended  
10 to read as follows:

11 Sec. 1956.038. PROHIBITED ACTS. (a) A person may not,  
12 with the intent to deceive:

13 (1) display to a metal recycling entity a false or  
14 invalid personal identification document in connection with the  
15 person's attempted sale of regulated material;

16 (2) make a false, material statement or representation  
17 to a metal recycling entity in connection with:

18 (A) that person's execution of a written  
19 statement required by Section 1956.032(a)(5) [~~1956.032(a)(3)~~]; or

20 (B) the entity's efforts to obtain the  
21 information required under Section 1956.033(b); [~~or~~]

22 (3) display or provide to a metal recycling entity any  
23 information required under Section 1956.032 that the person knows  
24 is false or invalid; or

25 (4) display another individual's personal  
26 identification document in connection with the sale of regulated  
27 material.

1       (b) A metal recycling entity may pay for a purchase of  
2 regulated metal only as follows:

3           (1) by check issued to the seller not earlier than the  
4 fifth day after the date of the purchase; or

5           (2) by cash not earlier than the 10th day after the  
6 date of the purchase.

7       (c) A metal recycling entity may not pay cash for a purchase  
8 of regulated material unless the metal recycling entity is  
9 registered under Subchapter A-2.

10       (d) Notwithstanding Section 1956.003(a) or any other law, a  
11 county, municipality, or other political subdivision may not adopt  
12 a rule, charter, or ordinance or issue an order or impose standards  
13 that limit the use of cash by a metal recycling entity in a manner  
14 more restrictive than that provided by Subsections (b) and (c).

15       (e) A metal recycling entity that purchases regulated  
16 material with cash in violation of Subsection (c) may not pay cash  
17 for a purchase of regulated material before the second anniversary  
18 of the date the entity registers under Subchapter A-2.

19       SECTION 13. Section 1956.040, Occupations Code, is amended  
20 by adding Subsections (a-1), (a-2), (a-3), and (b-1) and amending  
21 Subsection (b) to read as follows:

22       (a-1) A person commits an offense if the person knowingly  
23 violates Section 1956.021, 1956.023(d), 1956.036(a), or 1956.039.

24 An offense under this subsection is a misdemeanor punishable by a  
25 fine not to exceed \$10,000, unless it is shown on trial of the  
26 offense that the person has previously been convicted of a  
27 violation of this subsection, in which event the offense is a state

1 jail felony.

2 (a-2) It is an affirmative defense to prosecution of a  
3 violation of Section 1956.021 or 1956.023(d) that the person made a  
4 diligent effort to obtain or renew a certificate of registration at  
5 the time of the violation.

6 (a-3) The clerk of the court shall remit a fine collected  
7 for conviction of an offense under Subsection (a-1) to the  
8 comptroller in the manner provided for the remission of fees to the  
9 comptroller under Subchapter B, Chapter 133, Local Government Code.  
10 The comptroller shall deposit proceeds received under this  
11 subsection to the credit of an account in the general revenue fund,  
12 and those proceeds may be appropriated only to the department and  
13 used to:

14 (1) finance the department's administration of  
15 Subchapters A, A-1, A-2, and A-3; and

16 (2) fund grants distributed under the prevention of  
17 scrap metal theft grant program established under Subchapter N,  
18 Chapter 411, Government Code.

19 (b) A person commits an offense if the person knowingly  
20 buys:

21 (1) stolen regulated material;

22 (2) insulated utility, communications, or electrical  
23 wire that has been burned wholly or partly to remove the insulation,  
24 unless the wire is accompanied by documentation from the fire  
25 department of a county, municipality, or other political  
26 subdivision stating that the material was salvaged from a fire in  
27 that county, municipality, or political subdivision; or



1           (3) condensing or evaporator coils, tubing, rods, or  
2 other components of a central air conditioning unit that have been  
3 altered to resemble components of a portable or self-contained  
4 ductless air conditioning product that has a cooling capacity of  
5 three tons or less.

6           **(b-1)** An offense under Subsection (b) [~~this subsection~~] is a  
7 Class A misdemeanor unless it is shown on trial of the offense that  
8 the person has previously been convicted under Subsection (b) [~~this~~  
9 ~~subsection~~], in which event the offense is a state jail felony.

10           SECTION 14. Section 1956.103(a), Occupations Code, is  
11 amended to read as follows:

12           (a) A person may not sell or otherwise transfer to a metal  
13 recycling entity:

14                 (1) a lead-acid battery, fuel tank, or PCB-containing  
15 capacitor that is included with another type of scrap, used, or  
16 obsolete metal without first obtaining from the metal recycling  
17 entity a written and signed acknowledgment that the scrap, used, or  
18 obsolete metal includes one or more lead-acid batteries, fuel  
19 tanks, or PCB-containing capacitors;

20                 (2) any of the following items that contain or enclose  
21 a lead-acid battery, fuel tank, or PCB-containing capacitor or of  
22 which a lead-acid battery, fuel tank, or PCB-containing capacitor  
23 is a part:

24                         (A) a motor vehicle;

25                         (B) a motor vehicle that has been junked,  
26 flattened, dismantled, or changed so that it has lost its character  
27 as a motor vehicle;

1 (C) an appliance; or

2 (D) any other item of scrap, used, or obsolete  
3 metal; [~~or~~]

4 (3) a motor vehicle or a motor vehicle that has been  
5 junked, flattened, dismantled, or changed so that it has lost its  
6 character as a motor vehicle if the motor vehicle includes,  
7 contains, or encloses a tire or scrap tire; or

8 (4) a metal alcoholic beverage keg, regardless of  
9 condition, unless the seller is the manufacturer of the keg, the  
10 brewer or distiller of the beverage that was contained in the keg,  
11 or an authorized representative of the manufacturer, brewer, or  
12 distiller.

13 SECTION 15. Section 1956.151, Occupations Code, is amended  
14 to read as follows:

15 Sec. 1956.151. DENIAL OF CERTIFICATE; DISCIPLINARY ACTION.  
16 The department shall deny an application for a certificate of  
17 registration, suspend or revoke a certificate of registration, or  
18 reprimand a person who is registered under this chapter if the  
19 person:

20 (1) obtains a certificate of registration by means of  
21 fraud, misrepresentation, or concealment of a material fact;

22 (2) sells, barter, or offers to sell or barter a  
23 certificate of registration;

24 (3) violates a provision of this chapter or a rule  
25 adopted under this chapter; or

26 (4) violates Section 1956.021.

27 SECTION 16. Section 1956.202(d), Occupations Code, is

1 amended to read as follows:

2 (d) A civil penalty may not be assessed under this section  
3 for conduct described by Section 1956.021, 1956.023(d),  
4 1956.036(a), 1956.038, or 1956.039.

5 SECTION 17. Chapter 411, Government Code, is amended by  
6 adding Subchapter N to read as follows:

7 SUBCHAPTER N. PREVENTION OF SCRAP METAL THEFT GRANT PROGRAM

8 Sec. 411.421. DEFINITION. In this subchapter, "regulated  
9 material" has the meaning assigned by Section 1956.001, Occupations  
10 Code.

11 Sec. 411.422. GRANTS TO FUND SCRAP METAL THEFT PREVENTION.

12 (a) From fines collected and distributed to the department under  
13 Sections 1956.040(a-1) and (a-3), Occupations Code, the commission  
14 by rule shall establish and implement a grant program to provide  
15 funding to assist local law enforcement agencies in preventing the  
16 theft of regulated material.

17 (b) To be eligible for a grant, a recipient must be a local  
18 law enforcement agency that has established a program designed to  
19 prevent the theft of regulated material.

20 (c) Rules adopted under this section must:

21 (1) include accountability measures for grant  
22 recipients and provisions for loss of eligibility for grant  
23 recipients that fail to comply with the measures; and

24 (2) require grant recipients to provide to the  
25 department information on program outcomes.

26 SECTION 18. Section 31.03(e), Penal Code, is amended to  
27 read as follows:

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

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

5                   (A) \$50; or

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

9           (2) a Class B misdemeanor if:

10                   (A) the value of the property stolen is:

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

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

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

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

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

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

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

1 (4) a state jail felony if:

2 (A) the value of the property stolen is \$1,500 or  
3 more but less than \$20,000, or the property is less than 10 head of  
4 sheep, swine, or goats or any part thereof under the value of  
5 \$20,000;

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

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

11 (D) the value of the property stolen is less than  
12 \$1,500 and the defendant has been previously convicted two or more  
13 times of any grade of theft;

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

16 (F) the value of the property stolen is less than  
17 \$20,000 and the property stolen is [~~insulated or noninsulated~~  
18 ~~tubing, rods, water gate stems, wire, or cable that consists of at~~  
19 ~~least 50 percent~~]:

20 (i) aluminum;

21 (ii) bronze; [~~or~~]

22 (iii) copper; or

23 (iv) brass;

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

27 (A) cattle, horses, or exotic livestock or exotic

1 fowl as defined by Section 142.001, Agriculture Code, stolen during  
2 a single transaction and having an aggregate value of less than  
3 \$100,000; or

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

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

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

11 SECTION 19. Sections 1956.015(b) and (c), Occupations Code,  
12 are repealed.

13 SECTION 20. (a) The change in law made by this Act applies  
14 only to an offense committed on or after the effective date of this  
15 Act. An offense committed before the effective date of this Act is  
16 governed by the law in effect when the offense was committed, and  
17 the former law is continued in effect for that purpose. For  
18 purposes of this subsection, an offense was committed before the  
19 effective date of this Act if any element of the offense occurred  
20 before that date.

21 (b) The enhancement of the punishment of an offense provided  
22 under Section 1956.003(f) or 1956.040(a-1), Occupations Code, as  
23 added by this Act, applies only to an offense committed on or after  
24 January 1, 2012. An offense committed before January 1, 2012, is  
25 governed by the law in effect when the offense was committed, and  
26 the former law is continued in effect for that purpose. For  
27 purposes of this subsection, an offense was committed before

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1 January 1, 2012, if any element of the offense occurred before that  
2 date.

3 SECTION 21. This Act takes effect September 1, 2011.