

By: Smith of Harris

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 C 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 five days
25 [~~72 hours~~], excluding weekends and holidays, before the disposal,
26 processing, sale, or removal; or

27 (2) the entity purchased the item from a

1 manufacturing, industrial, commercial, retail, or other seller
2 that sells regulated material in the ordinary course of its
3 business.

4 SECTION 12. Section 1956.038, Occupations Code, is amended
5 to read as follows:

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

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

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

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

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

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

20 (4) display another individual's personal
21 identification document in connection with the sale of regulated
22 material.

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

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

27 (2) by cash not earlier than the 10th day after the

1 date of the purchase.

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

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

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

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

17 (a-1) A person commits an offense if the person knowingly
18 violates Section 1956.021, 1956.023(d), 1956.036(a), or 1956.039.
19 An offense under this subsection is a misdemeanor punishable by a
20 fine not to exceed \$10,000, unless it is shown on trial of the
21 offense that the person has previously been convicted of a
22 violation of this subsection, in which event the offense is a state
23 jail felony.

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

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

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

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

14 (b) A person commits an offense if the person knowingly
15 buys:

16 (1) stolen regulated material;

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

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

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

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

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

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

15 (2) any of the following items that contain or enclose
16 a lead-acid battery, fuel tank, or PCB-containing capacitor or of
17 which a lead-acid battery, fuel tank, or PCB-containing capacitor
18 is a part:

19 (A) a motor vehicle;

20 (B) a motor vehicle that has been junked,
21 flattened, dismantled, or changed so that it has lost its character
22 as a motor vehicle;

23 (C) an appliance; or

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

26 (3) a motor vehicle or a motor vehicle that has been
27 junked, flattened, dismantled, or changed so that it has lost its

1 character as a motor vehicle if the motor vehicle includes,
2 contains, or encloses a tire or scrap tire; or

3 (4) a metal alcoholic beverage keg, regardless of
4 condition, unless the seller is the manufacturer of the keg, the
5 brewer or distiller of the beverage that was contained in the keg,
6 or an authorized representative of the manufacturer, brewer, or
7 distiller.

8 SECTION 15. Section 1956.151, Occupations Code, is amended
9 to read as follows:

10 Sec. 1956.151. DENIAL OF CERTIFICATE; DISCIPLINARY ACTION.
11 The department shall deny an application for a certificate of
12 registration, suspend or revoke a certificate of registration, or
13 reprimand a person who is registered under this chapter if the
14 person:

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

17 (2) sells, barter, or offers to sell or barter a
18 certificate of registration;

19 (3) violates a provision of this chapter or a rule
20 adopted under this chapter; or

21 (4) violates Section 1956.021.

22 SECTION 16. Section 1956.202(d), Occupations Code, is
23 amended to read as follows:

24 (d) A civil penalty may not be assessed under this section
25 for conduct described by Section 1956.021, 1956.023(d),
26 1956.036(a), 1956.038, or 1956.039.

27 SECTION 17. Chapter 411, Government Code, is amended by

1 adding Subchapter N to read as follows:

2 SUBCHAPTER N. PREVENTION OF SCRAP METAL THEFT GRANT PROGRAM

3 Sec. 411.421. DEFINITION. In this subchapter, "regulated
4 material" has the meaning assigned by Section 1956.001, Occupations
5 Code.

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

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

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

15 (c) Rules adopted under this section must:

16 (1) include accountability measures for grant
17 recipients and provisions for loss of eligibility for grant
18 recipients that fail to comply with the measures; and

19 (2) require grant recipients to provide to the
20 department information on program outcomes.

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

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

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

27 (A) \$50; or

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

4 (2) a Class B misdemeanor if:

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

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

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

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

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

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

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

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

23 (4) a state jail felony if:

24 (A) the value of the property stolen is \$1,500 or
25 more but less than \$20,000, or the property is less than 10 head of
26 sheep, swine, or goats or any part thereof under the value of
27 \$20,000;

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

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

6 (D) the value of the property stolen is less than
7 \$1,500 and the defendant has been previously convicted two or more
8 times of any grade of theft;

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

11 (F) the value of the property stolen is less than
12 \$20,000 and the property stolen is [~~insulated or noninsulated~~
13 ~~tubing, rods, water gate stems, wire, or cable that consists of at~~
14 ~~least 50 percent~~]:

15 (i) aluminum;

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

17 (iii) copper; or

18 (iv) brass;

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

22 (A) cattle, horses, or exotic livestock or exotic
23 fowl as defined by Section 142.001, Agriculture Code, stolen during
24 a single transaction and having an aggregate value of less than
25 \$100,000; or

26 (B) 10 or more head of sheep, swine, or goats
27 stolen during a single transaction and having an aggregate value of

1 less than \$100,000;

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

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

6 SECTION 19. Sections 1956.015(b) and (c), Occupations Code,
7 are repealed.

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

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

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