

By: Rodriguez

H.B. No. 2196

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of theft of service.

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

SECTION 1. Section 31.04, Penal Code, is amended by amending Subsection (a) and adding Subsection (d-1) to read as follows:

(a) A person commits theft of service if, with intent to avoid payment for service that the actor [~~he~~] knows is provided only for compensation:

(1) the actor [~~he~~] intentionally or knowingly secures performance of the service by deception, threat, or false token;

(2) having control over the disposition of services of another to which the actor [~~he~~] is not entitled, the actor [~~he~~] intentionally or knowingly diverts the other's services to the actor's [~~his~~] own benefit or to the benefit of another not entitled to the services [~~them~~];

(3) having control of personal property under a written rental agreement, the actor [~~he~~] holds the property beyond the expiration of the rental period without the effective consent of the owner of the property, thereby depriving the owner of the property of its use in further rentals; or

(4) the actor [~~he~~] intentionally or knowingly secures the performance of the service by agreeing to provide compensation and, after the service is rendered, fails to make full payment after

1 receiving notice demanding payment.

2 (d-1) For purposes of Subsection (a)(4):

3 (1) if the compensation is or was to be paid on a
4 periodic basis, the intent to avoid payment for a service may be
5 formed at any time during or before a pay period; and

6 (2) the partial payment of wages alone is not
7 sufficient evidence to negate the actor's intent to avoid payment
8 for a service.

9 SECTION 2. The change in law made by this Act applies only
10 to an offense committed on or after the effective date of this Act.
11 An offense committed before the effective date of this Act is
12 governed by the law in effect on the date the offense was committed,
13 and the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense occurred
16 before that date.

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