

By: McClendon

H.B. No. 2326

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of theft.

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) \$100 [~~\$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) \$100 [~~\$50~~] or more but less than \$1,000 [~~\$500~~]; or

(ii) \$20 or more but less than \$1,000 [~~\$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) \$100 [~~\$50~~] and the defendant has previously been convicted of any grade of theft; or

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

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

8 (3) a Class A misdemeanor if the value of the property  
9 stolen is \$1,000 [~~\$500~~] or more but less than \$3,000 [~~\$1,500~~];

10 (4) a state jail felony if:

11 (A) the value of the property stolen is \$3,000  
12 [~~\$1,500~~] or more but less than \$20,000, or the property is less than  
13 10 head of sheep, swine, or goats or any part thereof under the  
14 value of \$20,000;

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

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

20 (D) the value of the property stolen is less than  
21 \$3,000 [~~\$1,500~~] and the defendant has been previously convicted two  
22 or more times of any grade of theft;

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

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

1 least 50 percent:

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

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

8 (A) cattle, horses, or exotic livestock or exotic  
9 fowl as defined by Section 142.001, Agriculture Code, stolen during  
10 a single transaction and having an aggregate value of less than  
11 \$100,000; or

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

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

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

19 SECTION 2. Section 31.08(c), Penal Code, is amended to read  
20 as follows:

21 (c) If property or service has value that cannot be  
22 reasonably ascertained by the criteria set forth in Subsections (a)  
23 and (b), the property or service is deemed to have a value of, as  
24 applicable:

25 (1) \$500 or more but less than \$1,500; or

26 (2) \$1,000 or more but less than \$3,000, if the actor  
27 is charged with an offense under Section 31.03.

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

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