

By: King of Parker

H.B. No. 412

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the punishment for a false affiliation with a
3 charitable organization or a false claim of a charitable purpose in
4 the course of committing certain crimes.

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

6 SECTION 1. Section 31.03(f), Penal Code, is amended to read
7 as follows:

8 (f) An offense described for purposes of punishment by
9 Subsections (e)(1)-(6) is increased to the next higher category of
10 offense if it is shown on the trial of the offense that:

11 (1) the actor was a public servant at the time of the
12 offense and the property appropriated came into the actor's
13 custody, possession, or control by virtue of his status as a public
14 servant;

15 (2) the actor was in a contractual relationship with
16 government at the time of the offense and the property appropriated
17 came into the actor's custody, possession, or control by virtue of
18 the contractual relationship;

19 (3) the owner of the property appropriated was at the
20 time of the offense:

21 (A) an elderly individual; or

22 (B) a nonprofit organization;

23 (4) the actor was a Medicare provider in a contractual
24 relationship with the federal government at the time of the offense

1 and the property appropriated came into the actor's custody,
2 possession, or control by virtue of the contractual relationship;
3 [~~or~~]

4 (5) during the commission of the offense, the actor
5 intentionally, knowingly, or recklessly:

6 (A) caused a fire exit alarm to sound or
7 otherwise become activated;

8 (B) deactivated or otherwise prevented a fire
9 exit alarm or retail theft detector from sounding; or

10 (C) used a shielding or deactivation instrument
11 to prevent or attempt to prevent detection of the offense by a
12 retail theft detector; or

13 (6) during the commission of the offense, the actor
14 misrepresented, or misled another person to believe, that the actor
15 was soliciting a donation on behalf of a charitable organization or
16 that the proceeds of the solicitation would be used for charitable
17 purposes.

18 SECTION 2. Section 32.32, Penal Code, is amended by adding
19 Subsection (f) to read as follows:

20 (f) An offense described for purposes of punishment by
21 Subsections (c)(1)-(6) is increased to the next higher category of
22 offense if it is shown on the trial of the offense that during the
23 commission of the offense under Subsection (b), the actor
24 misrepresented, or misled another person to believe, that the
25 property or credit was intended for use by a charitable
26 organization or for charitable purposes.

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 governed by the law in effect on the date the offense was committed,
4 and the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense occurred
7 before that date.

8 SECTION 4. This Act takes effect September 1, 2013.