

By: McClendon

H.B. No. 1069

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the classification of certain misdemeanor and felony
3 theft offenses.

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

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

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

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

11 (A) \$100 [~~\$50~~]; or

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

15 (2) a Class B misdemeanor if:

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

17 (i) \$100 [~~\$50~~] or more but less than \$1,000
18 [~~\$500~~]; or

19 (ii) \$20 or more but less than \$1,000 [~~\$500~~]
20 and the defendant obtained the property by issuing or passing a
21 check or similar sight order in a manner described by Section 31.06;

22 (B) the value of the property stolen is less
23 than:

24 (i) \$100 [~~\$50~~] and the defendant has

1 previously been convicted of any grade of theft; or

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

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

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

11 (4) a state jail felony if:

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

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

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

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

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

26 (F) the value of the property stolen is less than
27 \$20,000 and the property stolen is:

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

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:

16 (A) the value of the property stolen is \$100,000
17 or more but less than \$200,000; or

18 (B) the value of the property stolen is less than
19 \$200,000 and the property stolen is an automated teller machine or
20 the contents or components of an automated teller machine; or

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

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

25 (c) If property or service has value that cannot be
26 reasonably ascertained by the criteria set forth in Subsections (a)
27 and (b), the property or service is deemed to have a value of, as

1 applicable:

2 (1) \$500 or more but less than \$1,500; or

3 (2) \$1,000 or more but less than \$3,000, if the actor

4 is charged with an offense under Section 31.03.

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

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