

By: Miller of Fort Bend

H.B. No. 1564

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the penalty for theft of an official ballot or official
3 carrier envelope for an election.

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) \$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) \$50 or more but less than \$500; or

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

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

23 (i) \$50 and the defendant has previously
24 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 \$500 or more but less than \$1,500;

10 (4) a state jail felony if:

11 (A) the value of the property stolen is \$1,500 or
12 more but less than \$20,000, or the property is less than 10 head of
13 sheep, swine, or goats or any part thereof under the value of
14 \$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 \$1,500 and the defendant has been previously convicted two or more
22 times of any grade of theft; or

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
26 than \$20,000 and the property stolen is:

27 (i) aluminum;

1 (ii) bronze;

2 (iii) copper; or

3 (iv) brass;

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

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

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

14 (C) an official ballot or official carrier
15 envelope for an election;

16 (6) a felony of the second degree if:

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

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

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

24 SECTION 2. The change in law made by this Act applies only
25 to an offense committed on or after the effective date of this Act.
26 An offense committed before the effective date of this Act is
27 covered by the law in effect when the offense was committed, and the

1 former law is continued in effect for that purpose. For purposes of
2 this section, an offense is committed before the effective date of
3 this Act if any element of the offense occurs before that date.

4 SECTION 3. This Act takes effect September 1, 2013.