

By: White, et al.

H.B. No. 2849

Substitute the following for H.B. No. 2849:

By: Herrero

C.S.H.B. No. 2849

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment for certain offenses against property or  
3 against public administration.

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

5 SECTION 1. Sections 28.03(b), (f), (h), and (j), Penal  
6 Code, are amended to read as follows:

7 (b) Except as provided by Subsections (f) and (h), an  
8 offense under this section is:

9 (1) a Class C misdemeanor if:

10 (A) the amount of pecuniary loss is less than  
11 \$100 [~~\$50~~]; or

12 (B) except as provided in Subdivision (3)(A) or  
13 (3)(B), it causes substantial inconvenience to others;

14 (2) a Class B misdemeanor if the amount of pecuniary  
15 loss is \$100 [~~\$50~~] or more but less than \$1,500 [~~\$500~~];

16 (3) a Class A misdemeanor if:

17 (A) the amount of pecuniary loss is \$1,500 [~~\$500~~]  
18 or more but less than \$3,000 [~~\$1,500~~]; or

19 (B) the actor causes in whole or in part  
20 impairment or interruption of any public water supply, or causes to  
21 be diverted in whole, in part, or in any manner, including  
22 installation or removal of any device for any such purpose, any  
23 public water supply, regardless of the amount of the pecuniary  
24 loss;

1           (4) a state jail felony if the amount of pecuniary loss  
2 is:

3                   (A) \$3,000 [~~\$1,500~~] or more but less than \$30,000  
4 [~~\$20,000~~];

5                   (B) less than \$3,000 [~~\$1,500~~], if the property  
6 damaged or destroyed is a habitation and if the damage or  
7 destruction is caused by a firearm or explosive weapon;

8                   (C) less than \$3,000 [~~\$1,500~~], if the property  
9 was a fence used for the production or containment of:

10                           (i) cattle, bison, horses, sheep, swine,  
11 goats, exotic livestock, or exotic poultry; or

12                           (ii) game animals as that term is defined by  
13 Section 63.001, Parks and Wildlife Code; or

14                   (D) less than \$30,000 [~~\$20,000~~] and the actor  
15 causes wholly or partly impairment or interruption of public  
16 communications, public transportation, public gas or power supply,  
17 or other public service, or causes to be diverted wholly, partly, or  
18 in any manner, including installation or removal of any device for  
19 any such purpose, any public communications or public gas or power  
20 supply;

21           (5) a felony of the third degree if the amount of the  
22 pecuniary loss is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
23 [~~\$100,000~~];

24           (6) a felony of the second degree if the amount of  
25 pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than  
26 \$300,000 [~~\$200,000~~]; or

27           (7) a felony of the first degree if the amount of

1 pecuniary loss is \$300,000 [~~\$200,000~~] or more.

2 (f) An offense under this section is a state jail felony if  
3 the damage or destruction is inflicted on a place of worship or  
4 human burial, a public monument, or a community center that  
5 provides medical, social, or educational programs and the amount of  
6 the pecuniary loss to real property or to tangible personal  
7 property is \$1,500 or more but less than \$30,000 [~~\$20,000~~].

8 (h) An offense under this section is a state jail felony if  
9 the amount of the pecuniary loss to real property or to tangible  
10 personal property is \$1,500 or more but less than \$30,000 [~~\$20,000~~]  
11 and the damage or destruction is inflicted on a public or private  
12 elementary school, secondary school, or institution of higher  
13 education.

14 (j) Notwithstanding Subsection (b), an offense under this  
15 section is a felony of the third degree if:

16 (1) the tangible property damaged, destroyed, or  
17 tampered with is transportation communications equipment or a  
18 transportation communications device; and

19 (2) the amount of the pecuniary loss to the tangible  
20 property is less than \$150,000 [~~\$100,000~~].

21 SECTION 2. Section 28.06(d), Penal Code, is amended to read  
22 as follows:

23 (d) If the amount of pecuniary loss cannot be ascertained by  
24 the criteria set forth in Subsections (a) through (c), the amount of  
25 loss is deemed to be greater than \$1,500 [~~\$500~~] but less than \$3,000  
26 [~~\$1,500~~].

27 SECTION 3. Section 28.07(e), Penal Code, is amended to read

1 as follows:

2 (e) An offense under Subsection (b)(2)(B), (b)(2)(C), or  
3 (b)(2)(D) is a Class C misdemeanor unless the person causes  
4 pecuniary loss of \$100 or more, in which event the offense is:

5 (1) a Class B misdemeanor if the amount of pecuniary  
6 loss is \$100 [~~\$20~~] or more but less than \$1,500 [~~\$500~~];

7 (2) a Class A misdemeanor if the amount of pecuniary  
8 loss is \$1,500 [~~\$500~~] or more but less than \$3,000 [~~\$1,500~~];

9 (3) a state jail felony if the amount of pecuniary loss  
10 is \$3,000 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

11 (4) a felony of the third degree if the amount of the  
12 pecuniary loss is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
13 [~~\$100,000~~];

14 (5) a felony of the second degree if the amount of  
15 pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than  
16 \$300,000 [~~\$200,000~~]; or

17 (6) a felony of the first degree if the amount of the  
18 pecuniary loss is \$300,000 [~~\$200,000~~] or more.

19 SECTION 4. Sections 28.08(b) and (d), Penal Code, are  
20 amended to read as follows:

21 (b) Except as provided by Subsection (d), an offense under  
22 this section is:

23 (1) a Class C misdemeanor if the amount of pecuniary  
24 loss is less than \$100;

25 (2) a Class B misdemeanor if the amount of pecuniary  
26 loss is \$100 or more but less than \$1,500 [~~\$500~~];

27 (3) [~~(2)~~] a Class A misdemeanor if the amount of

1 pecuniary loss is \$1,500 [~~\$500~~] or more but less than \$3,000  
2 [~~\$1,500~~];

3           (4) [~~(3)~~] a state jail felony if the amount of  
4 pecuniary loss is \$3,000 [~~\$1,500~~] or more but less than \$30,000  
5 [~~\$20,000~~];

6           (5) [~~(4)~~] a felony of the third degree if the amount of  
7 pecuniary loss is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
8 [~~\$100,000~~];

9           (6) [~~(5)~~] a felony of the second degree if the amount  
10 of pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than  
11 \$300,000 [~~\$200,000~~]; or

12           (7) [~~(6)~~] a felony of the first degree if the amount of  
13 pecuniary loss is \$300,000 [~~\$200,000~~] or more.

14           (d) An offense under this section is a state jail felony if:

15           (1) the marking is made on a school, an institution of  
16 higher education, a place of worship or human burial, a public  
17 monument, or a community center that provides medical, social, or  
18 educational programs; and

19           (2) the amount of the pecuniary loss to real property  
20 or to tangible personal property is \$1,500 or more but less than  
21 \$30,000 [~~\$20,000~~].

22           SECTION 5. Article 14.06(d), Code of Criminal Procedure, is  
23 amended to read as follows:

24           (d) Subsection (c) applies only to a person charged with  
25 committing an offense under:

26           (1) Section 481.121, Health and Safety Code, if the  
27 offense is punishable under Subsection (b)(1) or (2) of that

1 section;

2 (1-a) Section 481.1161, Health and Safety Code, if the  
3 offense is punishable under Subsection (b)(1) or (2) of that  
4 section;

5 (2) Section 28.03, Penal Code, if the offense is  
6 punishable under Subsection (b)(2) of that section;

7 (3) Section 28.08, Penal Code, if the offense is  
8 punishable under Subsection (b)(2) or (3) [~~(b)(1)~~] of that section;

9 (4) Section 31.03, Penal Code, if the offense is  
10 punishable under Subsection (e)(2)(A) of that section;

11 (5) Section 31.04, Penal Code, if the offense is  
12 punishable under Subsection (e)(2) of that section;

13 (6) Section 38.114, Penal Code, if the offense is  
14 punishable as a Class B misdemeanor; or

15 (7) Section 521.457, Transportation Code.

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

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

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

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

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

26 (2) a Class B misdemeanor if:

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

1 (i) \$100 [~~\$50~~] or more but less than \$1,500  
2 [~~\$500~~]; or

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

6 (B) the value of the property stolen is less  
7 than:

8 (i) \$100 [~~\$50~~] and the defendant has  
9 previously been convicted of any grade of theft; or

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

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

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

19 (4) a state jail felony if:

20 (A) the value of the property stolen is \$3,000  
21 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~], or the property is  
22 less than 10 head of sheep, swine, or goats or any part thereof  
23 under the value of \$30,000 [~~\$20,000~~];

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

27 (C) the property stolen is a firearm, as defined

1 by Section 46.01;

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

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

7 (F) the value of the property stolen is less than  
8 \$30,000 [~~\$20,000~~] and the property stolen is:

9 (i) aluminum;

10 (ii) bronze;

11 (iii) copper; or

12 (iv) brass;

13 (5) a felony of the third degree if the value of the  
14 property stolen is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
15 [~~\$100,000~~], or the property is:

16 (A) cattle, horses, or exotic livestock or exotic  
17 fowl as defined by Section 142.001, Agriculture Code, stolen during  
18 a single transaction and having an aggregate value of less than  
19 \$150,000 [~~\$100,000~~]; or

20 (B) 10 or more head of sheep, swine, or goats  
21 stolen during a single transaction and having an aggregate value of  
22 less than \$150,000 [~~\$100,000~~];

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

24 (A) the value of the property stolen is \$150,000  
25 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

26 (B) the value of the property stolen is less than  
27 \$300,000 [~~\$200,000~~] and the property stolen is an automated teller



1 machine or the contents or components of an automated teller  
2 machine; or

3 (7) a felony of the first degree if the value of the  
4 property stolen is \$300,000 [~~\$200,000~~] or more.

5 SECTION 7. Sections 31.04(b) and (e), Penal Code, are  
6 amended to read as follows:

7 (b) For purposes of this section, intent to avoid payment is  
8 presumed if:

9 (1) the actor absconded without paying for the service  
10 or expressly refused to pay for the service in circumstances where  
11 payment is ordinarily made immediately upon rendering of the  
12 service, as in hotels, campgrounds, recreational vehicle parks,  
13 restaurants, and comparable establishments;

14 (2) the actor failed to make payment under a service  
15 agreement within 10 days after receiving notice demanding payment;

16 (3) the actor returns property held under a rental  
17 agreement after the expiration of the rental agreement and fails to  
18 pay the applicable rental charge for the property within 10 days  
19 after the date on which the actor received notice demanding  
20 payment; or

21 (4) the actor failed to return the property held under  
22 a rental agreement:

23 (A) within five days after receiving notice  
24 demanding return, if the property is valued at less than \$3,000  
25 [~~\$1,500~~]; or

26 (B) within three days after receiving notice  
27 demanding return, if the property is valued at \$3,000 [~~\$1,500~~] or

1 more.

2 (e) An offense under this section is:

3 (1) a Class C misdemeanor if the value of the service  
4 stolen is less than \$100 [~~\$20~~];

5 (2) a Class B misdemeanor if the value of the service  
6 stolen is \$100 [~~\$20~~] or more but less than \$1,500 [~~\$500~~];

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

9 (4) a state jail felony if the value of the service  
10 stolen is \$3,000 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

11 (5) a felony of the third degree if the value of the  
12 service stolen is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
13 [~~\$100,000~~];

14 (6) a felony of the second degree if the value of the  
15 service stolen is \$150,000 [~~\$100,000~~] or more but less than  
16 \$300,000 [~~\$200,000~~]; or

17 (7) a felony of the first degree if the value of the  
18 service stolen is \$300,000 [~~\$200,000~~] or more.

19 SECTION 8. 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 \$1,500  
24 [~~\$500~~] or more but less than \$3,000 [~~\$1,500~~].

25 SECTION 9. Sections 31.16(c) and (d), Penal Code, are  
26 amended to read as follows:

27 (c) An offense under this section is:

1           (1) a Class C misdemeanor if the total value of the  
2 merchandise involved in the activity is less than \$100;

3           (2) a Class B misdemeanor if the total value of the  
4 merchandise involved in the activity is \$100 or more but less than  
5 \$1,500 [~~\$50~~];

6           (3) [~~(2)~~] a Class A misdemeanor if the total value of  
7 the merchandise involved in the activity is \$1,500 [~~\$50~~] or more but  
8 less than \$3,000 [~~\$500~~];

9           (4) [~~(3)~~] a state jail felony if the total value of the  
10 merchandise involved in the activity is \$3,000 [~~\$500~~] or more but  
11 less than \$30,000 [~~\$1,500~~];

12           (5) [~~(4)~~] a felony of the third degree if the total  
13 value of the merchandise involved in the activity is \$30,000  
14 [~~\$1,500~~] or more but less than \$150,000 [~~\$20,000~~];

15           (6) [~~(5)~~] a felony of the second degree if the total  
16 value of the merchandise involved in the activity is \$150,000  
17 [~~\$20,000~~] or more but less than \$300,000 [~~\$100,000~~]; or

18           (7) [~~(6)~~] a felony of the first degree if the total  
19 value of the merchandise involved in the activity is \$300,000  
20 [~~\$100,000~~] or more.

21           (d) An offense described for purposes of punishment by  
22 Subsections (c)(1)-(6) [~~(c)(1)-(5)~~] is increased to the next higher  
23 category of offense if it is shown on the trial of the offense that:

24           (1) the person organized, supervised, financed, or  
25 managed one or more other persons engaged in an activity described  
26 by Subsection (b); or

27           (2) during the commission of the offense, a person

1 engaged in an activity described by Subsection (b) intentionally,  
2 knowingly, or recklessly:

3 (A) caused a fire exit alarm to sound or  
4 otherwise become activated;

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

7 (C) used a shielding or deactivation instrument  
8 to prevent or attempt to prevent detection of the offense by a  
9 retail theft detector.

10 SECTION 10. Section 32.02(c), Penal Code, is amended to  
11 read as follows:

12 (c) If property or service has value that cannot be  
13 reasonably ascertained by the criteria set forth in Subsections (a)  
14 and (b), the property or service is deemed to have a value of \$1,500  
15 [~~\$500~~] or more but less than \$3,000 [~~\$1,500~~].

16 SECTION 11. Section 32.23(e), Penal Code, is amended to  
17 read as follows:

18 (e) An offense under this section is a:

19 (1) Class C misdemeanor if the retail value of the item  
20 or service is less than \$100 [~~\$20~~];

21 (2) Class B misdemeanor if the retail value of the item  
22 or service is \$100 [~~\$20~~] or more but less than \$1,500 [~~\$500~~];

23 (3) Class A misdemeanor if the retail value of the item  
24 or service is \$1,500 [~~\$500~~] or more but less than \$3,000 [~~\$1,500~~];

25 (4) state jail felony if the retail value of the item  
26 or service is \$3,000 [~~\$1,500~~] or more but less than \$30,000  
27 [~~\$20,000~~];

1           (5) felony of the third degree if the retail value of  
2 the item or service is \$30,000 [~~\$20,000~~] or more but less than  
3 \$150,000 [~~\$100,000~~];

4           (6) felony of the second degree if the retail value of  
5 the item or service is \$150,000 [~~\$100,000~~] or more but less than  
6 \$300,000 [~~\$200,000~~]; or

7           (7) felony of the first degree if the retail value of  
8 the item or service is \$300,000 [~~\$200,000~~] or more.

9           SECTION 12. Section 32.32(c), Penal Code, is amended to  
10 read as follows:

11           (c) An offense under this section is:

12           (1) a Class C misdemeanor if the value of the property  
13 or the amount of credit is less than \$100 [~~\$50~~];

14           (2) a Class B misdemeanor if the value of the property  
15 or the amount of credit is \$100 [~~\$50~~] or more but less than \$1,500  
16 [~~\$500~~];

17           (3) a Class A misdemeanor if the value of the property  
18 or the amount of credit is \$1,500 [~~\$500~~] or more but less than  
19 \$3,000 [~~\$1,500~~];

20           (4) a state jail felony if the value of the property or  
21 the amount of credit is \$3,000 [~~\$1,500~~] or more but less than  
22 \$30,000 [~~\$20,000~~];

23           (5) a felony of the third degree if the value of the  
24 property or the amount of credit is \$30,000 [~~\$20,000~~] or more but  
25 less than \$150,000 [~~\$100,000~~];

26           (6) a felony of the second degree if the value of the  
27 property or the amount of credit is \$150,000 [~~\$100,000~~] or more but

1 less than \$300,000 [~~\$200,000~~]; or

2 (7) a felony of the first degree if the value of the  
3 property or the amount of credit is \$300,000 [~~\$200,000~~] or more.

4 SECTION 13. Sections 32.33(d) and (e), Penal Code, are  
5 amended to read as follows:

6 (d) An offense under Subsection (b) is a:

7 (1) Class C misdemeanor if the value of the property  
8 destroyed, removed, concealed, encumbered, or otherwise harmed or  
9 reduced in value is less than \$100 [~~\$20~~];

10 (2) Class B misdemeanor if the value of the property  
11 destroyed, removed, concealed, encumbered, or otherwise harmed or  
12 reduced in value is \$100 [~~\$20~~] or more but less than \$1,500 [~~\$500~~];

13 (3) Class A misdemeanor if the value of the property  
14 destroyed, removed, concealed, encumbered, or otherwise harmed or  
15 reduced in value is \$1,500 [~~\$500~~] or more but less than \$3,000  
16 [~~\$1,500~~];

17 (4) state jail felony if the value of the property  
18 destroyed, removed, concealed, encumbered, or otherwise harmed or  
19 reduced in value is \$3,000 [~~\$1,500~~] or more but less than \$30,000  
20 [~~\$20,000~~];

21 (5) felony of the third degree if the value of the  
22 property destroyed, removed, concealed, encumbered, or otherwise  
23 harmed or reduced in value is \$30,000 [~~\$20,000~~] or more but less  
24 than \$150,000 [~~\$100,000~~];

25 (6) felony of the second degree if the value of the  
26 property destroyed, removed, concealed, encumbered, or otherwise  
27 harmed or reduced in value is \$150,000 [~~\$100,000~~] or more but less

1 than \$300,000 [~~\$200,000~~]; or

2 (7) felony of the first degree if the value of the  
3 property destroyed, removed, concealed, encumbered, or otherwise  
4 harmed or reduced in value is \$300,000 [~~\$200,000~~] or more.

5 (e) A person who is a debtor under a security agreement, and  
6 who does not have a right to sell or dispose of the secured property  
7 or is required to account to the secured party for the proceeds of a  
8 permitted sale or disposition, commits an offense if the person  
9 sells or otherwise disposes of the secured property, or does not  
10 account to the secured party for the proceeds of a sale or other  
11 disposition as required, with intent to appropriate (as defined in  
12 Chapter 31) the proceeds or value of the secured property. A person  
13 is presumed to have intended to appropriate proceeds if the person  
14 does not deliver the proceeds to the secured party or account to the  
15 secured party for the proceeds before the 11th day after the day  
16 that the secured party makes a lawful demand for the proceeds or  
17 account. An offense under this subsection is:

18 (1) a Class C misdemeanor if the proceeds obtained  
19 from the sale or other disposition are money or goods having a value  
20 of less than \$100 [~~\$20~~];

21 (2) a Class B misdemeanor if the proceeds obtained  
22 from the sale or other disposition are money or goods having a value  
23 of \$100 [~~\$20~~] or more but less than \$1,500 [~~\$500~~];

24 (3) a Class A misdemeanor if the proceeds obtained  
25 from the sale or other disposition are money or goods having a value  
26 of \$1,500 [~~\$500~~] or more but less than \$3,000 [~~\$1,500~~];

27 (4) a state jail felony if the proceeds obtained from

1 the sale or other disposition are money or goods having a value of  
2 \$3,000 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

3 (5) a felony of the third degree if the proceeds  
4 obtained from the sale or other disposition are money or goods  
5 having a value of \$30,000 [~~\$20,000~~] or more but less than \$150,000  
6 [~~\$100,000~~];

7 (6) a felony of the second degree if the proceeds  
8 obtained from the sale or other disposition are money or goods  
9 having a value of \$150,000 [~~\$100,000~~] or more but less than \$300,000  
10 [~~\$200,000~~]; or

11 (7) a felony of the first degree if the proceeds  
12 obtained from the sale or other disposition are money or goods  
13 having a value of \$300,000 [~~\$200,000~~] or more.

14 SECTION 14. Section 32.34(f), Penal Code, is amended to  
15 read as follows:

16 (f) An offense under Subsection (b)(1), (b)(2), or (b)(3)  
17 is:

18 (1) a state jail felony if the value of the motor  
19 vehicle is less than \$30,000 [~~\$20,000~~]; [~~or~~]

20 (2) a felony of the third degree if the value of the  
21 motor vehicle is \$30,000 [~~\$20,000~~] or more but less than \$150,000;

22 (3) a felony of the second degree if the value of the  
23 motor vehicle is \$150,000 or more but less than \$300,000; or

24 (4) a felony of the first degree if the value of the  
25 motor vehicle is \$300,000 or more.

26 SECTION 15. Section 32.35(e), Penal Code, is amended to  
27 read as follows:



1 (e) An offense under this section is a:

2 (1) Class C misdemeanor if the amount of the record of  
3 a sale is less than \$100 [~~\$20~~];

4 (2) Class B misdemeanor if the amount of the record of  
5 a sale is \$100 [~~\$20~~] or more but less than \$1,500 [~~\$500~~];

6 (3) Class A misdemeanor if the amount of the record of  
7 a sale is \$1,500 [~~\$500~~] or more but less than \$3,000 [~~\$1,500~~];

8 (4) state jail felony if the amount of the record of a  
9 sale is \$3,000 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

10 (5) felony of the third degree if the amount of the  
11 record of a sale is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
12 [~~\$100,000~~];

13 (6) felony of the second degree if the amount of the  
14 record of a sale is \$150,000 [~~\$100,000~~] or more but less than  
15 \$300,000 [~~\$200,000~~]; or

16 (7) felony of the first degree if the amount of the  
17 record of a sale is \$300,000 [~~\$200,000~~] or more.

18 SECTION 16. Section 32.441(e), Penal Code, is amended to  
19 read as follows:

20 (e) An offense under this section is a:

21 (1) Class C misdemeanor if the value of the benefit is  
22 less than \$100 [~~\$20~~];

23 (2) Class B misdemeanor if the value of the benefit is  
24 \$100 [~~\$20~~] or more but less than \$1,500 [~~\$500~~];

25 (3) Class A misdemeanor if the value of the benefit is  
26 \$1,500 [~~\$500~~] or more but less than \$3,000 [~~\$1,500~~];

27 (4) state jail felony if the value of the benefit is

1 \$3,000 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

2 (5) felony of the third degree if the value of the  
3 benefit is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
4 [~~\$100,000~~];

5 (6) felony of the second degree if the value of the  
6 benefit is \$150,000 [~~\$100,000~~] or more but less than \$300,000  
7 [~~\$200,000~~]; or

8 (7) felony of the first degree if the value of the  
9 benefit is \$300,000 [~~\$200,000~~] or more.

10 SECTION 17. Section 32.45(c), Penal Code, is amended to  
11 read as follows:

12 (c) An offense under this section is:

13 (1) a Class C misdemeanor if the value of the property  
14 misapplied is less than \$100 [~~\$20~~];

15 (2) a Class B misdemeanor if the value of the property  
16 misapplied is \$100 [~~\$20~~] or more but less than \$1,500 [~~\$500~~];

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

19 (4) a state jail felony if the value of the property  
20 misapplied is \$3,000 [~~\$1,500~~] or more but less than \$30,000  
21 [~~\$20,000~~];

22 (5) a felony of the third degree if the value of the  
23 property misapplied is \$30,000 [~~\$20,000~~] or more but less than  
24 \$150,000 [~~\$100,000~~];

25 (6) a felony of the second degree if the value of the  
26 property misapplied is \$150,000 [~~\$100,000~~] or more but less than  
27 \$300,000 [~~\$200,000~~]; or

1 (7) a felony of the first degree if the value of the  
2 property misapplied is \$300,000 [~~\$200,000~~] or more.

3 SECTION 18. Section 32.46(b), Penal Code, is amended to  
4 read as follows:

5 (b) An offense under Subsection (a)(1) is a:

6 (1) Class C misdemeanor if the value of the property,  
7 service, or pecuniary interest is less than \$100 [~~\$20~~];

8 (2) Class B misdemeanor if the value of the property,  
9 service, or pecuniary interest is \$100 [~~\$20~~] or more but less than  
10 \$1,500 [~~\$500~~];

11 (3) Class A misdemeanor if the value of the property,  
12 service, or pecuniary interest is \$1,500 [~~\$500~~] or more but less  
13 than \$3,000 [~~\$1,500~~];

14 (4) state jail felony if the value of the property,  
15 service, or pecuniary interest is \$3,000 [~~\$1,500~~] or more but less  
16 than \$30,000 [~~\$20,000~~];

17 (5) felony of the third degree if the value of the  
18 property, service, or pecuniary interest is \$30,000 [~~\$20,000~~] or  
19 more but less than \$150,000 [~~\$100,000~~];

20 (6) felony of the second degree if the value of the  
21 property, service, or pecuniary interest is \$150,000 [~~\$100,000~~] or  
22 more but less than \$300,000 [~~\$200,000~~]; or

23 (7) felony of the first degree if the value of the  
24 property, service, or pecuniary interest is \$300,000 [~~\$200,000~~] or  
25 more.

26 SECTION 19. Section 33.02(b-2), Penal Code, is amended to  
27 read as follows:

1 (b-2) An offense under Subsection (b-1) is:

2 (1) a Class C misdemeanor if the aggregate amount  
3 involved is less than \$100;

4 (2) a Class B misdemeanor if the aggregate amount  
5 involved is \$100 or more but less than \$1,500;

6 (3) a Class A misdemeanor if the aggregate amount  
7 involved is \$1,500 or more but less than \$3,000;

8 (4) [~~(1)~~] a state jail felony if the aggregate amount  
9 involved is \$3,000 or more but less than \$30,000 [~~\$20,000~~];

10 (5) [~~(2)~~] a felony of the third degree if the  
11 aggregate amount involved is \$30,000 [~~\$20,000~~] or more but less  
12 than \$150,000 [~~\$100,000~~];

13 (6) [~~(3)~~] a felony of the second degree if:

14 (A) the aggregate amount involved is \$150,000  
15 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~];

16 (B) the aggregate amount involved is any amount  
17 less than \$300,000 [~~\$200,000~~] and the computer, computer network,  
18 or computer system is owned by the government or a critical  
19 infrastructure facility; or

20 (C) the actor obtains the identifying  
21 information of another by accessing only one computer, computer  
22 network, or computer system; or

23 (7) [~~(4)~~] a felony of the first degree if:

24 (A) the aggregate amount involved is \$300,000  
25 [~~\$200,000~~] or more; or

26 (B) the actor obtains the identifying  
27 information of another by accessing more than one computer,

1 computer network, or computer system.

2 SECTION 20. Section 33A.02(b), Penal Code, is amended to  
3 read as follows:

4 (b) An offense under this section is:

5 (1) a Class C misdemeanor if the value of the  
6 telecommunications service used or diverted is less than \$100;

7 (2) a Class B misdemeanor if the value of the  
8 telecommunications service used or diverted is \$100 or more but  
9 less than \$1,500 [~~\$500~~];

10 (3) [~~(2)~~] a Class A misdemeanor if:

11 (A) the value of the telecommunications service  
12 used or diverted is \$1,500 [~~\$500~~] or more but less than \$3,000  
13 [~~\$1,500~~]; or

14 (B) the value of the telecommunications service  
15 used or diverted is less than \$1,500 [~~\$500~~] and the defendant has  
16 been previously convicted of an offense under this chapter;

17 (4) [~~(3)~~] a state jail felony if:

18 (A) the value of the telecommunications service  
19 used or diverted is \$3,000 [~~\$1,500~~] or more but less than \$30,000  
20 [~~\$20,000~~]; or

21 (B) the value of the telecommunications service  
22 used or diverted is less than \$3,000 [~~\$1,500~~] and the defendant has  
23 been previously convicted two or more times of an offense under this  
24 chapter;

25 (5) [~~(4)~~] a felony of the third degree if the value of  
26 the telecommunications service used or diverted is \$30,000  
27 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

1           (6) [~~(5)~~] a felony of the second degree if the value of  
2 the telecommunications service used or diverted is \$150,000  
3 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

4           (7) [~~(6)~~] a felony of the first degree if the value of  
5 the telecommunications service used or diverted is \$300,000  
6 [~~\$200,000~~] or more.

7           SECTION 21. Section 33A.04(b), Penal Code, is amended to  
8 read as follows:

9           (b) An offense under this section is:

10           (1) a Class C misdemeanor if the value of the  
11 telecommunications service obtained or attempted to be obtained is  
12 less than \$100;

13           (2) a Class B misdemeanor if the value of the  
14 telecommunications service obtained or attempted to be obtained is  
15 \$100 or more but less than \$1,500 [~~\$500~~];

16           (3) [~~(2)~~] a Class A misdemeanor if:

17                   (A) the value of the telecommunications service  
18 obtained or attempted to be obtained is \$1,500 [~~\$500~~] or more but  
19 less than \$3,000 [~~\$1,500~~]; or

20                   (B) the value of the telecommunications service  
21 obtained or attempted to be obtained is less than \$1,500 [~~\$500~~] and  
22 the defendant has been previously convicted of an offense under  
23 this chapter;

24           (4) [~~(3)~~] a state jail felony if:

25                   (A) the value of the telecommunications service  
26 obtained or attempted to be obtained is \$3,000 [~~\$1,500~~] or more but  
27 less than \$30,000 [~~\$20,000~~]; or

1 (B) the value of the telecommunications service  
2 obtained or attempted to be obtained is less than \$3,000 [~~\$1,500~~]  
3 and the defendant has been previously convicted two or more times of  
4 an offense under this chapter;

5 (5) [~~(4)~~] a felony of the third degree if the value of  
6 the telecommunications service obtained or attempted to be obtained  
7 is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

8 (6) [~~(5)~~] a felony of the second degree if the value of  
9 the telecommunications service obtained or attempted to be obtained  
10 is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~];  
11 or

12 (7) [~~(6)~~] a felony of the first degree if the value of  
13 the telecommunications service obtained or attempted to be obtained  
14 is \$300,000 [~~\$200,000~~] or more.

15 SECTION 22. Section 34.02(e), Penal Code, is amended to  
16 read as follows:

17 (e) An offense under this section is:

18 (1) a state jail felony if the value of the funds is  
19 \$3,000 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

20 (2) a felony of the third degree if the value of the  
21 funds is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
22 [~~\$100,000~~];

23 (3) a felony of the second degree if the value of the  
24 funds is \$150,000 [~~\$100,000~~] or more but less than \$300,000  
25 [~~\$200,000~~]; or

26 (4) a felony of the first degree if the value of the  
27 funds is \$300,000 [~~\$200,000~~] or more.

1 SECTION 23. Section 35.02(c), Penal Code, is amended to  
2 read as follows:

3 (c) An offense under Subsection (a) or (b) is:

4 (1) a Class C misdemeanor if the value of the claim is  
5 less than \$100 [~~\$50~~];

6 (2) a Class B misdemeanor if the value of the claim is  
7 \$100 [~~\$50~~] or more but less than \$1,500 [~~\$500~~];

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

10 (4) a state jail felony if the value of the claim is  
11 \$3,000 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

12 (5) a felony of the third degree if the value of the  
13 claim is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
14 [~~\$100,000~~];

15 (6) a felony of the second degree if the value of the  
16 claim is \$150,000 [~~\$100,000~~] or more but less than \$300,000  
17 [~~\$200,000~~]; or

18 (7) a felony of the first degree if:

19 (A) the value of the claim is \$300,000 [~~\$200,000~~]  
20 or more; or

21 (B) an act committed in connection with the  
22 commission of the offense places a person at risk of death or  
23 serious bodily injury.

24 SECTION 24. Section 35.025(b), Penal Code, is amended to  
25 read as follows:

26 (b) If goods or services that are the subject of a claim  
27 cannot be reasonably ascertained under Subsection (a), the goods or



1 services are considered to have a value of \$1,500 [~~\$500~~] or more but  
2 less than \$3,000 [~~\$1,500~~].

3 SECTION 25. Section 35A.02(b), Penal Code, is amended to  
4 read as follows:

5 (b) An offense under this section is:

6 (1) a Class C misdemeanor if the amount of any payment  
7 or the value of any monetary or in-kind benefit provided or claim  
8 for payment made under the Medicaid program, directly or  
9 indirectly, as a result of the conduct is less than \$100 [~~\$50~~];

10 (2) a Class B misdemeanor if the amount of any payment  
11 or the value of any monetary or in-kind benefit provided or claim  
12 for payment made under the Medicaid program, directly or  
13 indirectly, as a result of the conduct is \$100 [~~\$50~~] or more but  
14 less than \$1,500 [~~\$500~~];

15 (3) a Class A misdemeanor if the amount of any payment  
16 or the value of any monetary or in-kind benefit provided or claim  
17 for payment made under the Medicaid program, directly or  
18 indirectly, as a result of the conduct is \$1,500 [~~\$500~~] or more but  
19 less than \$3,000 [~~\$1,500~~];

20 (4) a state jail felony if:

21 (A) the amount of any payment or the value of any  
22 monetary or in-kind benefit provided or claim for payment made  
23 under the Medicaid program, directly or indirectly, as a result of  
24 the conduct is \$3,000 [~~\$1,500~~] or more but less than \$30,000  
25 [~~\$20,000~~];

26 (B) the offense is committed under Subsection  
27 (a)(11); or

1 (C) it is shown on the trial of the offense that  
2 the amount of the payment or value of the benefit described by this  
3 subsection cannot be reasonably ascertained;

4 (5) a felony of the third degree if:

5 (A) the amount of any payment or the value of any  
6 monetary or in-kind benefit provided or claim for payment made  
7 under the Medicaid program, directly or indirectly, as a result of  
8 the conduct is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
9 [~~\$100,000~~]; or

10 (B) it is shown on the trial of the offense that  
11 the defendant submitted more than 25 but fewer than 50 fraudulent  
12 claims under the Medicaid program and the submission of each claim  
13 constitutes conduct prohibited by Subsection (a);

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

15 (A) the amount of any payment or the value of any  
16 monetary or in-kind benefit provided or claim for payment made  
17 under the Medicaid program, directly or indirectly, as a result of  
18 the conduct is \$150,000 [~~\$100,000~~] or more but less than \$300,000  
19 [~~\$200,000~~]; or

20 (B) it is shown on the trial of the offense that  
21 the defendant submitted 50 or more fraudulent claims under the  
22 Medicaid program and the submission of each claim constitutes  
23 conduct prohibited by Subsection (a); or

24 (7) a felony of the first degree if the amount of any  
25 payment or the value of any monetary or in-kind benefit provided or  
26 claim for payment made under the Medicaid program, directly or  
27 indirectly, as a result of the conduct is \$300,000 [~~\$200,000~~] or

1 more.

2 SECTION 26. Section 39.02(c), Penal Code, is amended to  
3 read as follows:

4 (c) An offense under Subsection (a)(2) is:

5 (1) a Class C misdemeanor if the value of the use of  
6 the thing misused is less than \$100 [~~\$20~~];

7 (2) a Class B misdemeanor if the value of the use of  
8 the thing misused is \$100 [~~\$20~~] or more but less than \$1,500 [~~\$500~~];

9 (3) a Class A misdemeanor if the value of the use of  
10 the thing misused is \$1,500 [~~\$500~~] or more but less than \$3,000  
11 [~~\$1,500~~];

12 (4) a state jail felony if the value of the use of the  
13 thing misused is \$3,000 [~~\$1,500~~] or more but less than \$30,000  
14 [~~\$20,000~~];

15 (5) a felony of the third degree if the value of the  
16 use of the thing misused is \$30,000 [~~\$20,000~~] or more but less than  
17 \$150,000 [~~\$100,000~~];

18 (6) a felony of the second degree if the value of the  
19 use of the thing misused is \$150,000 [~~\$100,000~~] or more but less  
20 than \$300,000 [~~\$200,000~~]; or

21 (7) a felony of the first degree if the value of the  
22 use of the thing misused is \$300,000 [~~\$200,000~~] or more.

23 SECTION 27. The changes in law made by this Act apply only  
24 to an offense committed on or after the effective date of this Act.  
25 An offense committed before the effective date of this Act is  
26 governed by the law in effect on the date the offense was committed,  
27 and the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the  
2 effective date of this Act if any element of the offense occurred  
3 before that date.

4 SECTION 28. This Act takes effect September 1, 2013.