

By: West

S.B. No. 884

A BILL TO BE ENTITLED

AN ACT

relating to certain criminal offenses for violations of the law
regulating metal recycling entities.

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

SECTION 1. Section 1956.040(a-2), Occupations Code, is
amended to read as follows:

(a-2) An offense under Subsection (a-1) is a Class A
misdemeanor, except that any [punishable by a] fine imposed may not
[to] exceed \$10,000. If [unless] it is shown on trial of an [the]
offense under Subsection (a-1) that the person has previously been
convicted of a violation of that subsection, [Subsection (a-1), in
which event] the offense is a state jail felony.

SECTION 2. Subchapter E, Chapter 1956, Occupations Code, is
amended by adding Section 1956.204 to read as follows:

Sec. 1956.204. GENERAL CRIMINAL PENALTY. (a) A person
commits an offense if the person violates this chapter or a rule
adopted under this chapter, including a rule, charter, or ordinance
adopted, an order issued, or a standard imposed by a county,
municipality, or political subdivision under Section 1956.003.

(b) An offense under this section is a Class C misdemeanor.

(c) If conduct that constitutes an offense under this
section also constitutes an offense under another section in this
chapter, the person may be prosecuted only under that other
section.

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, 2013.