

By: Raymond

H.B. No. 3291

Substitute the following for H.B. No. 3291:

By: King of Parker

C.S.H.B. No. 3291

A BILL TO BE ENTITLED

1 AN ACT

2 relating to increasing the punishment for certain offenses  
3 involving oil, gas, or condensate or equipment designed for the  
4 exploration or production of oil and gas; creating an offense.

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

6 SECTION 1. Section 85.389, Natural Resources Code, is  
7 amended by amending Subsection (b) and adding Subsection (c) to  
8 read as follows:

9 (b) A person commits an offense if the person purchases or  
10 sells oil, gas, or condensate without the applicable tender or  
11 permit of the commission relating to oil or gas or a product or  
12 byproduct of oil or gas.

13 (c) An offense under this section is a felony of the second  
14 [~~third~~] degree.

15 SECTION 2. Section 31.03, Penal Code, is amended by  
16 amending Subsection (e) and adding Subsection (f-1) to read as  
17 follows:

18 (e) Except as provided by Subsections [~~Subsection~~] (f) and  
19 (f-1), an offense under this section is:

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

22 (A) \$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

1 described by Section 31.06;

2 (2) a Class B misdemeanor if:

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

4 (i) \$50 or more but less than \$500; or

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

8 (B) the value of the property stolen is less  
9 than:

10 (i) \$50 and the defendant has previously  
11 been convicted of any grade of theft; or

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

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

19 (3) a Class A misdemeanor if the value of the property  
20 stolen is \$500 or more but less than \$1,500;

21 (4) a state jail felony if:

22 (A) the value of the property stolen is \$1,500 or  
23 more but less than \$20,000, or the property is less than 10 head of  
24 sheep, swine, or goats or any part thereof under the value of  
25 \$20,000;

26 (B) regardless of value, the property is stolen  
27 from the person of another or from a human corpse or grave,

1 including property that is a military grave marker;

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

4 (D) the value of the property stolen is less than  
5 \$1,500 and the defendant has been previously convicted two or more  
6 times of any grade of theft;

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

9 (F) the value of the property stolen is less than  
10 \$20,000 and the property stolen is:

11 (i) aluminum;

12 (ii) bronze;

13 (iii) copper; or

14 (iv) brass;

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

18 (A) cattle, horses, or exotic livestock or exotic  
19 fowl as defined by Section 142.001, Agriculture Code, stolen during  
20 a single transaction and having an aggregate value of less than  
21 \$100,000; or

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

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

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

1 (B) the value of the property stolen is less than  
2 \$200,000 and the property stolen is an automated teller machine or  
3 the contents or components of an automated teller machine; or

4 (C) the value of the property stolen is \$10,000  
5 or more but less than \$200,000 and the property stolen is:

6 (i) oil and gas equipment or pipeline  
7 equipment, as those terms are defined by Section 112.001, Natural  
8 Resources Code;

9 (ii) oil or gas, as those terms are defined  
10 by Section 115.001, Natural Resources Code; or

11 (iii) condensate, as defined by Section  
12 201.001, Tax Code; or

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

15 (f-1) Notwithstanding Subsection (e)(6)(C)(i), (ii), or  
16 (iii), an offense described for purposes of punishment by any of  
17 those subparagraphs is a felony of the first degree if the actor was  
18 employed by or in a contractual relationship with the owner of the  
19 equipment or the oil, gas, or condensate and the property  
20 appropriated came into the actor's custody, possession, or control  
21 by virtue of that employment or contractual relationship.

22 SECTION 3. The change in law made by this Act applies only  
23 to an offense committed on or after the effective date of this Act.  
24 An offense committed before the effective date of this Act is  
25 governed by the law in effect on the date the offense was committed,  
26 and the former law is continued in effect for that purpose. For  
27 purposes of this section, an offense was committed before the

1 effective date of this Act if any element of the offense occurred  
2 before that date.

3 SECTION 4. This Act takes effect September 1, 2015.