

By: Burton, et al.

S.B. No. 393

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 \$750 [~~\$500~~];

16 (3) a Class A misdemeanor if:

17 (A) the amount of pecuniary loss is \$750 [~~\$500~~]
18 or more but less than \$2,500 [~~\$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) \$2,500 [~~\$1,500~~] or more but less than \$30,000
4 [~~\$20,000~~];

5 (B) less than \$2,500 [~~\$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 \$2,500 [~~\$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 \$750 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 \$750 [~~\$1,500~~] or more but less than \$30,000
11 [~~\$20,000~~] and the damage or destruction is inflicted on a public or
12 private elementary school, secondary school, or institution of
13 higher 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 \$750 [~~\$500~~] but less than \$2,500
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 \$750 [~~\$500~~];

7 (2) a Class A misdemeanor if the amount of pecuniary
8 loss is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

9 (3) a state jail felony if the amount of pecuniary loss
10 is \$2,500 [~~\$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 \$750 [~~\$500~~];

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

1 pecuniary loss is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

2 (4) [~~(3)~~] a state jail felony if the amount of
3 pecuniary loss is \$2,500 [~~\$1,500~~] or more but less than \$30,000
4 [~~\$20,000~~];

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

8 (6) [~~(5)~~] a felony of the second degree if the amount
9 of pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than
10 \$300,000 [~~\$200,000~~]; or

11 (7) [~~(6)~~] a felony of the first degree if the amount of
12 pecuniary loss is \$300,000 [~~\$200,000~~] or more.

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

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

18 (2) the amount of the pecuniary loss to real property
19 or to tangible personal property is \$750 or more but less than
20 \$30,000 [~~\$20,000~~].

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

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

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

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

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

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

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

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

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

14 (7) Section 521.457, Transportation Code.

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

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

19 (1) a Class C misdemeanor if the value of the property
20 stolen is less than \$100[+]

21 [~~(A) \$50, or~~

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

25 (2) a Class B misdemeanor if:

26 (A) the value of the property stolen is \$100[+]

27 [~~(i) \$50] or more but less than \$750 [~~\$500,~~~~

1 ~~or~~

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

5 (B) the value of the property stolen is less than
6 \$100~~+~~

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

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

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

16 (3) a Class A misdemeanor if the value of the property
17 stolen is \$750 ~~[\$500]~~ or more but less than \$2,500 ~~[\$1,500]~~;

18 (4) a state jail felony if:

19 (A) the value of the property stolen is \$2,500
20 ~~[\$1,500]~~ or more but less than \$30,000 ~~[\$20,000]~~, or the property is
21 less than 10 head of sheep, swine, or goats or any part thereof
22 under the value of \$30,000 ~~[\$20,000]~~;

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

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

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

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

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

8 (i) aluminum;

9 (ii) bronze;

10 (iii) copper; or

11 (iv) brass;

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

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

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

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

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

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

1 machine; or

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

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

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

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

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

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

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

22 (A) within five days after receiving notice
23 demanding return, if the property is valued at less than \$2,500
24 [~~\$1,500~~]; or

25 (B) within three days after receiving notice
26 demanding return, if the property is valued at \$2,500 [~~\$1,500~~] or
27 more.

1 (e) An offense under this section is:

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

4 (2) a Class B misdemeanor if the value of the service
5 stolen is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

6 (3) a Class A misdemeanor if the value of the service
7 stolen is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

8 (4) a state jail felony if the value of the service
9 stolen is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

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

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

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

18 SECTION 8. Section 31.08(c), Penal Code, is amended to read
19 as follows:

20 (c) If property or service has value that cannot be
21 reasonably ascertained by the criteria set forth in Subsections (a)
22 and (b), the property or service is deemed to have a value of \$750
23 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~].

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

26 (c) An offense under this section is:

27 (1) a Class C misdemeanor if the total value of the

1 merchandise involved in the activity is less than \$100;

2 (2) a Class B misdemeanor if the total value of the
3 merchandise involved in the activity is \$100 or more but less than
4 \$750 [~~\$50~~];

5 (3) [~~(2)~~] a Class A misdemeanor if the total value of
6 the merchandise involved in the activity is \$750 [~~\$50~~] or more but
7 less than \$2,500 [~~\$500~~];

8 (4) [~~(3)~~] a state jail felony if the total value of the
9 merchandise involved in the activity is \$2,500 [~~\$500~~] or more but
10 less than \$30,000 [~~\$1,500~~];

11 (5) [~~(4)~~] a felony of the third degree if the total
12 value of the merchandise involved in the activity is \$30,000
13 [~~\$1,500~~] or more but less than \$150,000 [~~\$20,000~~];

14 (6) [~~(5)~~] a felony of the second degree if the total
15 value of the merchandise involved in the activity is \$150,000
16 [~~\$20,000~~] or more but less than \$300,000 [~~\$100,000~~]; or

17 (7) [~~(6)~~] a felony of the first degree if the total
18 value of the merchandise involved in the activity is \$300,000
19 [~~\$100,000~~] or more.

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

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

26 (2) during the commission of the offense, a person
27 engaged in an activity described by Subsection (b) intentionally,

1 knowingly, or recklessly:

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

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

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

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

11 (c) If property or service has value that cannot be
12 reasonably ascertained by the criteria set forth in Subsections (a)
13 and (b), the property or service is deemed to have a value of \$750
14 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~].

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

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

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

20 (2) Class B misdemeanor if the retail value of the item
21 or service is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

22 (3) Class A misdemeanor if the retail value of the item
23 or service is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

24 (4) state jail felony if the retail value of the item
25 or service is \$2,500 [~~\$1,500~~] or more but less than \$30,000
26 [~~\$20,000~~];

27 (5) felony of the third degree if the retail value of

1 the item or service is \$30,000 [~~\$20,000~~] or more but less than
2 \$150,000 [~~\$100,000~~];

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

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

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

10 (c) An offense under this section is:

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

13 (2) a Class B misdemeanor if the value of the property
14 or the amount of credit is \$100 [~~\$50~~] or more but less than \$750
15 [~~\$500~~];

16 (3) a Class A misdemeanor if the value of the property
17 or the amount of credit is \$750 [~~\$500~~] or more but less than \$2,500
18 [~~\$1,500~~];

19 (4) a state jail felony if the value of the property or
20 the amount of credit is \$2,500 [~~\$1,500~~] or more but less than
21 \$30,000 [~~\$20,000~~];

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

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

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

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

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

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

9 (2) Class B misdemeanor if the value of the property
10 destroyed, removed, concealed, encumbered, or otherwise harmed or
11 reduced in value is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

12 (3) Class A misdemeanor if the value of the property
13 destroyed, removed, concealed, encumbered, or otherwise harmed or
14 reduced in value is \$750 [~~\$500~~] or more but less than \$2,500
15 [~~\$1,500~~];

16 (4) state jail felony if the value of the property
17 destroyed, removed, concealed, encumbered, or otherwise harmed or
18 reduced in value is \$2,500 [~~\$1,500~~] or more but less than \$30,000
19 [~~\$20,000~~];

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

24 (6) felony of the second degree if the value of the
25 property destroyed, removed, concealed, encumbered, or otherwise
26 harmed or reduced in value is \$150,000 [~~\$100,000~~] or more but less
27 than \$300,000 [~~\$200,000~~]; or

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

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

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

20 (2) a Class B misdemeanor if the proceeds obtained
21 from the sale or other disposition are money or goods having a value
22 of \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

23 (3) a Class A misdemeanor if the proceeds obtained
24 from the sale or other disposition are money or goods having a value
25 of \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

26 (4) a state jail felony if the proceeds obtained from
27 the sale or other disposition are money or goods having a value of

1 \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

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

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

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

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

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

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

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

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

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

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

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

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

3 (2) Class B misdemeanor if the amount of the record of
4 a sale is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

5 (3) Class A misdemeanor if the amount of the record of
6 a sale is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

7 (4) state jail felony if the amount of the record of a
8 sale is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

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

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

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

17 SECTION 16. Section [32.441\(e\)](#), Penal Code, is amended to
18 read as follows:

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

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

22 (2) Class B misdemeanor if the value of the benefit is
23 \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

24 (3) Class A misdemeanor if the value of the benefit is
25 \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

26 (4) state jail felony if the value of the benefit is
27 \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

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

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

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

9 SECTION 17. Section 32.45(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 misapplied is less than \$100 [~~\$20~~];

14 (2) a Class B misdemeanor if the value of the property
15 misapplied is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

16 (3) a Class A misdemeanor if the value of the property
17 misapplied is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

18 (4) a state jail felony if the value of the property
19 misapplied is \$2,500 [~~\$1,500~~] or more but less than \$30,000
20 [~~\$20,000~~];

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

24 (6) a felony of the second degree if the value of the
25 property misapplied 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 value of the

1 property misapplied is \$300,000 [~~\$200,000~~] or more.

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

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

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

7 (2) Class B misdemeanor if the value of the property,
8 service, or pecuniary interest is \$100 [~~\$20~~] or more but less than
9 \$750 [~~\$500~~];

10 (3) Class A misdemeanor if the value of the property,
11 service, or pecuniary interest is \$750 [~~\$500~~] or more but less than
12 \$2,500 [~~\$1,500~~];

13 (4) state jail felony if the value of the property,
14 service, or pecuniary interest is \$2,500 [~~\$1,500~~] or more but less
15 than \$30,000 [~~\$20,000~~];

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

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

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

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

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

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

3 (2) a Class B misdemeanor if the aggregate amount
4 involved is \$100 or more but less than \$750;

5 (3) a Class A misdemeanor if the aggregate amount
6 involved is \$750 or more but less than \$2,500;

7 (4) [~~(1)~~] a state jail felony if the aggregate amount
8 involved is \$2,500 or more but less than \$30,000 [~~\$20,000~~];

9 (5) [~~(2)~~] a felony of the third degree if the
10 aggregate amount involved is \$30,000 [~~\$20,000~~] or more but less
11 than \$150,000 [~~\$100,000~~];

12 (6) [~~(3)~~] a felony of the second degree if:

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

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

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

22 (7) [~~(4)~~] a felony of the first degree if:

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

25 (B) the actor obtains the identifying
26 information of another by accessing more than one computer,
27 computer network, or computer system.

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

3 (b) An offense under this section is:

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

6 (2) a Class B misdemeanor if the value of the
7 telecommunications service used or diverted is \$100 or more but
8 less than \$750 [~~\$500~~];

9 (3) [~~(2)~~] a Class A misdemeanor if:

10 (A) the value of the telecommunications service
11 used or diverted is \$750 [~~\$500~~] or more but less than \$2,500
12 [~~\$1,500~~]; or

13 (B) the value of the telecommunications service
14 used or diverted is less than \$750 [~~\$500~~] and the defendant has been
15 previously convicted of an offense under this chapter;

16 (4) [~~(3)~~] a state jail felony if:

17 (A) the value of the telecommunications service
18 used or diverted is \$2,500 [~~\$1,500~~] or more but less than \$30,000
19 [~~\$20,000~~]; or

20 (B) the value of the telecommunications service
21 used or diverted is less than \$2,500 [~~\$1,500~~] and the defendant has
22 been previously convicted two or more times of an offense under this
23 chapter;

24 (5) [~~(4)~~] a felony of the third degree if the value of
25 the telecommunications service used or diverted is \$30,000
26 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

27 (6) [~~(5)~~] a felony of the second degree if the value of

1 the telecommunications service used or diverted is \$150,000
2 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

3 (7) [~~(6)~~] a felony of the first degree if the value of
4 the telecommunications service used or diverted is \$300,000
5 [~~\$200,000~~] or more.

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

8 (b) An offense under this section is:

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

12 (2) a Class B misdemeanor if the value of the
13 telecommunications service obtained or attempted to be obtained is
14 \$100 or more but less than \$750 [~~\$500~~];

15 (3) [~~(2)~~] a Class A misdemeanor if:

16 (A) the value of the telecommunications service
17 obtained or attempted to be obtained is \$750 [~~\$500~~] or more but less
18 than \$2,500 [~~\$1,500~~]; or

19 (B) the value of the telecommunications service
20 obtained or attempted to be obtained is less than \$750 [~~\$500~~] and
21 the defendant has been previously convicted of an offense under
22 this chapter;

23 (4) [~~(3)~~] a state jail felony if:

24 (A) the value of the telecommunications service
25 obtained or attempted to be obtained is \$2,500 [~~\$1,500~~] or more but
26 less than \$30,000 [~~\$20,000~~]; or

27 (B) the value of the telecommunications service

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

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

7 (6) [~~(5)~~] a felony of the second degree if the value of
8 the telecommunications service obtained or attempted to be obtained
9 is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~];

10 or

11 (7) [~~(6)~~] a felony of the first degree if the value of
12 the telecommunications service obtained or attempted to be obtained
13 is \$300,000 [~~\$200,000~~] or more.

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

16 (e) An offense under this section is:

17 (1) a state jail felony if the value of the funds is
18 \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

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

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

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

27 SECTION 23. Section 35.02(c), Penal Code, is amended to

1 read as follows:

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

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

5 (2) a Class B misdemeanor if the value of the claim is
6 \$100 [~~\$50~~] or more but less than \$750 [~~\$500~~];

7 (3) a Class A misdemeanor if the value of the claim is
8 \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

9 (4) a state jail felony if the value of the claim is
10 \$2,500 [~~\$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 claim 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 claim is \$150,000 [~~\$100,000~~] or more but less than \$300,000
16 [~~\$200,000~~]; or

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

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

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

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

25 (b) If goods or services that are the subject of a claim
26 cannot be reasonably ascertained under Subsection (a), the goods or
27 services are considered to have a value of \$750 [~~\$500~~] or more but

1 less than \$2,500 [~~\$1,500~~].

2 SECTION 25. Section 35A.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 amount of any payment
6 or the value of any monetary or in-kind benefit provided or claim
7 for payment made under the Medicaid program, directly or
8 indirectly, as a result of the conduct is less than \$100 [~~\$50~~];

9 (2) a Class B misdemeanor if the amount of any payment
10 or the value of any monetary or in-kind benefit provided or claim
11 for payment made under the Medicaid program, directly or
12 indirectly, as a result of the conduct is \$100 [~~\$50~~] or more but
13 less than \$750 [~~\$500~~];

14 (3) a Class A misdemeanor if the amount of any payment
15 or the value of any monetary or in-kind benefit provided or claim
16 for payment made under the Medicaid program, directly or
17 indirectly, as a result of the conduct is \$750 [~~\$500~~] or more but
18 less than \$2,500 [~~\$1,500~~];

19 (4) a state jail felony if:

20 (A) the amount of any payment or the value of any
21 monetary or in-kind benefit provided or claim for payment made
22 under the Medicaid program, directly or indirectly, as a result of
23 the conduct is \$2,500 [~~\$1,500~~] or more but less than \$30,000
24 [~~\$20,000~~];

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

27 (C) it is shown on the trial of the offense that

1 the amount of the payment or value of the benefit described by this
2 subsection cannot be reasonably ascertained;

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

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

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

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

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

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

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

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

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

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

6 (2) a Class B misdemeanor if the value of the use of
7 the thing misused is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

8 (3) a Class A misdemeanor if the value of the use of
9 the thing misused is \$750 [~~\$500~~] or more but less than \$2,500
10 [~~\$1,500~~];

11 (4) a state jail felony if the value of the use of the
12 thing misused is \$2,500 [~~\$1,500~~] or more but less than \$30,000
13 [~~\$20,000~~];

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

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

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

22 SECTION 27. The changes in law made by this Act apply 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 28. This Act takes effect September 1, 2015.