

By: Burton, Rodríguez

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:

21 (A) \$100 [~~\$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:

27 (i) \$100 [~~\$50~~] or more but less than \$750

1 [~~\$500~~]; or

2 (ii) \$20 or more but less than \$750 [~~\$500~~]  
3 and the defendant obtained the property by issuing or passing a  
4 check or similar sight order in a manner described by Section 31.06;

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

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

9 (ii) \$20, the defendant has previously been  
10 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

S.B. No. 393

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.