

1-1 By: Burton, Hinojosa, Rodríguez S.B. No. 393  
 1-2 (In the Senate - Filed January 28, 2015; February 2, 2015,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 April 7, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 7, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 393 By: Burton

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the punishment for certain offenses against property or  
 1-20 against public administration.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 28.03(b), (f), (h), and (j), Penal  
 1-23 Code, are amended to read as follows:

1-24 (b) Except as provided by Subsections (f) and (h), an  
 1-25 offense under this section is:

1-26 (1) a Class C misdemeanor if:

1-27 (A) the amount of pecuniary loss is less than  
 1-28 \$100 [~~\$50~~]; or

1-29 (B) except as provided in Subdivision (3)(A) or  
 1-30 (3)(B), it causes substantial inconvenience to others;

1-31 (2) a Class B misdemeanor if the amount of pecuniary  
 1-32 loss is \$100 [~~\$50~~] or more but less than \$750 [~~\$500~~];

1-33 (3) a Class A misdemeanor if:

1-34 (A) the amount of pecuniary loss is \$750 [~~\$500~~]  
 1-35 or more but less than \$2,500 [~~\$1,500~~]; or

1-36 (B) the actor causes in whole or in part  
 1-37 impairment or interruption of any public water supply, or causes to  
 1-38 be diverted in whole, in part, or in any manner, including  
 1-39 installation or removal of any device for any such purpose, any  
 1-40 public water supply, regardless of the amount of the pecuniary  
 1-41 loss;

1-42 (4) a state jail felony if the amount of pecuniary loss  
 1-43 is:

1-44 (A) \$2,500 [~~\$1,500~~] or more but less than \$30,000  
 1-45 [~~\$20,000~~];

1-46 (B) less than \$2,500 [~~\$1,500~~], if the property  
 1-47 damaged or destroyed is a habitation and if the damage or  
 1-48 destruction is caused by a firearm or explosive weapon;

1-49 (C) less than \$2,500 [~~\$1,500~~], if the property  
 1-50 was a fence used for the production or containment of:

1-51 (i) cattle, bison, horses, sheep, swine,  
 1-52 goats, exotic livestock, or exotic poultry; or

1-53 (ii) game animals as that term is defined by  
 1-54 Section 63.001, Parks and Wildlife Code; or

1-55 (D) less than \$30,000 [~~\$20,000~~] and the actor  
 1-56 causes wholly or partly impairment or interruption of public  
 1-57 communications, public transportation, public gas or power supply,  
 1-58 or other public service, or causes to be diverted wholly, partly, or  
 1-59 in any manner, including installation or removal of any device for  
 1-60 any such purpose, any public communications or public gas or power

2-1 supply;

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

2-5 (6) a felony of the second degree if the amount of  
2-6 pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than  
2-7 \$300,000 [~~\$200,000~~]; or

2-8 (7) a felony of the first degree if the amount of  
2-9 pecuniary loss is \$300,000 [~~\$200,000~~] or more.

2-10 (f) An offense under this section is a state jail felony if  
2-11 the damage or destruction is inflicted on a place of worship or  
2-12 human burial, a public monument, or a community center that  
2-13 provides medical, social, or educational programs and the amount of  
2-14 the pecuniary loss to real property or to tangible personal  
2-15 property is \$750 or more but less than \$30,000 [~~\$20,000~~].

2-16 (h) An offense under this section is a state jail felony if  
2-17 the amount of the pecuniary loss to real property or to tangible  
2-18 personal property is \$750 [~~\$1,500~~] or more but less than \$30,000  
2-19 [~~\$20,000~~] and the damage or destruction is inflicted on a public or  
2-20 private elementary school, secondary school, or institution of  
2-21 higher education.

2-22 (j) Notwithstanding Subsection (b), an offense under this  
2-23 section is a felony of the third degree if:

2-24 (1) the tangible property damaged, destroyed, or  
2-25 tampered with is transportation communications equipment or a  
2-26 transportation communications device; and

2-27 (2) the amount of the pecuniary loss to the tangible  
2-28 property is less than \$150,000 [~~\$100,000~~].

2-29 SECTION 2. Section 28.06(d), Penal Code, is amended to read  
2-30 as follows:

2-31 (d) If the amount of pecuniary loss cannot be ascertained by  
2-32 the criteria set forth in Subsections (a) through (c), the amount of  
2-33 loss is deemed to be greater than \$750 [~~\$500~~] but less than \$2,500  
2-34 [~~\$1,500~~].

2-35 SECTION 3. Section 28.07(e), Penal Code, is amended to read  
2-36 as follows:

2-37 (e) An offense under Subsection (b)(2)(B), (b)(2)(C), or  
2-38 (b)(2)(D) is a Class C misdemeanor unless the person causes  
2-39 pecuniary loss of \$100 or more, in which event the offense is:

2-40 (1) a Class B misdemeanor if the amount of pecuniary  
2-41 loss is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

2-42 (2) a Class A misdemeanor if the amount of pecuniary  
2-43 loss is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

2-44 (3) a state jail felony if the amount of pecuniary loss  
2-45 is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

2-46 (4) a felony of the third degree if the amount of the  
2-47 pecuniary loss is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
2-48 [~~\$100,000~~];

2-49 (5) a felony of the second degree if the amount of  
2-50 pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than  
2-51 \$300,000 [~~\$200,000~~]; or

2-52 (6) a felony of the first degree if the amount of the  
2-53 pecuniary loss is \$300,000 [~~\$200,000~~] or more.

2-54 SECTION 4. Sections 28.08(b) and (d), Penal Code, are  
2-55 amended to read as follows:

2-56 (b) Except as provided by Subsection (d), an offense under  
2-57 this section is:

2-58 (1) a Class C misdemeanor if the amount of pecuniary  
2-59 loss is less than \$100;

2-60 (2) a Class B misdemeanor if the amount of pecuniary  
2-61 loss is \$100 or more but less than \$750 [~~\$500~~];

2-62 (3) [~~(2)~~] a Class A misdemeanor if the amount of  
2-63 pecuniary loss is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

2-64 (4) [~~(3)~~] a state jail felony if the amount of  
2-65 pecuniary loss is \$2,500 [~~\$1,500~~] or more but less than \$30,000  
2-66 [~~\$20,000~~];

2-67 (5) [~~(4)~~] a felony of the third degree if the amount of  
2-68 pecuniary loss is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
2-69 [~~\$100,000~~];

3-1 (6) [~~5~~] a felony of the second degree if the amount  
3-2 of pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than  
3-3 \$300,000 [~~\$200,000~~]; or

3-4 (7) [~~6~~] a felony of the first degree if the amount of  
3-5 pecuniary loss is \$300,000 [~~\$200,000~~] or more.

3-6 (d) An offense under this section is a state jail felony if:

3-7 (1) the marking is made on a school, an institution of  
3-8 higher education, a place of worship or human burial, a public  
3-9 monument, or a community center that provides medical, social, or  
3-10 educational programs; and

3-11 (2) the amount of the pecuniary loss to real property  
3-12 or to tangible personal property is \$750 or more but less than  
3-13 \$30,000 [~~\$20,000~~].

3-14 SECTION 5. Article 14.06(d), Code of Criminal Procedure, is  
3-15 amended to read as follows:

3-16 (d) Subsection (c) applies only to a person charged with  
3-17 committing an offense under:

3-18 (1) Section 481.121, Health and Safety Code, if the  
3-19 offense is punishable under Subsection (b)(1) or (2) of that  
3-20 section;

3-21 (1-a) Section 481.1161, Health and Safety Code, if the  
3-22 offense is punishable under Subsection (b)(1) or (2) of that  
3-23 section;

3-24 (2) Section 28.03, Penal Code, if the offense is  
3-25 punishable under Subsection (b)(2) of that section;

3-26 (3) Section 28.08, Penal Code, if the offense is  
3-27 punishable under Subsection (b)(2) or (3) [~~(b)(1)~~] of that section;

3-28 (4) Section 31.03, Penal Code, if the offense is  
3-29 punishable under Subsection (e)(2)(A) of that section;

3-30 (5) Section 31.04, Penal Code, if the offense is  
3-31 punishable under Subsection (e)(2) of that section;

3-32 (6) Section 38.114, Penal Code, if the offense is  
3-33 punishable as a Class B misdemeanor; or

3-34 (7) Section 521.457, Transportation Code.

3-35 SECTION 6. Section 31.03(e), Penal Code, is amended to read  
3-36 as follows:

3-37 (e) Except as provided by Subsection (f), an offense under  
3-38 this section is:

3-39 (1) a Class C misdemeanor if the value of the property  
3-40 stolen is less than \$100 [~~+~~

3-41 [~~(A) \$50, or~~

3-42 [~~(B) \$20 and the defendant obtained the property~~  
3-43 ~~by issuing or passing a check or similar sight order in a manner~~  
3-44 ~~described by Section 31.06];~~

3-45 (2) a Class B misdemeanor if:

3-46 (A) the value of the property stolen is \$100 [~~+~~

3-47 [~~(i) \$50] or more but less than \$750 [~~\$500,~~~~

3-48 ~~or~~

3-49 [~~(ii) \$20 or more but less than \$500 and the~~  
3-50 ~~defendant obtained the property by issuing or passing a check or~~  
3-51 ~~similar sight order in a manner described by Section 31.06];~~

3-52 (B) the value of the property stolen is less than  
3-53 \$100 [~~+~~

3-54 [~~(i) \$50] and the defendant has previously~~

3-55 been convicted of any grade of theft; or

3-56 [~~(ii) \$20, the defendant has previously~~  
3-57 ~~been convicted of any grade of theft, and the defendant obtained the~~  
3-58 ~~property by issuing or passing a check or similar sight order in a~~  
3-59 ~~manner described by Section 31.06, or]~~

3-60 (C) the property stolen is a driver's license,  
3-61 commercial driver's license, or personal identification  
3-62 certificate issued by this state or another state;

3-63 (3) a Class A misdemeanor if the value of the property  
3-64 stolen is \$750 [~~\$500] or more but less than \$2,500 [~~\$1,500];~~~~

3-65 (4) a state jail felony if:

3-66 (A) the value of the property stolen is \$2,500  
3-67 [~~\$1,500] or more but less than \$30,000 [~~\$20,000], or the property is~~~~

3-68 less than 10 head of sheep, swine, or goats or any part thereof  
3-69 under the value of \$30,000 [~~\$20,000];~~

4-1 (B) regardless of value, the property is stolen  
4-2 from the person of another or from a human corpse or grave,  
4-3 including property that is a military grave marker;

4-4 (C) the property stolen is a firearm, as defined  
4-5 by Section 46.01;

4-6 (D) the value of the property stolen is less than  
4-7 \$2,500 [~~\$1,500~~] and the defendant has been previously convicted two  
4-8 or more times of any grade of theft;

4-9 (E) the property stolen is an official ballot or  
4-10 official carrier envelope for an election; or

4-11 (F) the value of the property stolen is less than  
4-12 \$30,000 [~~\$20,000~~] and the property stolen is:

- 4-13 (i) aluminum;
- 4-14 (ii) bronze;
- 4-15 (iii) copper; or
- 4-16 (iv) brass;

4-17 (5) a felony of the third degree if the value of the  
4-18 property stolen is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
4-19 [~~\$100,000~~], or the property is:

4-20 (A) cattle, horses, or exotic livestock or exotic  
4-21 fowl as defined by Section 142.001, Agriculture Code, stolen during  
4-22 a single transaction and having an aggregate value of less than  
4-23 \$150,000 [~~\$100,000~~]; or

4-24 (B) 10 or more head of sheep, swine, or goats  
4-25 stolen during a single transaction and having an aggregate value of  
4-26 less than \$150,000 [~~\$100,000~~];

4-27 (6) a felony of the second degree if:

4-28 (A) the value of the property stolen is \$150,000  
4-29 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

4-30 (B) the value of the property stolen is less than  
4-31 \$300,000 [~~\$200,000~~] and the property stolen is an automated teller  
4-32 machine or the contents or components of an automated teller  
4-33 machine; or

4-34 (7) a felony of the first degree if the value of the  
4-35 property stolen is \$300,000 [~~\$200,000~~] or more.

4-36 SECTION 7. Sections 31.04(b) and (e), Penal Code, are  
4-37 amended to read as follows:

4-38 (b) For purposes of this section, intent to avoid payment is  
4-39 presumed if:

4-40 (1) the actor absconded without paying for the service  
4-41 or expressly refused to pay for the service in circumstances where  
4-42 payment is ordinarily made immediately upon rendering of the  
4-43 service, as in hotels, campgrounds, recreational vehicle parks,  
4-44 restaurants, and comparable establishments;

4-45 (2) the actor failed to make payment under a service  
4-46 agreement within 10 days after receiving notice demanding payment;

4-47 (3) the actor returns property held under a rental  
4-48 agreement after the expiration of the rental agreement and fails to  
4-49 pay the applicable rental charge for the property within 10 days  
4-50 after the date on which the actor received notice demanding  
4-51 payment; or

4-52 (4) the actor failed to return the property held under  
4-53 a rental agreement:

4-54 (A) within five days after receiving notice  
4-55 demanding return, if the property is valued at less than \$2,500  
4-56 [~~\$1,500~~]; or

4-57 (B) within three days after receiving notice  
4-58 demanding return, if the property is valued at \$2,500 [~~\$1,500~~] or  
4-59 more.

4-60 (e) An offense under this section is:

4-61 (1) a Class C misdemeanor if the value of the service  
4-62 stolen is less than \$100 [~~\$20~~];

4-63 (2) a Class B misdemeanor if the value of the service  
4-64 stolen is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

4-65 (3) a Class A misdemeanor if the value of the service  
4-66 stolen is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

4-67 (4) a state jail felony if the value of the service  
4-68 stolen is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

4-69 (5) a felony of the third degree if the value of the

5-1 service stolen is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
5-2 [~~\$100,000~~];

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

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

5-8 SECTION 8. Section 31.08(c), Penal Code, is amended to read  
5-9 as follows:

5-10 (c) If property or service has value that cannot be  
5-11 reasonably ascertained by the criteria set forth in Subsections (a)  
5-12 and (b), the property or service is deemed to have a value of \$750  
5-13 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~].

5-14 SECTION 9. Sections 31.16(c) and (d), Penal Code, are  
5-15 amended to read as follows:

5-16 (c) An offense under this section is:

5-17 (1) a Class C misdemeanor if the total value of the  
5-18 merchandise involved in the activity is less than \$100;

5-19 (2) a Class B misdemeanor if the total value of the  
5-20 merchandise involved in the activity is \$100 or more but less than  
5-21 \$750 [~~\$50~~];

5-22 (3) [~~(2)~~] a Class A misdemeanor if the total value of  
5-23 the merchandise involved in the activity is \$750 [~~\$50~~] or more but  
5-24 less than \$2,500 [~~\$500~~];

5-25 (4) [~~(3)~~] a state jail felony if the total value of the  
5-26 merchandise involved in the activity is \$2,500 [~~\$500~~] or more but  
5-27 less than \$30,000 [~~\$1,500~~];

5-28 (5) [~~(4)~~] a felony of the third degree if the total  
5-29 value of the merchandise involved in the activity is \$30,000  
5-30 [~~\$1,500~~] or more but less than \$150,000 [~~\$20,000~~];

5-31 (6) [~~(5)~~] a felony of the second degree if the total  
5-32 value of the merchandise involved in the activity is \$150,000  
5-33 [~~\$20,000~~] or more but less than \$300,000 [~~\$100,000~~]; or

5-34 (7) [~~(6)~~] a felony of the first degree if the total  
5-35 value of the merchandise involved in the activity is \$300,000  
5-36 [~~\$100,000~~] or more.

5-37 (d) An offense described for purposes of punishment by  
5-38 Subsections (c)(1)-(6) [~~(c)(1)-(5)~~] is increased to the next higher  
5-39 category of offense if it is shown on the trial of the offense that:

5-40 (1) the person organized, supervised, financed, or  
5-41 managed one or more other persons engaged in an activity described  
5-42 by Subsection (b); or

5-43 (2) during the commission of the offense, a person  
5-44 engaged in an activity described by Subsection (b) intentionally,  
5-45 knowingly, or recklessly:

5-46 (A) caused a fire exit alarm to sound or  
5-47 otherwise become activated;

5-48 (B) deactivated or otherwise prevented a fire  
5-49 exit alarm or retail theft detector from sounding; or

5-50 (C) used a shielding or deactivation instrument  
5-51 to prevent or attempt to prevent detection of the offense by a  
5-52 retail theft detector.

5-53 SECTION 10. Section 32.02(c), Penal Code, is amended to  
5-54 read as follows:

5-55 (c) If property or service has value that cannot be  
5-56 reasonably ascertained by the criteria set forth in Subsections (a)  
5-57 and (b), the property or service is deemed to have a value of \$750  
5-58 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~].

5-59 SECTION 11. Section 32.23(e), Penal Code, is amended to  
5-60 read as follows:

5-61 (e) An offense under this section is a:

5-62 (1) Class C misdemeanor if the retail value of the item  
5-63 or service is less than \$100 [~~\$20~~];

5-64 (2) Class B misdemeanor if the retail value of the item  
5-65 or service is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

5-66 (3) Class A misdemeanor if the retail value of the item  
5-67 or service is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

5-68 (4) state jail felony if the retail value of the item  
5-69 or service is \$2,500 [~~\$1,500~~] or more but less than \$30,000

6-1 [~~\$20,000~~];

6-2 (5) felony of the third degree if the retail value of  
6-3 the item or service is \$30,000 [~~\$20,000~~] or more but less than  
6-4 \$150,000 [~~\$100,000~~];

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

6-8 (7) felony of the first degree if the retail value of  
6-9 the item or service is \$300,000 [~~\$200,000~~] or more.

6-10 SECTION 12. Section 32.32(c), Penal Code, is amended to  
6-11 read as follows:

6-12 (c) An offense under this section is:

6-13 (1) a Class C misdemeanor if the value of the property  
6-14 or the amount of credit is less than \$100 [~~\$50~~];

6-15 (2) a Class B misdemeanor if the value of the property  
6-16 or the amount of credit is \$100 [~~\$50~~] or more but less than \$750  
6-17 [~~\$500~~];

6-18 (3) a Class A misdemeanor if the value of the property  
6-19 or the amount of credit is \$750 [~~\$500~~] or more but less than \$2,500  
6-20 [~~\$1,500~~];

6-21 (4) a state jail felony if the value of the property or  
6-22 the amount of credit is \$2,500 [~~\$1,500~~] or more but less than  
6-23 \$30,000 [~~\$20,000~~];

6-24 (5) a felony of the third degree if the value of the  
6-25 property or the amount of credit is \$30,000 [~~\$20,000~~] or more but  
6-26 less than \$150,000 [~~\$100,000~~];

6-27 (6) a felony of the second degree if the value of the  
6-28 property or the amount of credit is \$150,000 [~~\$100,000~~] or more but  
6-29 less than \$300,000 [~~\$200,000~~]; or

6-30 (7) a felony of the first degree if the value of the  
6-31 property or the amount of credit is \$300,000 [~~\$200,000~~] or more.

6-32 SECTION 13. Sections 32.33(d) and (e), Penal Code, are  
6-33 amended to read as follows:

6-34 (d) An offense under Subsection (b) is a:

6-35 (1) Class C misdemeanor if the value of the property  
6-36 destroyed, removed, concealed, encumbered, or otherwise harmed or  
6-37 reduced in value is less than \$100 [~~\$20~~];

6-38 (2) Class B misdemeanor if the value of the property  
6-39 destroyed, removed, concealed, encumbered, or otherwise harmed or  
6-40 reduced in value is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

6-41 (3) Class A misdemeanor if the value of the property  
6-42 destroyed, removed, concealed, encumbered, or otherwise harmed or  
6-43 reduced in value is \$750 [~~\$500~~] or more but less than \$2,500  
6-44 [~~\$1,500~~];

6-45 (4) state jail felony if the value of the property  
6-46 destroyed, removed, concealed, encumbered, or otherwise harmed or  
6-47 reduced in value is \$2,500 [~~\$1,500~~] or more but less than \$30,000  
6-48 [~~\$20,000~~];

6-49 (5) felony of the third degree if the value of the  
6-50 property destroyed, removed, concealed, encumbered, or otherwise  
6-51 harmed or reduced in value is \$30,000 [~~\$20,000~~] or more but less  
6-52 than \$150,000 [~~\$100,000~~];

6-53 (6) felony of the second degree if the value of the  
6-54 property destroyed, removed, concealed, encumbered, or otherwise  
6-55 harmed or reduced in value is \$150,000 [~~\$100,000~~] or more but less  
6-56 than \$300,000 [~~\$200,000~~]; or

6-57 (7) felony of the first degree if the value of the  
6-58 property destroyed, removed, concealed, encumbered, or otherwise  
6-59 harmed or reduced in value is \$300,000 [~~\$200,000~~] or more.

6-60 (e) A person who is a debtor under a security agreement, and  
6-61 who does not have a right to sell or dispose of the secured property  
6-62 or is required to account to the secured party for the proceeds of a  
6-63 permitted sale or disposition, commits an offense if the person  
6-64 sells or otherwise disposes of the secured property, or does not  
6-65 account to the secured party for the proceeds of a sale or other  
6-66 disposition as required, with intent to appropriate (as defined in  
6-67 Chapter 31) the proceeds or value of the secured property. A person  
6-68 is presumed to have intended to appropriate proceeds if the person  
6-69 does not deliver the proceeds to the secured party or account to the

7-1 secured party for the proceeds before the 11th day after the day  
 7-2 that the secured party makes a lawful demand for the proceeds or  
 7-3 account. An offense under this subsection is:

7-4 (1) a Class C misdemeanor if the proceeds obtained  
 7-5 from the sale or other disposition are money or goods having a value  
 7-6 of less than \$100 [~~\$20~~];

7-7 (2) a Class B misdemeanor if the proceeds obtained  
 7-8 from the sale or other disposition are money or goods having a value  
 7-9 of \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

7-10 (3) a Class A misdemeanor if the proceeds obtained  
 7-11 from the sale or other disposition are money or goods having a value  
 7-12 of \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

7-13 (4) a state jail felony if the proceeds obtained from  
 7-14 the sale or other disposition are money or goods having a value of  
 7-15 \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

7-16 (5) a felony of the third degree if the proceeds  
 7-17 obtained from the sale or other disposition are money or goods  
 7-18 having a value of \$30,000 [~~\$20,000~~] or more but less than \$150,000  
 7-19 [~~\$100,000~~];

7-20 (6) a felony of the second degree if the proceeds  
 7-21 obtained from the sale or other disposition are money or goods  
 7-22 having a value of \$150,000 [~~\$100,000~~] or more but less than \$300,000  
 7-23 [~~\$200,000~~]; or

7-24 (7) a felony of the first degree if the proceeds  
 7-25 obtained from the sale or other disposition are money or goods  
 7-26 having a value of \$300,000 [~~\$200,000~~] or more.

7-27 SECTION 14. Section 32.34(f), Penal Code, is amended to  
 7-28 read as follows:

7-29 (f) An offense under Subsection (b)(1), (b)(2), or (b)(3)  
 7-30 is:

7-31 (1) a state jail felony if the value of the motor  
 7-32 vehicle is less than \$30,000 [~~\$20,000~~]; [~~or~~]

7-33 (2) a felony of the third degree if the value of the  
 7-34 motor vehicle is \$30,000 [~~\$20,000~~] or more but less than \$150,000;

7-35 (3) a felony of the second degree if the value of the  
 7-36 motor vehicle is \$150,000 or more but less than \$300,000; or

7-37 (4) a felony of the first degree if the value of the  
 7-38 motor vehicle is \$300,000 or more.

7-39 SECTION 15. Section 32.35(e), Penal Code, is amended to  
 7-40 read as follows:

7-41 (e) An offense under this section is a:

7-42 (1) Class C misdemeanor if the amount of the record of  
 7-43 a sale is less than \$100 [~~\$20~~];

7-44 (2) Class B misdemeanor if the amount of the record of  
 7-45 a sale is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

7-46 (3) Class A misdemeanor if the amount of the record of  
 7-47 a sale is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

7-48 (4) state jail felony if the amount of the record of a  
 7-49 sale is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

7-50 (5) felony of the third degree if the amount of the  
 7-51 record of a sale is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
 7-52 [~~\$100,000~~];

7-53 (6) felony of the second degree if the amount of the  
 7-54 record of a sale is \$150,000 [~~\$100,000~~] or more but less than  
 7-55 \$300,000 [~~\$200,000~~]; or

7-56 (7) felony of the first degree if the amount of the  
 7-57 record of a sale is \$300,000 [~~\$200,000~~] or more.

7-58 SECTION 16. Section 32.441(e), Penal Code, is amended to  
 7-59 read as follows:

7-60 (e) An offense under this section is a:

7-61 (1) Class C misdemeanor if the value of the benefit is  
 7-62 less than \$100 [~~\$20~~];

7-63 (2) Class B misdemeanor if the value of the benefit is  
 7-64 \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

7-65 (3) Class A misdemeanor if the value of the benefit is  
 7-66 \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

7-67 (4) state jail felony if the value of the benefit is  
 7-68 \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

7-69 (5) felony of the third degree if the value of the

8-1 benefit is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
8-2 [~~\$100,000~~];

8-3 (6) felony of the second degree if the value of the  
8-4 benefit is \$150,000 [~~\$100,000~~] or more but less than \$300,000  
8-5 [~~\$200,000~~]; or

8-6 (7) felony of the first degree if the value of the  
8-7 benefit is \$300,000 [~~\$200,000~~] or more.

8-8 SECTION 17. Section 32.45(c), Penal Code, is amended to  
8-9 read as follows:

8-10 (c) An offense under this section is:

8-11 (1) a Class C misdemeanor if the value of the property  
8-12 misapplied is less than \$100 [~~\$20~~];

8-13 (2) a Class B misdemeanor if the value of the property  
8-14 misapplied is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

8-15 (3) a Class A misdemeanor if the value of the property  
8-16 misapplied is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

8-17 (4) a state jail felony if the value of the property  
8-18 misapplied is \$2,500 [~~\$1,500~~] or more but less than \$30,000  
8-19 [~~\$20,000~~];

8-20 (5) a felony of the third degree if the value of the  
8-21 property misapplied is \$30,000 [~~\$20,000~~] or more but less than  
8-22 \$150,000 [~~\$100,000~~];

8-23 (6) a felony of the second degree if the value of the  
8-24 property misapplied is \$150,000 [~~\$100,000~~] or more but less than  
8-25 \$300,000 [~~\$200,000~~]; or

8-26 (7) a felony of the first degree if the value of the  
8-27 property misapplied is \$300,000 [~~\$200,000~~] or more.

8-28 SECTION 18. Section 32.46(b), Penal Code, is amended to  
8-29 read as follows:

8-30 (b) An offense under Subsection (a)(1) is a:

8-31 (1) Class C misdemeanor if the value of the property,  
8-32 service, or pecuniary interest is less than \$100 [~~\$20~~];

8-33 (2) Class B misdemeanor if the value of the property,  
8-34 service, or pecuniary interest is \$100 [~~\$20~~] or more but less than  
8-35 \$750 [~~\$500~~];

8-36 (3) Class A misdemeanor if the value of the property,  
8-37 service, or pecuniary interest is \$750 [~~\$500~~] or more but less than  
8-38 \$2,500 [~~\$1,500~~];

8-39 (4) state jail felony if the value of the property,  
8-40 service, or pecuniary interest is \$2,500 [~~\$1,500~~] or more but less  
8-41 than \$30,000 [~~\$20,000~~];

8-42 (5) felony of the third degree if the value of the  
8-43 property, service, or pecuniary interest is \$30,000 [~~\$20,000~~] or  
8-44 more but less than \$150,000 [~~\$100,000~~];

8-45 (6) felony of the second degree if the value of the  
8-46 property, service, or pecuniary interest is \$150,000 [~~\$100,000~~] or  
8-47 more but less than \$300,000 [~~\$200,000~~]; or

8-48 (7) felony of the first degree if the value of the  
8-49 property, service, or pecuniary interest is \$300,000 [~~\$200,000~~] or  
8-50 more.

8-51 SECTION 19. Section 33.02(b-2), Penal Code, is amended to  
8-52 read as follows:

8-53 (b-2) An offense under Subsection (b-1) is:

8-54 (1) a Class C misdemeanor if the aggregate amount  
8-55 involved is less than \$100;

8-56 (2) a Class B misdemeanor if the aggregate amount  
8-57 involved is \$100 or more but less than \$750;

8-58 (3) a Class A misdemeanor if the aggregate amount  
8-59 involved is \$750 or more but less than \$2,500;

8-60 (4) [~~(1)~~] a state jail felony if the aggregate amount  
8-61 involved is \$2,500 or more but less than \$30,000 [~~\$20,000~~];

8-62 (5) [~~(2)~~] a felony of the third degree if the  
8-63 aggregate amount involved is \$30,000 [~~\$20,000~~] or more but less  
8-64 than \$150,000 [~~\$100,000~~];

8-65 (6) [~~(3)~~] a felony of the second degree if:

8-66 (A) the aggregate amount involved is \$150,000  
8-67 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~];

8-68 (B) the aggregate amount involved is any amount  
8-69 less than \$300,000 [~~\$200,000~~] and the computer, computer network,



9-1 or computer system is owned by the government or a critical  
9-2 infrastructure facility; or

9-3 (C) the actor obtains the identifying  
9-4 information of another by accessing only one computer, computer  
9-5 network, or computer system; or

9-6 (7) [~~(4)~~] a felony of the first degree if:

9-7 (A) the aggregate amount involved is \$300,000  
9-8 [~~\$200,000~~] or more; or

9-9 (B) the actor obtains the identifying  
9-10 information of another by accessing more than one computer,  
9-11 computer network, or computer system.

9-12 SECTION 20. Section 33A.02(b), Penal Code, is amended to  
9-13 read as follows:

9-14 (b) An offense under this section is:

9-15 (1) a Class C misdemeanor if the value of the  
9-16 telecommunications service used or diverted is less than \$100;

9-17 (2) a Class B misdemeanor if the value of the  
9-18 telecommunications service used or diverted is \$100 or more but  
9-19 less than \$750 [~~\$500~~];

9-20 (3) [~~(2)~~] a Class A misdemeanor if:

9-21 (A) the value of the telecommunications service  
9-22 used or diverted is \$750 [~~\$500~~] or more but less than \$2,500  
9-23 [~~\$1,500~~]; or

9-24 (B) the value of the telecommunications service  
9-25 used or diverted is less than \$750 [~~\$500]~~ and the defendant has been  
9-26 previously convicted of an offense under this chapter;

9-27 (4) [~~(3)~~] a state jail felony if:

9-28 (A) the value of the telecommunications service  
9-29 used or diverted is \$2,500 [~~\$1,500]~~ or more but less than \$30,000  
9-30 [~~\$20,000~~]; or

9-31 (B) the value of the telecommunications service  
9-32 used or diverted is less than \$2,500 [~~\$1,500]~~ and the defendant has  
9-33 been previously convicted two or more times of an offense under this  
9-34 chapter;

9-35 (5) [~~(4)~~] a felony of the third degree if the value of  
9-36 the telecommunications service used or diverted is \$30,000  
9-37 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000]~~;

9-38 (6) [~~(5)~~] a felony of the second degree if the value of  
9-39 the telecommunications service used or diverted is \$150,000  
9-40 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000]~~; or

9-41 (7) [~~(6)~~] a felony of the first degree if the value of  
9-42 the telecommunications service used or diverted is \$300,000  
9-43 [~~\$200,000~~] or more.

9-44 SECTION 21. Section 33A.04(b), Penal Code, is amended to  
9-45 read as follows:

9-46 (b) An offense under this section is:

9-47 (1) a Class C misdemeanor if the value of the  
9-48 telecommunications service obtained or attempted to be obtained is  
9-49 less than \$100;

9-50 (2) a Class B misdemeanor if the value of the  
9-51 telecommunications service obtained or attempted to be obtained is  
9-52 \$100 or more but less than \$750 [~~\$500]~~;

9-53 (3) [~~(2)~~] a Class A misdemeanor if:

9-54 (A) the value of the telecommunications service  
9-55 obtained or attempted to be obtained is \$750 [~~\$500]~~ or more but less  
9-56 than \$2,500 [~~\$1,500]~~; or

9-57 (B) the value of the telecommunications service  
9-58 obtained or attempted to be obtained is less than \$750 [~~\$500]~~ and  
9-59 the defendant has been previously convicted of an offense under  
9-60 this chapter;

9-61 (4) [~~(3)~~] a state jail felony if:

9-62 (A) the value of the telecommunications service  
9-63 obtained or attempted to be obtained is \$2,500 [~~\$1,500]~~ or more but  
9-64 less than \$30,000 [~~\$20,000]~~; or

9-65 (B) the value of the telecommunications service  
9-66 obtained or attempted to be obtained is less than \$2,500 [~~\$1,500]~~  
9-67 and the defendant has been previously convicted two or more times of  
9-68 an offense under this chapter;

9-69 (5) [~~(4)~~] a felony of the third degree if the value of

10-1 the telecommunications service obtained or attempted to be obtained  
 10-2 is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];  
 10-3 (6) [~~(5)~~] a felony of the second degree if the value of  
 10-4 the telecommunications service obtained or attempted to be obtained  
 10-5 is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~];  
 10-6 or  
 10-7 (7) [~~(6)~~] a felony of the first degree if the value of  
 10-8 the telecommunications service obtained or attempted to be obtained  
 10-9 is \$300,000 [~~\$200,000~~] or more.

10-10 SECTION 22. Section 34.02(e), Penal Code, is amended to  
 10-11 read as follows:

- 10-12 (e) An offense under this section is:  
 10-13 (1) a state jail felony if the value of the funds is  
 10-14 \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];  
 10-15 (2) a felony of the third degree if the value of the  
 10-16 funds is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
 10-17 [~~\$100,000~~];  
 10-18 (3) a felony of the second degree if the value of the  
 10-19 funds is \$150,000 [~~\$100,000~~] or more but less than \$300,000  
 10-20 [~~\$200,000~~]; or  
 10-21 (4) a felony of the first degree if the value of the  
 10-22 funds is \$300,000 [~~\$200,000~~] or more.

10-23 SECTION 23. Section 35.02(c), Penal Code, is amended to  
 10-24 read as follows:

- 10-25 (c) An offense under Subsection (a) or (b) is:  
 10-26 (1) a Class C misdemeanor if the value of the claim is  
 10-27 less than \$100 [~~\$50~~];  
 10-28 (2) a Class B misdemeanor if the value of the claim is  
 10-29 \$100 [~~\$50~~] or more but less than \$750 [~~\$500~~];  
 10-30 (3) a Class A misdemeanor if the value of the claim is  
 10-31 \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];  
 10-32 (4) a state jail felony if the value of the claim is  
 10-33 \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];  
 10-34 (5) a felony of the third degree if the value of the  
 10-35 claim is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
 10-36 [~~\$100,000~~];  
 10-37 (6) a felony of the second degree if the value of the  
 10-38 claim is \$150,000 [~~\$100,000~~] or more but less than \$300,000  
 10-39 [~~\$200,000~~]; or  
 10-40 (7) a felony of the first degree if:  
 10-41 (A) the value of the claim is \$300,000 [~~\$200,000~~]  
 10-42 or more; or  
 10-43 (B) an act committed in connection with the  
 10-44 commission of the offense places a person at risk of death or  
 10-45 serious bodily injury.

10-46 SECTION 24. Section 35.025(b), Penal Code, is amended to  
 10-47 read as follows:

10-48 (b) If goods or services that are the subject of a claim  
 10-49 cannot be reasonably ascertained under Subsection (a), the goods or  
 10-50 services are considered to have a value of \$750 [~~\$500~~] or more but  
 10-51 less than \$2,500 [~~\$1,500~~].

10-52 SECTION 25. Section 35A.02(b), Penal Code, is amended to  
 10-53 read as follows:

- 10-54 (b) An offense under this section is:  
 10-55 (1) a Class C misdemeanor if the amount of any payment  
 10-56 or the value of any monetary or in-kind benefit provided or claim  
 10-57 for payment made under the Medicaid program, directly or  
 10-58 indirectly, as a result of the conduct is less than \$100 [~~\$50~~];  
 10-59 (2) a Class B misdemeanor if the amount of any payment  
 10-60 or the value of any monetary or in-kind benefit provided or claim  
 10-61 for payment made under the Medicaid program, directly or  
 10-62 indirectly, as a result of the conduct is \$100 [~~\$50~~] or more but  
 10-63 less than \$750 [~~\$500~~];  
 10-64 (3) a Class A misdemeanor if the amount of any payment  
 10-65 or the value of any monetary or in-kind benefit provided or claim  
 10-66 for payment made under the Medicaid program, directly or  
 10-67 indirectly, as a result of the conduct is \$750 [~~\$500~~] or more but  
 10-68 less than \$2,500 [~~\$1,500~~];  
 10-69 (4) a state jail felony if:

11-1 (A) the amount of any payment or the value of any  
11-2 monetary or in-kind benefit provided or claim for payment made  
11-3 under the Medicaid program, directly or indirectly, as a result of  
11-4 the conduct is \$2,500 [~~\$1,500~~] or more but less than \$30,000  
11-5 [~~\$20,000~~];

11-6 (B) the offense is committed under Subsection  
11-7 (a)(11); or

11-8 (C) it is shown on the trial of the offense that  
11-9 the amount of the payment or value of the benefit described by this  
11-10 subsection cannot be reasonably ascertained;

11-11 (5) a felony of the third degree if:

11-12 (A) the amount of any payment or the value of any  
11-13 monetary or in-kind benefit provided or claim for payment made  
11-14 under the Medicaid program, directly or indirectly, as a result of  
11-15 the conduct is \$30,000 [~~\$20,000~~] or more but less than \$150,000  
11-16 [~~\$100,000~~]; or

11-17 (B) it is shown on the trial of the offense that  
11-18 the defendant submitted more than 25 but fewer than 50 fraudulent  
11-19 claims under the Medicaid program and the submission of each claim  
11-20 constitutes conduct prohibited by Subsection (a);

11-21 (6) a felony of the second degree if:

11-22 (A) the amount of any payment or the value of any  
11-23 monetary or in-kind benefit provided or claim for payment made  
11-24 under the Medicaid program, directly or indirectly, as a result of  
11-25 the conduct is \$150,000 [~~\$100,000~~] or more but less than \$300,000  
11-26 [~~\$200,000~~]; or

11-27 (B) it is shown on the trial of the offense that  
11-28 the defendant submitted 50 or more fraudulent claims under the  
11-29 Medicaid program and the submission of each claim constitutes  
11-30 conduct prohibited by Subsection (a); or

11-31 (7) a felony of the first degree if the amount of any  
11-32 payment or the value of any monetary or in-kind benefit provided or  
11-33 claim for payment made under the Medicaid program, directly or  
11-34 indirectly, as a result of the conduct is \$300,000 [~~\$200,000~~] or  
11-35 more.

11-36 SECTION 26. Section 39.02(c), Penal Code, is amended to  
11-37 read as follows:

11-38 (c) An offense under Subsection (a)(2) is:

11-39 (1) a Class C misdemeanor if the value of the use of  
11-40 the thing misused is less than \$100 [~~\$20~~];

11-41 (2) a Class B misdemeanor if the value of the use of  
11-42 the thing misused is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

11-43 (3) a Class A misdemeanor if the value of the use of  
11-44 the thing misused is \$750 [~~\$500~~] or more but less than \$2,500  
11-45 [~~\$1,500~~];

11-46 (4) a state jail felony if the value of the use of the  
11-47 thing misused is \$2,500 [~~\$1,500~~] or more but less than \$30,000  
11-48 [~~\$20,000~~];

11-49 (5) a felony of the third degree if the value of the  
11-50 use of the thing misused is \$30,000 [~~\$20,000~~] or more but less than  
11-51 \$150,000 [~~\$100,000~~];

11-52 (6) a felony of the second degree if the value of the  
11-53 use of the thing misused is \$150,000 [~~\$100,000~~] or more but less  
11-54 than \$300,000 [~~\$200,000~~]; or

11-55 (7) a felony of the first degree if the value of the  
11-56 use of the thing misused is \$300,000 [~~\$200,000~~] or more.

11-57 SECTION 27. The changes in law made by this Act apply only  
11-58 to an offense committed on or after the effective date of this Act.  
11-59 An offense committed before the effective date of this Act is  
11-60 governed by the law in effect on the date the offense was committed,  
11-61 and the former law is continued in effect for that purpose. For  
11-62 purposes of this section, an offense was committed before the  
11-63 effective date of this Act if any element of the offense occurred  
11-64 before that date.

11-65 SECTION 28. This Act takes effect September 1, 2015.

11-66 \* \* \* \* \*