

By: Zaffirini

S.B. No. 1393

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of theft of pipeline equipment, oil and gas equipment, oil, gas, or condensate and the unauthorized purchase or sale of oil, gas, or condensate.

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

SECTION 1. Section 31.03 (e)(6), Penal Code is amended to read as follows:

(6) a felony of the second degree if:

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

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

(C) the value of the property stolen is \$10,000 or more but less than \$200,000 and the property stolen is pipeline equipment or oil and gas equipment as defined by Section 112.001, Natural Resources Code; or

(D) the value of the property stolen is \$10,000 or more but less than \$200,000 and the property stolen is oil or gas as defined by Section 115.001, Natural Resources Code or condensate.

SECTION 2. Section 31.03 (f)(2), Penal Code is amended to read as follows:

(f) An offense described for purposes of punishment by Subsections (e)(1)-(6) is increased to the next higher category of

offense if it is shown on the trial of the offense that:

(4) the actor was a Medicare provider in a contractual relationship with the federal government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of the contractual relationship;  
~~or~~

(5) during the commission of the offense, the actor intentionally, knowingly, or recklessly:

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

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

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

(6) the actor was in a contractual or employment relationship with the owner of the oil, gas, condensate, pipeline equipment, or oil and gas equipment at the time of the offense and the oil, gas, condensate, pipeline equipment, or oil and gas equipment was in the actor's custody, possession, or control by virtue of the contractual or employment relationship.

SECTION 3. Section 85.389, Natural Resources Code is amended to read as follows:

(b) A person who purchases or sells oil, gas or condensate without first obtaining the required registration or permits from the commission for the sale or purchase of oil, gas or condensate commits an offense.

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

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