

BILL ANALYSIS

C.S.H.B. 1686
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note a discrepancy in the penalty for the fraudulent destruction, removal, or concealment of a writing that is attached to tangible property and the penalty for stealing that same tangible property. C.S.H.B. 1686 seeks to address this problem by establishing new penalties for the fraudulent destruction, removal, or concealment of a writing that is attached to tangible property.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1686 amends the Penal Code to establish penalties for an offense of fraudulent destruction, removal, or concealment of a writing, if the writing at the time of the offense was attached to tangible property to indicate the price for the sale of that property and the actor engaged in the conduct that constitutes the offense with respect to that writing for the purpose of obtaining the property for a lesser price indicated by a separate writing, ranging from a Class C misdemeanor to a first degree felony depending on the amount of the difference between the impaired writing and the lesser price indicated by the other writing.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1686 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 32.47, Penal Code, is amended by amending Subsection (c) and

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 32.47, Penal Code, is amended by amending Subsection (c) and

adding Subsection (e) to read as follows:

(c) Except as provided by ~~the~~ Subsection (d), an offense under this section is a Class A misdemeanor, provided that the writing is not attached to tangible property to indicate the price for the sale of that property.

(e) If at the time of the offense the writing was attached to tangible property to indicate the price for the sale of that property

, an offense under this section is:

(1) a Class C misdemeanor if the value of the property is less than \$100;

(2) a Class B misdemeanor if the value of the property is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the value of the property is \$750 or more but less than \$2,500;

(4) a state jail felony if the value of the property is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the value of the property is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the value of the property is \$150,000 or more but less than \$300,000; or

(7) a felony of the first degree if the value of the property is \$300,000 or more.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of

adding Subsection (e) to read as follows:

(c) Except as provided by ~~the~~ Subsection (d), an offense under this section is a Class A misdemeanor, provided that:

(1) the writing is not attached to tangible property to indicate the price for the sale of that property; and

(2) the actor did not engage in the conduct described by Subsection (a) with respect to that writing for the purpose of obtaining the property for a lesser price indicated by a separate writing.

(e) If at the time of the offense the writing was attached to tangible property to indicate the price for the sale of that property and the actor engaged in the conduct described by Subsection (a) with respect to that writing for the purpose of obtaining the property for a lesser price indicated by a separate writing, an offense under this section is:

(1) a Class C misdemeanor if the difference between the impaired writing and the lesser price indicated by the other writing is less than \$100;

(2) a Class B misdemeanor if the difference between the impaired writing and the lesser price indicated by the other writing is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the difference between the impaired writing and the lesser price indicated by the other writing is \$750 or more but less than \$2,500;

(4) a state jail felony if the difference between the impaired writing and the lesser price indicated by the other writing is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the difference between the impaired writing and the lesser price indicated by the other writing is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the difference between the impaired writing and the lesser price indicated by the other writing is \$150,000 or more but less than \$300,000; or

(7) a felony of the first degree if the difference between the impaired writing and the lesser price indicated by the other writing is \$300,000 or more.

SECTION 2. Same as introduced version.

this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.