

By: Burton

S.B. No. 1077

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the punishment for theft offenses involving certain  
3 metals.

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

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

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

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

11 (2) a Class B misdemeanor if:

12 (A) the value of the property stolen is \$100 or  
13 more but less than \$750;

14 (B) the value of the property stolen is less than  
15 \$100 and the defendant has previously been convicted of any grade of  
16 theft; or

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

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

22 (4) a state jail felony if:

23 (A) the value of the property stolen is \$2,500 or  
24 more but less than \$30,000, or the property is less than 10 head of

1 sheep, swine, or goats or any part thereof under the value of  
2 \$30,000;

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

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

8 (D) the value of the property stolen is less than  
9 \$2,500 and the defendant has been previously convicted two or more  
10 times of any grade of theft;

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

13 (F) the value of the property stolen is less than  
14 \$30,000 [~~\$20,000~~] and the property [~~stolen~~] is:

15 (i) aluminum, bronze, copper, or brass  
16 stolen from:

17 (a) a structure owned or operated by a  
18 telecommunications provider, as defined by Section 51.002,  
19 Utilities Code; or

20 (b) a structure in which the stolen  
21 property was used to provide basic local telecommunications  
22 service, as defined by Section 51.002, Utilities Code; or

23 (ii) regulated material, as defined by  
24 Section 1956.001, Occupations Code, stolen from:

25 (a) a public utility or  
26 telecommunications provider, as those terms are defined by Section  
27 51.002, Utilities Code; or

1                                    (b) a cable service provider or video  
2 service provider, as those terms are defined by Section 66.002,  
3 Utilities Code [~~bronze,~~  
4                                    [~~(iii) copper, or~~  
5                                    [~~(iv) brass~~];

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

9                    (A) cattle, horses, or exotic livestock or exotic  
10 fowl as defined by Section 142.001, Agriculture Code, stolen during  
11 a single transaction and having an aggregate value of less than  
12 \$150,000; or

13                    (B) 10 or more head of sheep, swine, or goats  
14 stolen during a single transaction and having an aggregate value of  
15 less than \$150,000;

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

17                    (A) the value of the property stolen is \$150,000  
18 or more but less than \$300,000; or

19                    (B) the value of the property stolen is less than  
20 \$300,000 and the property stolen is an automated teller machine or  
21 the contents or components of an automated teller machine; or

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

24                    SECTION 2. The change in law made by this Act applies only  
25 to an offense committed on or after the effective date of this Act.  
26 An offense committed before the effective date of this Act is  
27 governed by the law in effect on the date the offense was committed,

1 and the former law is continued in effect for that purpose. For  
2 purposes of this section, an offense was committed before the  
3 effective date of this Act if any element of the offense occurred  
4 before that date.

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