

## **BILL ANALYSIS**

H.B. 1240  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the penalty for subsequent misdemeanor theft offenses. It has been suggested that the penalty for certain subsequent thefts may prove too stringent when considering the period in which the offender committed the offenses, which could span several years, and the value of the items stolen, which may total less than \$100. H.B. 1240 seeks to address this issue by revising the applicable period during which previous convictions for theft offenses occurred for purposes of enhanced penalties and establishing certain stolen property value thresholds for those purposes.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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**

H.B. 1240 amends the Penal Code to restrict the conduct constituting a Class B misdemeanor theft offense for the theft of property valued at less than \$100 in which the defendant has previously been convicted of any grade of theft to a theft offense in which the value of the property stolen is less than \$100 and the defendant has, in the five-year period preceding the date of commission of the instant offense, previously been convicted two or more times of any grade of theft. The bill expands the conduct that constitutes a Class A misdemeanor theft offense to include theft of property valued at \$100 or more but less than \$750 when the defendant has, in the five-year period preceding the date of commission of the instant offense, previously been convicted two or more times of any grade of theft. The bill sets at \$750 the minimum value of property stolen that, with two previous theft offense convictions, constitutes a state jail felony theft offense and clarifies that such conduct applies regardless of the period within which the previous convictions occurred.

### **EFFECTIVE DATE**

September 1, 2019.