By:  Shaheen, et al. (Senate Sponsor - Hughes) H.B. No. 427

(In the Senate - Received from the House April 23, 2019; April 24, 2019, read first time and referred to Committee on Criminal Justice; May 9, 2019, reported favorably by the following vote: Yeas 5, Nays 0; May 9, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Buckingham      X

Flores                    X

Hughes                    X

Miles           X

Perry           X

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of fraudulent destruction, removal, or concealment of a writing that is attached to tangible property; enhancing a criminal penalty.

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

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 [~~in~~] 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.  The change in law made by this Act applies only to an offense committed on or after the effective date of 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, 2019.

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