86R8531 JCG-D

By:  Collier, González of Dallas H.B. No. 1202

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the criminal offense of theft of service.

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

SECTION 1.  Section 31.04, Penal Code, is amended by amending Subsection (d-1) and adding Subsection (d-2) to read as follows:

(d-1)  For purposes of Subsection (a)(3), the term "written rental agreement" does not include an agreement that:

(1)  permits an individual to use personal property for personal, family, or household purposes for an initial rental period;

(2)  is automatically renewable with each payment after the initial rental period; and

(3)  permits the individual to become the owner of the property.

(d-2)  For purposes of Subsection (a)(4):

(1)  if the compensation is or was to be paid on a periodic basis, the intent to avoid payment for a service may be formed at any time during or before a pay period; and

(2)  the partial payment of wages alone is not sufficient evidence to negate the actor's intent to avoid payment for a service.

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.