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H.B. No. 427

A BILL TO BE ENTITLED

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

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

6 SECTION 1. Section 32.47, Penal Code, is amended by
7 amending Subsection (c) and adding Subsection (e) to read as
8 follows:

9 (c) Except as provided by ~~[in]~~ Subsection (d), an offense
10 under this section is a Class A misdemeanor, provided that:

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

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

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

23 (1) a Class C misdemeanor if the difference between
24 the impaired writing and the lesser price indicated by the other

1 writing is less than \$100;

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

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

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

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

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

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

20 SECTION 2. The change in law made by this Act applies only
21 to an offense committed on or after the effective date of this Act.
22 An offense committed before the effective date of this Act is
23 governed by the law in effect on the date the offense was committed,
24 and the former law is continued in effect for that purpose. For
25 purposes of this section, an offense was committed before the
26 effective date of this Act if any element of the offense occurred
27 before that date.

1 SECTION 3. This Act takes effect September 1, 2019.