

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

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.

President of the Senate

Speaker of the House

I certify that H.B. No. 427 was passed by the House on April 18, 2019, by the following vote: Yeas 132, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 427 was passed by the Senate on May 15, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor