

1-1 By: Shaheen, et al. (Senate Sponsor - Hughes) H.B. No. 427
1-2 (In the Senate - Received from the House April 23, 2019;
1-3 April 24, 2019, read first time and referred to Committee on
1-4 Criminal Justice; May 9, 2019, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 9, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12			X	
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the punishment for the offense of fraudulent
1-18 destruction, removal, or concealment of a writing that is attached
1-19 to tangible property; enhancing a criminal penalty.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 32.47, Penal Code, is amended by
1-22 amending Subsection (c) and adding Subsection (e) to read as
1-23 follows:

1-24 (c) Except as provided by ~~in~~ Subsection (d), an offense
1-25 under this section is a Class A misdemeanor, provided that:

1-26 (1) the writing is not attached to tangible property
1-27 to indicate the price for the sale of that property; and

1-28 (2) the actor did not engage in the conduct described
1-29 by Subsection (a) with respect to that writing for the purpose of
1-30 obtaining the property for a lesser price indicated by a separate
1-31 writing.

1-32 (e) If at the time of the offense the writing was attached to
1-33 tangible property to indicate the price for the sale of that
1-34 property and the actor engaged in the conduct described by
1-35 Subsection (a) with respect to that writing for the purpose of
1-36 obtaining the property for a lesser price indicated by a separate
1-37 writing, an offense under this section is:

1-38 (1) a Class C misdemeanor if the difference between
1-39 the impaired writing and the lesser price indicated by the other
1-40 writing is less than \$100;

1-41 (2) a Class B misdemeanor if the difference between
1-42 the impaired writing and the lesser price indicated by the other
1-43 writing is \$100 or more but less than \$750;

1-44 (3) a Class A misdemeanor if the difference between
1-45 the impaired writing and the lesser price indicated by the other
1-46 writing is \$750 or more but less than \$2,500;

1-47 (4) a state jail felony if the difference between the
1-48 impaired writing and the lesser price indicated by the other
1-49 writing is \$2,500 or more but less than \$30,000;

1-50 (5) a felony of the third degree if the difference
1-51 between the impaired writing and the lesser price indicated by the
1-52 other writing is \$30,000 or more but less than \$150,000;

1-53 (6) a felony of the second degree if the difference
1-54 between the impaired writing and the lesser price indicated by the
1-55 other writing is \$150,000 or more but less than \$300,000; or

1-56 (7) a felony of the first degree if the difference
1-57 between the impaired writing and the lesser price indicated by the
1-58 other writing is \$300,000 or more.

1-59 SECTION 2. The change in law made by this Act applies only
1-60 to an offense committed on or after the effective date of this Act.
1-61 An offense committed before the effective date of this Act is

2-1 governed by the law in effect on the date the offense was committed,
2-2 and the former law is continued in effect for that purpose. For
2-3 purposes of this section, an offense was committed before the
2-4 effective date of this Act if any element of the offense occurred
2-5 before that date.

2-6 SECTION 3. This Act takes effect September 1, 2019.

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