

By: Wu

H.B. No. 760

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the criminal offense of theft involving a package delivered to or collected from a residential or commercial property; increasing a criminal penalty.

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

SECTION 1. Section 31.03, Penal Code, is amended by adding Subsection (d-1) and amending Subsection (e) to read as follows:

(d-1) It is not a defense to prosecution of an offense punishable under Subsection (e)(3)(B) that the package is addressed to a person who is not the owner of the residential or commercial property from which the package was stolen.

(e) Except as provided by Subsection (f), an offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than \$100;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is \$100 or more but less than \$750;

(B) the value of the property stolen is less than \$100 and the defendant has previously been convicted of any grade of theft; or

(C) the property stolen is a driver's license, commercial driver's license, or personal identification certificate issued by this state or another state;

1 (3) a Class A misdemeanor if:

2 (A) the value of the property stolen is \$750 or
3 more but less than \$2,500; or

4 (B) the value of the property stolen is less than
5 \$2,500 and the property is a package that:

6 (i) has been delivered by a common carrier
7 but not yet received by the addressee or has been left to be
8 collected for delivery by a common carrier; and

9 (ii) is stolen from a residential or
10 commercial property, including the driveway, porch, front door, or
11 any other area of the property;

12 (4) a state jail felony if:

13 (A) the value of the property stolen is \$2,500 or
14 more but less than \$30,000, or the property is less than 10 head of
15 sheep, swine, or goats or any part thereof under the value of
16 \$30,000;

17 (B) regardless of value, the property is stolen
18 from the person of another or from a human corpse or grave,
19 including property that is a military grave marker;

20 (C) the property stolen is a firearm, as defined
21 by Section 46.01;

22 (D) the value of the property stolen is less than
23 \$2,500 and the defendant has been previously convicted two or more
24 times of any grade of theft;

25 (E) the property stolen is an official ballot or
26 official carrier envelope for an election; or

27 (F) the value of the property stolen is less than

1 \$20,000 and the property stolen is:

2 (i) aluminum;

3 (ii) bronze;

4 (iii) copper; or

5 (iv) brass;

6 (5) a felony of the third degree if the value of the
7 property stolen is \$30,000 or more but less than \$150,000, or the
8 property is:

9 (A) cattle, horses, or exotic livestock or exotic
10 fowl as defined by Section [142.001](#), Agriculture Code, stolen during
11 a single transaction and having an aggregate value of less than
12 \$150,000;

13 (B) 10 or more head of sheep, swine, or goats
14 stolen during a single transaction and having an aggregate value of
15 less than \$150,000; or

16 (C) a controlled substance, having a value of
17 less than \$150,000, if stolen from:

18 (i) a commercial building in which a
19 controlled substance is generally stored, including a pharmacy,
20 clinic, hospital, nursing facility, or warehouse; or

21 (ii) a vehicle owned or operated by a
22 wholesale distributor of prescription drugs;

23 (6) a felony of the second degree if:

24 (A) the value of the property stolen is \$150,000
25 or more but less than \$300,000; or

26 (B) the value of the property stolen is less than
27 \$300,000 and the property stolen is an automated teller machine or

1 the contents or components of an automated teller machine; or

2 (7) a felony of the first degree if the value of the
3 property stolen is \$300,000 or more.

4 SECTION 2. Section 31.03(h), Penal Code, is amended by
5 adding Subdivision (7) to read as follows:

6 (7) "Package" means a box, container, bag, or other
7 sealed article holding a good or product.

8 SECTION 3. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 governed by the law in effect on the date the offense was committed,
12 and the former law is continued in effect for that purpose. For
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense occurred
15 before that date.

16 SECTION 4. This Act takes effect September 1, 2019.