

By: Wu

H.B. No. 760

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

8 (d-1) It is not a defense to prosecution of an offense  
9 punishable under Subsection (e)(4)(G) that the package is addressed  
10 to a person who is not the owner of the residential or commercial  
11 property from which the package was stolen.

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

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

16 (2) a Class B misdemeanor if:

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

19 (B) the value of the property stolen is less than  
20 \$100 and the defendant has previously been convicted of any grade of  
21 theft; or

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

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

3           (4) a state jail felony if:

4           (A) the value of the property stolen is \$2,500 or  
5 more but less than \$30,000, or the property is less than 10 head of  
6 sheep, swine, or goats or any part thereof under the value of  
7 \$30,000;

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

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

13           (D) the value of the property stolen is less than  
14 \$2,500 and the defendant has been previously convicted two or more  
15 times of any grade of theft;

16           (E) the property stolen is an official ballot or  
17 official carrier envelope for an election; ~~or~~

18           (F) the value of the property stolen is less than  
19 \$20,000 and the property stolen is:

20                   (i) aluminum;

21                   (ii) bronze;

22                   (iii) copper; or

23                   (iv) brass; or

24           (G) the value of the property stolen is less than  
25 \$30,000 and the property is a package that:

26                   (i) has been delivered by a common carrier  
27 but not yet received by the addressee or has been left to be

1 collected for delivery by a common carrier; and

2 (ii) is stolen from a residential or  
3 commercial property, including the driveway, porch, front door, or  
4 any other area of the property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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