

By: Davis of Dallas

H.B. No. 1240

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the criminal offense of theft.

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

SECTION 1. Section 31.03(e), Penal Code, is amended to read as follows:

(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, in the five-year period preceding the date of commission of the instant offense, previously been convicted two or more times 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;

(3) a Class A misdemeanor if:

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

(B) the value of the property stolen is \$100 or more but less than \$750 and the defendant has, in the five-year

1 period preceding the date of commission of the instant offense,
2 previously been convicted two or more times of any grade of theft;

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 \$750 or
14 more but less than \$2,500 and, regardless of the period within which
15 the convictions occurred, the defendant has been previously
16 convicted two or more times of any grade of theft;

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

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

21 (i) aluminum;

22 (ii) bronze;

23 (iii) copper; or

24 (iv) brass;

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

1 (A) cattle, horses, or exotic livestock or exotic
2 fowl as defined by Section 142.001, Agriculture Code, stolen during
3 a single transaction and having an aggregate value of less than
4 \$150,000;

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

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

10 (i) a commercial building in which a
11 controlled substance is generally stored, including a pharmacy,
12 clinic, hospital, nursing facility, or warehouse; or

13 (ii) a vehicle owned or operated by a
14 wholesale distributor of prescription drugs;

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

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

18 (B) the value of the property stolen is less than
19 \$300,000 and the property stolen is an automated teller machine or
20 the contents or components of an automated teller machine; or

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

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

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

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