

By: Anderson

H.B. No. 2524

Substitute the following for H.B. No. 2524:

By: Bell of Kaufman

C.S.H.B. No. 2524

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the criminal offense of theft of
3 service.

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

5 SECTION 1. Sections 31.04(b), (c), and (d), Penal Code, are
6 amended to read as follows:

7 (b) For purposes of this section, intent to avoid payment is
8 presumed if:

9 (1) the actor absconded without paying for the service
10 or expressly refused to pay for the service in circumstances where
11 payment is ordinarily made immediately upon rendering of the
12 service, as in hotels, campgrounds, recreational vehicle parks,
13 restaurants, and comparable establishments;

14 (2) the actor failed to make payment under a service
15 agreement within 10 days after receiving notice demanding payment;

16 (3) the actor returns property held under a rental
17 agreement after the expiration of the rental agreement and fails to
18 pay the applicable rental charge for the property within 10 days
19 after the date on which the actor received notice demanding
20 payment; or

21 (4) the actor failed to return the property held under
22 a rental agreement:

23 (A) within five days after receiving notice
24 demanding return, if the property is valued at less than \$2,500;

1 ~~[or]~~

2 (B) within three days after receiving notice
3 demanding return, if the property is valued at \$2,500 or more but
4 less than \$10,000; or

5 (C) within two days after receiving notice
6 demanding return, if the property is valued at \$10,000 or more.

7 (c) For purposes of Subsections (a)(4), (b)(2), and (b)(4),
8 notice must ~~[shall]~~ be:

9 (1) [notice] in writing;

10 (2) [r] sent by:

11 (A) registered or certified mail with return
12 receipt requested; or

13 (B) commercial delivery service; ~~[or by telegram~~
14 ~~with report of delivery requested,~~ and

15 (3) sent [addressed] to the actor using the actor's
16 mailing [at his] address shown on the rental agreement or service
17 agreement.

18 (d) If written notice is given in accordance with Subsection
19 (c), it is presumed that the notice was received not ~~[no]~~ later than
20 two [five] days after the notice [it] was sent.

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

1 before that date.

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