

By: Anderson

H.B. No. 2524

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

(A) within five days after receiving notice 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) if indicated by the actor in the rental
14 agreement or service agreement as the actor's preferred method of
15 contact:

16 (i) commercial delivery service;

17 (ii) electronic mail; or

18 (iii) text message; ~~[or by telegram with~~
19 ~~report of delivery requested,~~ and

20 (3) sent ~~[addressed]~~ to the actor using the actor's
21 mailing ~~[at his]~~ address, electronic mail address, or phone number,
22 as appropriate, shown on the rental agreement or service agreement.

23 (d) If written notice described by Subsection (c)(2)(A) or
24 (c)(2)(B)(i) is given in accordance with Subsection (c)(3) ~~[+e]~~,
25 it is presumed that the notice was received not ~~[no]~~ later than two
26 [five] days after the notice ~~[it]~~ was sent. If written notice
27 described by Subsection (c)(2)(B)(ii) or (c)(2)(B)(iii) is given in

1 accordance with Subsection (c)(3), it is presumed that the notice
2 was received on the date the notice is shown to have been delivered
3 to the electronic mail address or phone number, as appropriate.

4 SECTION 2. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 governed by the law in effect on the date the offense was committed,
8 and the former law is continued in effect for that purpose. For
9 purposes of this section, an offense was committed before the
10 effective date of this Act if any element of the offense occurred
11 before that date.

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