

By: Middleton

S.B. No. 432

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the prosecution of and punishment for theft of a  
3 catalytic converter; increasing a criminal penalty.

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

5 SECTION 1. Sections 31.03(c) and (e), Penal Code, are  
6 amended to read as follows:

7 (c) For purposes of Subsection (b):

8 (1) evidence that the actor has previously  
9 participated in recent transactions other than, but similar to, the  
10 transaction for ~~that~~ which the prosecution is based is admissible  
11 for the purpose of showing knowledge or intent and the issues of  
12 knowledge or intent are raised by the actor's plea of not guilty;

13 (2) the testimony of an accomplice shall be  
14 corroborated by proof that tends to connect the actor to the crime,  
15 but the actor's knowledge or intent may be established by the  
16 uncorroborated testimony of the accomplice;

17 (3) an actor engaged in the business of buying and  
18 selling used or secondhand personal property, or lending money on  
19 the security of personal property deposited with the actor, is  
20 presumed to know upon receipt by the actor of stolen property (other  
21 than a motor vehicle subject to Chapter 501, Transportation Code)  
22 that the property has been previously stolen from another if the  
23 actor pays for or loans against the property \$25 or more (or  
24 consideration of equivalent value) and the actor knowingly or

1 recklessly:

2 (A) fails to record the name, address, and  
3 physical description or identification number of the seller or  
4 pledgor;

5 (B) fails to record a complete description of the  
6 property, including the serial number, if reasonably available, or  
7 other identifying characteristics; or

8 (C) fails to obtain a signed warranty from the  
9 seller or pledgor that the seller or pledgor has the right to  
10 possess the property. It is the express intent of this provision  
11 that the presumption arises unless the actor complies with each of  
12 the numbered requirements;

13 (4) for the purposes of Subdivision (3)(A),  
14 "identification number" means driver's license number, military  
15 identification number, identification certificate, or other  
16 official number capable of identifying an individual;

17 (5) stolen property does not lose its character as  
18 stolen when recovered by any law enforcement agency;

19 (6) an actor engaged in the business of obtaining  
20 abandoned or wrecked motor vehicles or parts of an abandoned or  
21 wrecked motor vehicle for resale, disposal, scrap, repair,  
22 rebuilding, demolition, or other form of salvage is presumed to  
23 know on receipt by the actor of stolen property that the property  
24 has been previously stolen from another if the actor knowingly or  
25 recklessly:

26 (A) fails to maintain an accurate and legible  
27 inventory of each motor vehicle component part purchased by or

1 delivered to the actor, including the date of purchase or delivery,  
2 the name, age, address, sex, and driver's license number of the  
3 seller or person making the delivery, the license plate number of  
4 the motor vehicle in which the part was delivered, a complete  
5 description of the part, and the vehicle identification number of  
6 the motor vehicle from which the part was removed, or in lieu of  
7 maintaining an inventory, fails to record the name and certificate  
8 of inventory number of the person who dismantled the motor vehicle  
9 from which the part was obtained;

10 (B) fails on receipt of a motor vehicle to obtain  
11 a certificate of authority, sales receipt, or transfer document as  
12 required by Chapter 683, Transportation Code, or a certificate of  
13 title showing that the motor vehicle is not subject to a lien or  
14 that all recorded liens on the motor vehicle have been released; or

15 (C) fails on receipt of a motor vehicle to  
16 immediately remove an unexpired license plate from the motor  
17 vehicle, to keep the plate in a secure and locked place, or to  
18 maintain an inventory, on forms provided by the Texas Department of  
19 Motor Vehicles, of license plates kept under this paragraph,  
20 including for each plate or set of plates the license plate number  
21 and the make, motor number, and vehicle identification number of  
22 the motor vehicle from which the plate was removed;

23 (7) an actor who purchases or receives a used or  
24 secondhand motor vehicle is presumed to know on receipt by the actor  
25 of the motor vehicle that the motor vehicle has been previously  
26 stolen from another if the actor knowingly or recklessly:

27 (A) fails to report to the Texas Department of

1 Motor Vehicles the failure of the person who sold or delivered the  
2 motor vehicle to the actor to deliver to the actor a properly  
3 executed certificate of title to the motor vehicle at the time the  
4 motor vehicle was delivered; or

5 (B) fails to file with the appropriate county tax  
6 assessor-collector the documents required under Section 501.145,  
7 Transportation Code, in the period provided by that section [~~of the~~  
8 ~~county in which the actor received the motor vehicle, not later than~~  
9 ~~the 20th day after the date the actor received the motor vehicle,~~  
10 ~~the registration license receipt and certificate of title or~~  
11 ~~evidence of title delivered to the actor in accordance with~~  
12 ~~Subchapter D, Chapter 520, Transportation Code, at the time the~~  
13 ~~motor vehicle was delivered~~];

14 (8) an actor who purchases or receives from any source  
15 other than a licensed retailer or distributor of pesticides a  
16 restricted-use pesticide or a state-limited-use pesticide or a  
17 compound, mixture, or preparation containing a restricted-use or  
18 state-limited-use pesticide is presumed to know on receipt by the  
19 actor of the pesticide or compound, mixture, or preparation that  
20 the pesticide or compound, mixture, or preparation has been  
21 previously stolen from another if the actor:

22 (A) fails to record the name, address, and  
23 physical description of the seller or pledgor;

24 (B) fails to record a complete description of the  
25 amount and type of pesticide or compound, mixture, or preparation  
26 purchased or received; and

27 (C) fails to obtain a signed warranty from the

1 seller or pledgor that the seller or pledgor has the right to  
2 possess the property; ~~and~~

3 (9) an actor who is subject to Section 409, Packers and  
4 Stockyards Act (7 U.S.C. Section 228b), that obtains livestock from  
5 a commission merchant by representing that the actor will make  
6 prompt payment is presumed to have induced the commission  
7 merchant's consent by deception if the actor fails to make full  
8 payment in accordance with Section 409, Packers and Stockyards Act  
9 (7 U.S.C. Section 228b); and

10 (10) an actor in possession of property consisting of  
11 a catalytic converter that has been removed from a motor vehicle is  
12 presumed to have unlawfully appropriated the property unless the  
13 actor:

14 (A) is the owner of the vehicle from which the  
15 catalytic converter was removed;

16 (B) possessed the catalytic converter in the  
17 ordinary course of engaging in a business that is required to be  
18 licensed or registered, or is otherwise regulated, by this state or  
19 a political subdivision of this state, including:

20 (i) an automotive wrecking and salvage  
21 yard, as defined by Section 234.001, Local Government Code;

22 (ii) a metal recycling entity registered  
23 under Chapter 1956, Occupations Code;

24 (iii) a dealer licensed under Chapter 2301,  
25 Occupations Code; or

26 (iv) a garage or shop that is engaged in the  
27 business of repairing motor vehicles and subject to Chapter 2305,

1 Occupations Code; or

2 (C) is an employee or agent of a person described  
3 by Paragraph (B) and the actor possessed the catalytic converter  
4 while performing a duty within the scope of that employment or  
5 agency.

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

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

10 (2) a Class B misdemeanor if:

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

13 (B) the value of the property stolen is less than  
14 \$100 and the defendant has previously been convicted of any grade of  
15 theft; or

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

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

21 (4) a state jail felony if:

22 (A) the value of the property stolen is \$2,500 or  
23 more but less than \$30,000, or the property is less than 10 head of  
24 sheep, swine, or goats or any part thereof under the value of  
25 \$30,000;

26 (B) regardless of value, the property is stolen  
27 from the person of another or from a human corpse or grave,

1 including property that is a military grave marker;

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

4 (D) the value of the property stolen is less than  
5 \$2,500 and the defendant has been previously convicted two or more  
6 times of any grade of theft;

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

9 (F) the value of the property stolen is less than  
10 \$20,000 and the property stolen is:

11 (i) aluminum;

12 (ii) bronze;

13 (iii) copper; or

14 (iv) brass; or

15 (G) the value of the property stolen is less than  
16 \$30,000 and the property stolen is a catalytic converter;

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

20 (A) cattle, horses, or exotic livestock or exotic  
21 fowl as defined by Section 142.001, Agriculture Code, stolen during  
22 a single transaction and having an aggregate value of less than  
23 \$150,000;

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

27 (C) a controlled substance, having a value of

1 less than \$150,000, if stolen from:

2 (i) a commercial building in which a  
3 controlled substance is generally stored, including a pharmacy,  
4 clinic, hospital, nursing facility, or warehouse; or

5 (ii) a vehicle owned or operated by a  
6 wholesale distributor of prescription drugs;

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

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

10 (B) the value of the property stolen is less than  
11 \$300,000 and the property stolen is an automated teller machine or  
12 the contents or components of an automated teller machine; or

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

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

17 (7) "Catalytic converter" includes any material  
18 removed from a catalytic converter.

19 SECTION 3. The changes in law made by this Act apply only to  
20 an offense committed on or after the effective date of this Act. An  
21 offense committed before the effective date of this Act is governed  
22 by the law in effect on the date the offense was committed, and the  
23 former law is continued in effect for that purpose. For purposes of  
24 this section, an offense was committed before the effective date of  
25 this Act if any element of the offense was committed before that  
26 date.

27 SECTION 4. This Act takes effect September 1, 2023.