

BILL ANALYSIS

Senate Research Center

C.S.H.B. 3463
By: Walle et al. (Alvarado)
Criminal Justice
5/23/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Theft of service is a recurring issue in Texas, affecting both businesses and individual workers who often struggle to recover unpaid compensation for services rendered. Under current law, a service provider must send a formal notice demanding payment before a theft of service complaint can proceed but this notice must be sent by physical mail. Relying solely on physical mail creates unnecessary delays and limits access to justice for victims. Email, text messages, and other written digital communications are now commonplace and a more efficient means of delivering notice.

H.B. 3463 updates this outdated requirement by expanding the allowable forms of notice to include email, text message, and other written communications. This change will make it easier for service providers to initiate theft of service claims and help local prosecutors more efficiently process these cases. The bill also makes conforming edits to related subsections to ensure consistency and reduce confusion.

Bill Provisions:

H.B. 3463 amends Section 31.04 of the Penal Code to:

- Expand acceptable forms of written notice in theft of service cases to include email, text message, commercial delivery services, and other written communications in addition to existing methods like registered or certified mail.
- Require notice to be sent using the actor's known contact information, including details listed in a rental or service agreement, provider records, or on a check or bank record.

Applies only to offenses committed on or after September 1, 2025.

Committee Substitute: The committee substitute for H.B. 3463 removes Subsection (b-1)(2)(E), eliminating "another form of written communication" as a valid method for delivering notice in theft of service cases.

C.S.H.B. 3463 amends current law relating to the prosecution of the offense of theft of service.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.04, Penal Code, by adding Subsection (b-1) and amending Subsections (c) and (d), as follows:

(b-1) Requires that notice, for purposes of Subsection (a)(4) (relating to providing that a person commits a theft of service if the person intentionally secures the performance of the service and fails to make full payment after receiving notice), be in writing, sent by certain communication methods, and sent to the actor using the actor's mailing address, e-mail address, phone number, or other method of contact, as appropriate, shown on certain documents.

(c) Deletes existing text requiring that the notice, for purposes of Subsection (a)(4), meet certain criteria.

(d) Makes a conforming change to this subsection.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.