

By: Walle, Moody, Cook

H.B. No. 3463

A BILL TO BE ENTITLED

AN ACT

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

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

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

(b-1) For purposes of Subsection (a)(4), notice must be:

(1) in writing;

(2) sent by:

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

(B) commercial delivery service;

(C) e-mail;

(D) text message; or

(E) another form of written communication; and

(3) sent to the actor using the actor's mailing address, e-mail address, phone number, or other method of contact, as appropriate, shown on:

(A) the rental agreement or service agreement;

(B) records of the person whose service was secured; or

(C) if the actor secured performance of service by issuing or passing a check or similar sight order for the payment of money, using the actor's address shown on:

1                    (i) the check or order; or  
2                    (ii) the records of the bank or other drawee  
3 on which the check or order is drawn.

4            (c) For purposes of Subsections [~~(a)(4)~~,] (b)(2), (b)(4),  
5 and (b)(5), notice must be:

6                    (1) in writing;

7                    (2) sent by:

8                            (A) registered or certified mail with return  
9 receipt requested; or

10                            (B) commercial delivery service; and

11                    (3) sent to the actor using the actor's mailing address  
12 shown on:

13                            (A) the rental agreement or service agreement;

14                            (B) records of the person whose service was  
15 secured; or

16                            (C) if the actor secured performance of service  
17 by issuing or passing a check or similar sight order for the payment  
18 of money, using the actor's address shown on:

19                            (i) the check or order; or

20                            (ii) the records of the bank or other drawee  
21 on which the check or order is drawn.

22            (d) Except as otherwise provided by this subsection, if  
23 written notice is given in accordance with Subsection (b-1) or (c),  
24 it is presumed that the notice was received not later than two days  
25 after the notice was sent. For purposes of Subsections (b)(4)(A)  
26 and (B) and (b)(5), if written notice is given in accordance with  
27 Subsection (c), it is presumed that the notice was received not

1 later than five days after the notice was sent.

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

10       SECTION 3. This Act takes effect September 1, 2025.