

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; or

(D) text message; 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:

(i) the check or order; or

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

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

5 (1) in writing;

6 (2) sent by:

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

9 (B) commercial delivery service; and

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

12 (A) the rental agreement or service agreement;

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

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

18 (i) the check or order; or

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

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

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

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

H.B. No. 3463

President of the Senate

Speaker of the House

I certify that H.B. No. 3463 was passed by the House on May 16, 2025, by the following vote: Yeas 113, Nays 3, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3463 on May 28, 2025, by the following vote: Yeas 102, Nays 34, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3463 was passed by the Senate, with amendments, on May 25, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor