

BILL ANALYSIS

H.B. 2369
By: Miller
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised over the increasing prevalence of package thefts across Texas. It has been noted that these offenses, which result not only in stolen property for consumers but also in lower public confidence in the security of mail delivery, are harmful to businesses and the economy. H.B. 2369 seeks to allow for the effective prosecution and prevention of package thefts by increasing criminal penalties for such thefts and permitting a person whose package is being stolen to detain the alleged thief to allow for the arrival of law enforcement.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2369 amends the Penal Code to increase to a state jail felony the penalty for theft of a package valued at less than \$30,000 that has been delivered by U.S. mail, common carrier, or a delivery service but not yet received by the addressee and is stolen from a residential or commercial property. The bill establishes enhanced penalties for such package theft ranging from a third degree felony to a first degree felony, based on the value of the package and number of previous convictions the defendant has for package theft.

H.B. 2369 amends the Civil Practice and Remedies Code to establish that a person who reasonably believes that another is committing or attempting to commit such package theft is privileged to detain the other person in a reasonable manner, including by use of reasonable force, for a reasonable period to allow for the arrival of law enforcement and is not liable for damages arising from that detention.

H.B. 2369 amends the Code of Criminal Procedure to include property of any nature that is used or intended to be used in the commission of such package theft in the definition of contraband for purposes of statutory contraband forfeiture procedures.

EFFECTIVE DATE

September 1, 2019.