

- SUBJECT:** Enhanced penalty for theft of a central air conditioning unit
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Gallego, Fletcher, Hodge, Kent, Miklos, Moody, Pierson, Vaught, Vo
- 0 nays
- 2 absent — Christian, Riddle
- WITNESSES:** For — Michael Chatron, Associated General Contractors Texas Building Branch; Jody Lay, City of Garland, Garland Police Department; Robert Piccioni, on behalf of Representative Miklos and the Mesquite Police Department; (*Registered, but did not testify:* Katrina Daniels, Bexar County District Attorney Susan D. Reed; Harold Freeman, Texas Construction Association; David Mintz, Texas Apartment Association; Ned Muñoz, Texas Association of Builders; Gary Tittle, Dallas Police Department)
- Against — (*Registered, but did not testify:* Samuel England, American Civil Liberties Union of Texas)
- BACKGROUND:** Under Penal Code, sec. 31.03 a theft offense of property valued between \$500 and \$1,500 is generally a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).
- DIGEST:** HB 775 would amend Penal Code, sec. 31.01 to provide that theft of a central air conditioning unit worth less than \$100,000 would be a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).
- “Central air conditioning unit” would be defined as a fixed mechanical device designed to control air purity, humidity, or temperature inside an enclosed structure by distributing conditioned air from a central conditioning unit through ductwork in the structure.
- The bill would take effect September 1, 2009, and would apply only to offenses committed on or after this date.

**SUPPORTERS
SAY:**

By enhancing the penalty for theft of an air conditioning unit, HB 775 would reflect the actual cost of the crime, and punish it accordingly. Currently, most air conditioning unit thefts are prosecuted as Class A misdemeanors, if at all. The actual cost of damages to the victim's property and the cost to replace the unit usually is much higher than the \$1,500 associated with a Class A misdemeanor. The bill would address the total economic damage of the crime.

As the value of metal within the unit rises, these thefts become more frequent. This bill would help deter future air conditioning unit thefts by making this crime a higher-level offense.

Law enforcement officials in locations where restrictions have been placed on the sale or purchase of recycled metal still recommend enhancing penalties for the theft itself.

**OPPONENTS
SAY:**

Providing a penalty enhancement for this offense would not be an effective deterrent. The cost of incarcerating offenders would be an additional financial burden on the state and divert resources away from other important law enforcement efforts.

Increasing the penalties for buyers of stolen metals would be a more effective solution to this problem. Decreasing the demand for these stolen goods would decrease the incidence of theft.