

SUBJECT: Thresholds for pecuniary punishments for certain property, other crimes

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Herrero, Moody, Canales, Hunter, Leach, Shaheen, Simpson

0 nays

SENATE VOTE: On final passage, April 30 — 31-0, on local and uncontested calendar

WITNESSES: (*On House companion, HB 1530*)

For — Douglas Smith, Texas Criminal Justice Coalition; Derek Cohen, Texas Public Policy Foundation; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; Traci Berry, Goodwill Central Texas; Cathy Dewitt, Texas Association of Business; Lori Henning, Texas Association of Goodwills; Patricia Cummings, Texas Criminal Defense Lawyers Association; Rebecca Bernhardt, Texas Fair Defense Project; Yannis Banks, Texas NAACP)

Against —None

On — (*Registered, but did not testify*: Shannon Edmonds, Texas District and County Attorneys Association)

BACKGROUND: Throughout the Penal Code, specific pecuniary loss thresholds are applied to property crimes to determine the punishment applied for the offense. For example, Penal Code, sec. 31.03 establishes the punishments for theft as a class C misdemeanor (maximum fine of \$500) if the value of the property stolen is less than \$50, a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) if the value of the property stolen is \$50 or more but less than \$500, and a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) if the value of the property stolen is \$500 or more but less than \$1,500.

Generally, these loss thresholds were established in 1993 when the Penal Code was revised and have not been updated.

DIGEST: SB 393 would increase the pecuniary loss thresholds applied to certain punishment ranges to determine how numerous property offenses would be punished, including criminal mischief, graffiti, theft, and fraud. The bill also would increase the loss thresholds for the crime of abuse of official capacity, part of the Penal Code chapter on offenses against public administration.

The bill would make other changes in punishments for some of these offenses, including:

- establishing a class C misdemeanor punishment for graffiti if the amount of loss was less than \$100;
- expanding punishments for some repeat offenses for breaches of computer security to include misdemeanor punishments;
- creating a class C misdemeanor punishment for organized retail theft of less than \$100; and
- extending the current punishment ranges for the fraudulent transfer of a motor vehicle to include first- and second-degree felony punishments.

The bill would take effect September 1, 2015, and would apply to offenses committed on or after that date.