

- SUBJECT:** Making the theft of certain packages a class A misdemeanor
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Collier, Zedler, K. Bell, Hunter, P. King, Moody, Murr, Pacheco
- 1 nay — J. González
- WITNESSES:** For — (*Registered, but did not testify:* Frederick Frazier, Dallas Police Association State FOP; Jessica Anderson, Houston Police Department; Jimmy Rodriguez, San Antonio Police Officers Association; Michael Cargill, Texans for Accountable Government; Noel Johnson, TMPA; Anthony Kivela; Al Zito)
- Against — Kathleen Mitchell, Just Liberty; Douglas Smith, Texas Criminal Justice Coalition; (*Registered, but did not testify:* Larissa Rodionov)
- On — Chas Moore, Austin Justice Coalition
- DIGEST:** CSHB 760 would make it a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) to steal a package with a value of less than \$2,500 that:
- had been delivered by a common carrier but not yet received by the addressee or had been left to be collected for delivery by a common carrier; and
 - was stolen from a residential or commercial property, including the driveway, porch, front door, or any other area of the property.
- It would not be a defense to prosecution that the package was addressed to a person who was not the owner of the residential or commercial property from which the package was stolen.
- The bill would take effect September 1, 2019, and would apply only to an

offense committed on or after that date.

**SUPPORTERS
SAY:**

CSHB 760 would protect the private property of Texans and Texas businesses by ensuring that the theft of delivered packages was prosecuted appropriately.

Currently, criminal penalties for the theft of a package from private property are issued based on the dollar amount value of the package's contents. However, this does not account for the violation of personal property rights and privacy that such theft entails or for the increasing reliance of Texans on home delivery to receive goods. The bill would address this by codifying package theft in the Penal Code and providing for an appropriate level of punishment in line with other forms of theft.

CSHB 760 would not provide for inappropriately harsh penalties since it would punish theft based on the nature of how and from where a package was stolen. Just as burglary is not prosecuted based on the value of items stolen, package theft should not be treated as less serious simply because the items in a stolen package may not have had a high monetary value.

The bill would not raise costs for the state because it would not result in a significant number of individuals being sentenced to jail time. While individuals convicted of a class A misdemeanor may be sentenced to jail time, judges would still take into account the dollar amount of the items stolen when determining an appropriate penalty.

The bill would not work against Texas' criminal justice reform initiatives but would simply align policy with technological changes. Many Texans rely on delivery to provide their households and businesses with items needed to function. Penalizing theft of these delivered items would ensure law-abiding working citizens and their families were protected.

**OPPONENTS
SAY:**

CSHB 760 would impose inappropriately harsh penalties, could raise costs for the state, and would work against the state trend of reducing the number of people incarcerated for low-level crimes by creating a new criminal penalty for package theft.

The bill would provide for criminal penalties that exceeded the nature of the crime committed. While theft should be punished, a class A misdemeanor is too severe a punishment for stealing a package of indeterminate value from a residential or commercial property.

The bill also could raise costs for the state by requiring the state to prosecute more individuals for petty theft and to potentially incarcerate these individuals if they were sentenced to jail time. Because the bill could lead to more individuals being sentenced to jail time, it could undo some of the Legislature's work to reduce the number of individuals incarcerated for low-level crimes and undermine ongoing criminal justice reform initiatives.

NOTES:

According to the Legislative Budget Board, the probable fiscal impact of implementing the bill is indeterminate due to the lack of data or information available specifying the number of times a package to be delivered or collected whose value was less than \$2,500, was stolen from a residential or commercial property. These data are necessary to estimate the fiscal impact of the bill's enhancement provision.