

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 393
By: Burton et al.
Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Property-related offenses include criminal mischief, graffiti, and theft. The penalty for committing a property offense corresponds to the dollar amount lost or damaged. For example, a Class A misdemeanor involves property worth \$500 or more but less than \$1,500; if the property value is over \$1,500, the offense becomes a state jail felony. These monetary thresholds, or ranges of dollar amounts, have not been changed since 1993. They fail to reflect nearly two decades of inflation. What amounted to a Class A misdemeanor 20 years ago may now constitute a state jail felony—a de facto "criminal inflation" that was not intended by the authors of the 1993 legislation.

C.S.S.B. 393 amends the Penal Code, readjusting these thresholds to better reflect current dollar values. These outdated thresholds create excessive costs for Texas taxpayers. Convictions based on these disproportionate offense thresholds can result in incarceration in county jail or state-level correctional facilities, all at a cost that can exceed \$50 per person per day. With property-related crimes comprising over 50 percent of the population in state jail facilities, this is a huge expense for the taxpayer. Additionally, at counties' expense, individuals may be detained in a county jail while awaiting indictment or trial. Furthermore, offenses over and including Class B misdemeanors (e.g., theft of \$50 in goods) may require appointment of counsel for indigent defendants, again at taxpayer expense. In addition to these costs, convictions for even low-level crimes can burden individuals with lifelong collateral consequences, including limited access to housing and employment—often worsening their situation and decreasing the likelihood that they can maintain a legitimate and productive life in the community. Incarcerating these individuals is costly to taxpayers, depletes resources that can be directed toward individuals who pose a high risk to public safety, and further burdens jails and prisons.

C.S.S.B. 393 amends current law relating to the punishment for certain offenses against property or against public administration.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 28.03(b), (f), (h), and (j), Penal Code, as follows:

(b) Provides that, except as provided by Subsections (f) and (h), an offense under this section is:

(1) a Class C misdemeanor if:

(A) the amount of pecuniary loss is less than \$100, rather than less than \$50; or

(B) Makes no change to this paragraph;

(2) a Class B misdemeanor if the amount of pecuniary loss is \$100 or more but less than \$750, rather than \$50 or more but less than \$500;

(3) a Class A misdemeanor if:

(A) the amount of pecuniary loss is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500; or

(B) Makes no change to this paragraph;

(4) a state jail felony if the amount of pecuniary loss is:

(A) \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;

(B) less than \$2,500, rather than \$1,500, if the property damaged or destroyed is a habitation and if the damage or destruction is caused by a firearm or explosive weapon;

(C) less than \$2,500, rather than \$1,500, if the property was a fence used for the production or containment of:

(i)-(ii) Makes no change to these subparagraphs;

(D) less than \$30,000, rather than \$20,000, and the actor causes, wholly or partly, the impairment or interruption of public communications, transportation, gas, or power supply, or other public service, including installation or removal of any device of any such purpose;

(5) a felony of the third degree if the amount of the pecuniary loss is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the amount of pecuniary loss is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the amount of pecuniary loss is \$300,000 or more, rather than \$200,000 or more.

(f) Provides that an offense under this section is a state jail felony if the damage or destruction is inflicted on a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs and the amount of the pecuniary loss to real property or to tangible personal property is \$750 or more but less than \$30,000, rather than loss is less than \$20,000.

(h) Provides that an offense under this section is a state jail felony if the amount of the pecuniary loss to real property or to tangible personal property is \$750 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000, and the damage and destruction is inflicted on a public or private elementary school, secondary school, or institution of higher education.

(j) Provides that, notwithstanding Subsection (b), an offense under this section is a felony of the third degree if:

(1) Makes no change to this subdivision; and

(2) the amount of the pecuniary loss to the tangible property is less than \$150,000, rather than less than \$100,000.

SECTION 2. Amends Section 28.06(d), Penal Code, as follows:

(d) Provides that if the amount of pecuniary loss cannot be ascertained by the criteria set forth in Subsections (a) (relating to the amount of pecuniary loss under this chapter if the property is destroyed), (b) (relating to the amount of pecuniary loss under this chapter if the property is damaged), and (c) (relating to the amount of pecuniary loss under this chapter for documents other than those having a readily ascertainable market value), the amount of loss is deemed to be greater than \$750 but less than \$2,500, rather than greater than \$500 but less than \$1,500.

SECTION 3. Amends Section 28.07(e), Penal Code, as follows:

(e) Provides that an offense under Subsection (b)(2)(B) (relating to the offense of tampering of railroad property without consent), (b)(2)(C) (relating to the offense of placing an obstruction on a railroad track or right-of-way without consent), or (b)(2)(D) (relating to the offense of causing the derailment of a train, railroad car, or other property that moves on the tracks) is a Class C misdemeanor unless the person causes pecuniary loss of \$100 or more, in which event the offense is:

- (1) a Class B misdemeanor if the amount of pecuniary loss is \$100 or more but less than \$750, rather than \$20 or more but less than \$500;
- (2) a Class A misdemeanor if the amount of pecuniary loss is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;
- (3) a state jail felony if the amount of pecuniary loss is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;
- (4) a felony of the third degree if the amount of the pecuniary loss is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;
- (5) a felony of the second degree if the amount of pecuniary loss \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or
- (6) a felony of the first degree if the amount of the pecuniary loss is \$300,000 or more, rather than \$200,000 or more.

SECTION 4. Amends Sections 28.08(b) and (d), Penal Code, as follows:

(b) Provides that, except as provided by Subsection (d), an offense under this section is:

- (1) a Class C misdemeanor if the amount of pecuniary loss is less than \$100;
- (2) a Class B misdemeanor if the amount of pecuniary loss is \$100 or more but less than \$750, rather than the amount of pecuniary loss is less than \$500;
- (3) a Class A misdemeanor if the amount of pecuniary loss is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;
- (4) a state jail felony if the amount of pecuniary loss is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;
- (5) a felony of the third degree if the amount of pecuniary loss is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;
- (6) a felony of the second degree if the amount of pecuniary loss is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the amount of pecuniary loss is \$300,000 or more, rather than \$200,000 or more.

Renumbers existing Subdivisions (1)-(6) as Subdivisions (2)-(7).

(d) Provides that an offense under this section is a state jail felony if:

(1) Makes no change to this subdivision; and

(2) the amount of pecuniary loss to real property or to tangible personal property is \$750 or more but less than \$30,000, rather than the amount of such loss is less than \$20,000.

SECTION 5. Amends Article 14.06(d), Code of Criminal Procedure, as follows:

(d) Provides that Subsection (c) (relating to issuing a citation that contains written notice of appearance for a Class A or B misdemeanor to a resident of a county within the county of residence) applies only to a person charged with committing an offense under:

(1)-(2) Makes no change to these subdivisions;

(3) Section 28.08 (Graffiti), Penal Code, if the offense is punishable under Subsection (b)(2) (providing that an offense is a Class A misdemeanor if the amount of pecuniary loss is \$500 or more but less than \$1,500) or (3) (providing that an offense is a state jail felony if the amount of pecuniary loss is \$1,500 or more but less than \$20,000), rather than (b)(1) (providing that an offense is a Class B misdemeanor if the amount of pecuniary loss is less than \$500), of that section;

(4)-(7) Makes no change to these subdivisions.

SECTION 6. Amends Section 31.03(e), Penal Code, as follows:

(e) Provides that, except as provided by Subsection (f) (relating to increasing an offense to the next higher category of offense), an offense under this section is:

(1) a Class C misdemeanor if the value of the property is less than \$100;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is \$100 or more but less than \$750;

(B) the value of the property stolen is less than \$100 and the defendant has previously been convicted of any grade of theft; or

(C) Makes no change to this paragraph;

(3) a Class A misdemeanor if the value of the property stolen is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;

(4) a state jail felony if:

(A) the value of the property stolen is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000, or the property is less than 10 head of sheep, swine, or goats or any party thereof under the value of \$30,000, rather than \$20,000;

(B)-(C) Makes no change to these paragraphs;

(D) the value of the property stolen is less than \$2,500, rather than \$1,500, and the defendant has been previously convicted two or more times of any grade of theft;

(E) Makes no change to this paragraph; or

(F) the value of the property stolen is less than \$30,000, rather than \$20,000, and the property stolen is:

(i) aluminum;

(ii) bronze;

(iii) copper; or

(iv) brass;

(5) a felony of the third degree if the value of the property stolen is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000, or the property is:

(A) cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, stolen during a single transaction and having an aggregate value of less than \$150,000, rather than \$100,000; or

(B) 10 or more head of sheep, swine, or goats stolen during a single transaction and having an aggregate value of less than \$150,000, rather than \$100,000;

(6) a felony of the second degree if:

(A) the value of the property stolen is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(B) the value of the property stolen is less than \$300,000, rather than less than \$200,000, and the property stolen is an automated teller machine or the contents or components of an automated teller machine; or

(7) a felony of the first degree if the value of the property stolen is \$300,000 or more, rather than \$200,000 or more.

Deletes existing text providing that an offense under this section, except as provided by Subsection (f), is a Class C misdemeanor if the value of the property stolen is less than \$50, or \$20 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06 (Presumption For Theft by Check or Similar Sight Order). Deletes existing text providing that an offense under this section, except as provided by Subsection (f), is a Class B misdemeanor if the value of the property stolen is \$50 or more but less than \$500, or \$20 or more but less than \$500 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06. Deletes existing text providing that an offense under this section, except as provided by Subsection (f), is a Class B misdemeanor if the value of the property stolen is less than \$50 and the defendant has previously been convicted of any grade of theft, or \$20, the defendant has previously been convicted of any grade of theft, and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06.

SECTION 7. Amends Sections 31.04(b) and (e), Penal Code, as follows:

(b) Provides that for purposes of this section, intent to avoid payment is presumed if:

(1)-(3) Makes no change to these subdivisions;

(4) the actor failed to return the property held under a rental agreement:

(A) within five days after receiving notice demanding return, if the property is valued at less than \$2,500, rather than \$1,500; or

(B) within three days after receiving notice demanding return, if the property is valued at \$2,500 or more, rather than \$1,500 or more.

(e) Provides that an offense under this section is:

(1) a Class C misdemeanor if the value of the service stolen is less than \$100, rather than less than \$20;

(2) a Class B misdemeanor if the value of the service stolen is \$100 or more but less than \$750, rather than \$20 or more but less than \$500;

(3) a Class A misdemeanor if the value of the service stolen is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;

(4) a state jail felony if the value of the service stolen is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;

(5) a felony of the third degree if the value of the service stolen is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the value of the service stolen is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the service stolen is \$300,000 or more, rather than \$200,000 or more.

SECTION 8. Amends Section 31.08(c), Penal Code, as follows:

(c) Provides that if property or service has value that cannot be reasonably ascertained by the criteria set forth in Subsections (a) (relating to the setting of the value of property or service) and (b) (relating to the setting of the value of documents, other than those having a readily ascertainable market value), the property or service is deemed to have a value of \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500.

SECTION 9. Amends Sections 31.16(c) and (d), Penal Code, as follows:

(c) Provides that an offense under this section is:

(1) a Class C misdemeanor if the total value of the merchandise involved in the activity is less than \$100;

(2) a Class B misdemeanor if the total value of the merchandise involved in the activity is \$100 or more but less than \$750, rather than the total value is less than \$50;

(3) a Class A misdemeanor if the total value of the merchandise involved in the activity is \$750 or more but less than \$2,500, rather than \$50 or more but less than \$500;

(4) a state jail felony if the total value of the merchandise involved in the activity is \$2,500 or more but less than \$30,000, rather than \$500 or more but less than \$1,500;

(5) a felony of the third degree if the total value of the merchandise involved in the activity is \$30,000 or more but less than \$150,000, rather than \$1,500 or more but less than \$20,000;

(6) a felony of the second degree if the total value of the merchandise involved in the activity is \$150,000 or more but less than \$300,000, rather than \$20,000 or more but less than \$100,000; or

(7) a felony of the first degree if the total value of the merchandise involved in the activity is \$300,000 or more, rather than \$100,000 or more.

Renumbers existing Subdivisions (1)-(6) as Subdivisions (2)-(7).

(d) Provides that an offense described for purposes of punishment by Subsections (c)(1)-(6), rather than (c)(1)-(5), is increased to the next higher category of offense if it is shown on the trial of the offense that:

(1)-(2) Makes no change to these subdivisions.

SECTION 10. Amends Section 32.02(c), Penal Code, as follows:

(c) Provides that if property or service has value that cannot be reasonably ascertained by the criteria set forth in Subsections (a) (relating to the setting of the value of property or service) and (b) (relating to the setting of a value of documents, other than those having a readily ascertainable market value), the property or service is deemed to have a value of \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500.

SECTION 11. Amends Section 32.23(e), Penal Code, as follows:

(e) Provides that an offense under this section is:

(1) a Class C misdemeanor if the retail value of the item or service is less than \$100, rather than \$20;

(2) a Class B misdemeanor if the retail value of the item or service is \$100 or more but less than \$750, rather than \$20 or more but less than \$500;

(3) a Class A misdemeanor if the retail value of the item or service is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;

(4) a state jail felony if the retail value of the item or service is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;

(5) a felony of the third degree if the retail value of the item or service is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the retail value of the item or service is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the retail value of the item or service is \$300,000 or more, rather than \$200,000 or more.

SECTION 12. Amends Section 32.32(c), Penal Code, as follows:

(c) Provides that an offense under this section is:

(1) a Class C misdemeanor if the value of the property or the amount of credit is less than \$100, rather than \$50;

(2) a Class B misdemeanor if the value of the property or the amount of credit is \$100 or more but less than \$750, rather than \$50 or more but less than \$500;

(3) a Class A misdemeanor if the value of the property or the amount of credit is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;

(4) a state jail felony if the value of the property or the amount of credit is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;

(5) a felony of the third degree if the value of the property or the amount of credit is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the value of the property or the amount of credit is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the property or the amount of credit is \$300,000 or more, rather than \$200,000 or more.

SECTION 13. Amends Sections 32.33(d) and (e), Penal Code, as follows:

(d) Provides that an offense under Subsection (b) (relating to a person who has signed a security agreement creating a security interest in property or a mortgage or deed of trust creating a lien on property commits an offense, if, with intent to hinder enforcement of that interest or lien, he or she destroys, removes, conceals, encumbers, or otherwise harms or reduces the value of the property) is a:

(1) a Class C misdemeanor if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is less than \$100, rather than less than \$20;

(2) a Class B misdemeanor if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$100 or more but less than \$750, rather than \$20 or more but less than \$500;

(3) a Class A misdemeanor if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;

(4) a state jail felony if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;

(5) a felony of the third degree if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$300,000 or more, rather than \$200,000 or more.

(e) Provides that a person who is a debtor under a security agreement, and who does not have a right to sell or dispose of the secured property or is required to account to the secured party for the proceeds of a permitted sale or disposition, commits an offense if the person sells or otherwise disposes of the secured property, or does not account to the secured party for the proceeds of a sale or other disposition as required, with intent to appropriate (as defined in Chapter 31 (Theft)) the proceeds or value of the secured property. Provides that a person is presumed to have intended to appropriate proceeds if the person does not deliver the proceeds to the secured party or account to the secured party for the proceeds before the 11th day after the day that the secured party makes a lawful demand for the proceeds or account. Provides that an offense under this subsection is:

(1) a Class C misdemeanor if the proceeds obtained from the sale or other disposition are money or goods having a value of less than \$100, rather than \$20;

(2) a Class B misdemeanor if the proceeds obtained from the sale or other disposition are money or goods having a value of \$100 or more but less than \$750, rather than \$20 or more but less than \$500;

(3) a Class A misdemeanor if the proceeds obtained from the sale or other disposition are money or goods having a value of \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;

(4) a state jail felony if the proceeds obtained from the sale or other disposition are money or goods having a value of \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;

(5) a felony of the third degree if the proceeds obtained from the sale or other disposition are money or goods having a value of \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the proceeds obtained from the sale or other disposition are money or goods having a value of \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the proceeds obtained from the sale or other disposition are money or goods having a value of \$300,000 or more, rather than \$200,000 or more.

SECTION 14. Amends Section 32.34(f), Penal Code, as follows:

(f) Provides that an offense under Subsection (b)(1) (relating to the commission of an offense due to the transfer of a vehicle to a third party without written authorization), (b)(2) (relating to the commission of an offense due to intent to defraud or harm the vehicle's owner by transferring the vehicle to a third party), or (b)(3) (relating to the commission of an offense due to intent to defraud or harm the vehicle's owner by disposing of the vehicle in a manner other than by transfer to a third party) is:

(1) a state jail felony if the value of the motor vehicle is less than \$30,000, rather than less than \$20,000;

(2) a felony of the third degree if the value of the motor vehicle is \$30,000 or more but less than \$150,000, rather than \$20,000 or more;

(3) a felony of the second degree if the value of the motor vehicle is \$150,000 or more but less than \$300,000; or

(4) a felony of the first degree if the value of the motor vehicle is \$300,000 or more.

Makes a nonsubstantive change.

SECTION 15. Amends Section 32.35(e), Penal Code, as follows:

(e) Provides that an offense under this section is:

(1) a Class C misdemeanor if the amount of the record of a sale is less than \$100, rather than less than \$20;

(2) a Class B misdemeanor if the amount of the record of a sale is \$100 or more but less than \$750, rather than \$20 or more but less than \$500;

(3) a Class A misdemeanor if the amount of the record of a sale is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;

(4) a state jail felony if the amount of the record of a sale is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;

(5) a felony of the third degree if the amount of the record of a sale is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the amount of the record of a sale is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the amount of the record of a sale is \$300,000 or more, rather than \$200,000 or more.

SECTION 16. Amends Section 32.441(e), Penal Code, as follows:

(e) Provides that an offense under this section is:

(1) a Class C misdemeanor if the value of the benefit is less than \$100, rather than less than \$20;

(2) a Class B misdemeanor if the value of the benefit is \$100 or more but less than \$750, rather than \$20 or more but less than \$500;

(3) a Class A misdemeanor if the value of the benefit is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;

(4) a state jail felony if the value of the benefit is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;

(5) a felony of the third degree if the value of the benefit is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the value of the benefit is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the benefit is \$300,000 or more, rather than \$200,000 or more.

SECTION 17. Amends Section 32.45(c), Penal Code, as follows:

(c) Provides that an offense under this section is:

- (1) a Class C misdemeanor if the value of the property misapplied is less than \$100, rather than less than \$20;
- (2) a Class B misdemeanor if the value of the property misapplied is \$100 or more but less than \$750, rather than \$20 or more but less than \$500;
- (3) a Class A misdemeanor if the value of the property misapplied is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;
- (4) a state jail felony if the value of the property misapplied is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;
- (5) a felony of the third degree if the value of the property misapplied is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;
- (6) a felony of the second degree if the value of the property misapplied is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or
- (7) a felony of the first degree if the value of the property misapplied is \$300,000 or more, rather than \$200,000 or more.

SECTION 18. Amends Section 32.46(b), Penal Code, as follows:

(b) Provides that an offense under Subsection (a)(1) (relating to the commission of an offense by deceiving a person into executing or signing a document affecting property or service or their pecuniary interest) is a:

- (1) Class C misdemeanor if the value of the property, service, or pecuniary interest is less than \$100, rather than less than \$20;
- (2) Class B misdemeanor if the value of the property, service, or pecuniary interest is \$100 or more but less than \$750, rather than \$20 or more but less than \$500;
- (3) Class A misdemeanor if the value of the property, service, or pecuniary interest is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;
- (4) state jail felony if the value of the property, service, or pecuniary interest is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;
- (5) felony of the third degree if the value of the property, service, or pecuniary interest is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;
- (6) felony of the second degree if the value of the property, service, or pecuniary interest is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or
- (7) felony of the first degree if the value of the property, service, or pecuniary interest is \$300,000 or more, rather than \$200,000 or more.

SECTION 19. Amends Section 33.02(b-2), Penal Code, as follows:

(b-2) Provides that an offense under Subsection (b-1) (relating to the commission of an offense if a person accesses a computer, computer network, or computer system without the effective consent of the owner) is:

- (1) a Class C misdemeanor if the aggregate amount involved is less than \$100;
- (2) a Class B misdemeanor if the aggregate amount involved is \$100 or more but less than \$750;
- (3) a Class A misdemeanor if the aggregate amount involved is \$750 or more but less than \$2,500;
- (4) a state jail felony if the aggregate amount involved is \$2,500 or more but less than \$30,000, rather than the aggregate amount involved is less than \$20,000;
- (5) a felony of the third degree if the aggregate amount involved is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;
- (6) a felony of the second degree if:
 - (A) the aggregate amount involved is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000;
 - (B) the aggregate amount involved is any amount less than \$300,000, rather than \$200,000, and the computer, computer network, or computer system is owned by the government or a critical infrastructure facility; or
 - (C) Makes no change to this paragraph;
- (7) a felony of the first degree if:
 - (A) the aggregate amount involved is \$300,000 or more, rather than \$200,000 or more; or
 - (B) Makes no change to this paragraph.

Renumbers existing Subdivisions (1)-(4) as Subdivisions (4)-(7).

SECTION 20. Amends Section 33A.02(b), Penal Code, as follows:

- (b) Provides that an offense under this section is:
- (1) a Class C misdemeanor if the value of the telecommunications service used or diverted is less than \$100;
 - (2) a Class B misdemeanor if the value of the telecommunications service used or diverted is \$100 or more but less than \$750, rather than the value is less than \$500;
 - (3) a Class A misdemeanor if:
 - (A) the value of the telecommunications service used or diverted is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500; or
 - (B) the value of the telecommunications service used or diverted is less than \$750, rather than less than \$500, and the defendant has been previously convicted of an offense under this chapter;
 - (4) a state jail felony if:

(A) the value of the telecommunications service used or diverted is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000; or

(B) the value of the telecommunications services used or diverted is less than \$2,500, rather than less than \$1,500, and the defendant has been previously convicted two or more times of an offense under this chapter;

(5) a felony of the third degree if the value of the telecommunications service used or diverted is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the value of the telecommunications service used or diverted is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the telecommunications service used or diverted is \$300,000 or more, rather than \$200,000 or more.

Renumbers existing Subdivisions (2)-(6) as Subdivisions (3)-(7).

SECTION 21. Amends Section 33A.04(b), Penal Code, as follows:

(b) Provides that an offense under this section is:

(1) a Class C misdemeanor if the value of the telecommunications service obtained or attempted to be obtained is less than \$100;

(2) a Class B misdemeanor if the value of the telecommunications service obtained or attempted to be obtained is \$100 or more but less than \$750, rather than the value is less than \$500;

(3) a Class A misdemeanor if:

(A) the value of the telecommunications service obtained or attempted to be obtained is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500; or

(B) the value of the telecommunications service obtained or attempted to be obtained is less than \$750, rather than less than \$500, and the defendant has been previously convicted of an offense under this chapter;

(4) a state jail felony if:

(A) the value of the telecommunications service obtained or attempted to be obtained is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000; or

(B) the value of the telecommunications services obtained or attempted to be obtained is less than \$2,500, rather than less than \$1,500, and the defendant has been previously convicted two or more times of an offense under this chapter;

(5) a felony of the third degree if the value of the telecommunications service obtained or attempted to be obtained is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the value of the telecommunications service obtained or attempted to be obtained is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000;

(7) a felony of the first degree if the value of the telecommunications service obtained or attempted to be obtained is \$300,000 or more, rather than \$200,000 or more.

Renumbers existing Subdivisions (2)-(6) as Subdivisions (3)-(7).

SECTION 22. Amends Section 34.02(e), Penal Code, as follows:

(e) Provides that an offense under this section is:

(1) a state jail felony if the value of the funds is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;

(2) a felony of the third degree if the value of the funds is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(3) a felony of the second degree if the value of the funds is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(4) a felony of the first degree if the value of the funds is \$300,000 or more, rather than \$200,000 or more.

SECTION 23. Amends Section 35.02(c), Penal Code, as follows:

(c) Provides that an offense under Subsection (a) (relating to the falsification of information in support of a claim for payment under an insurance policy) or (b) (relating to solicitation, payment, or reception of a benefit in connection with the furnishing of goods or services for which a claim for payment is submitted under an insurance policy) is:

(1) a Class C misdemeanor if the value of the claim is less than \$100, rather than less than \$50;

(2) a Class B misdemeanor if the value of the claim is \$100 or more but less than \$750, rather than \$50 or more but less than \$500;

(3) a Class A misdemeanor if the value of the claim is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;

(4) a state jail felony if the value of the claim is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;

(5) a felony of the third degree if the value of the claim is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the value of the claim is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if:

(A) the value of the claim is \$300,000 or more, rather than \$200,000 or more; or

(B) Makes no change to this paragraph.

SECTION 24. Amends Section 35.025(b), Penal Code, as follows:

(b) Provides that, if goods or services that are the subject of a claim cannot be reasonably ascertained under Subsection (a) (relating to the value of a claim that is not readily ascertainable), the goods or services are considered to have a value of \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500.

SECTION 25. Amends Section 35A.02(b), Penal Code, as follows:

(b) Provides that an offense under this section is:

(1) a Class C misdemeanor if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is less than \$100, rather than less than \$50;

(2) a Class B misdemeanor if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$100 or more but less than \$750, rather than \$50 or more but less than \$500;

(3) a Class A misdemeanor if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;

(4) a state jail felony if:

(A) the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000; or

(B)-(C) Makes no change to these paragraphs;

(5) a felony of the third degree if:

(A) the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000; or

(B) Makes no change to this paragraph;

(6) a felony of the second degree if:

(A) the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(B) Makes no change to this paragraph; or

(7) a felony of the first degree if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$300,000 or more, rather than \$200,000 or more.

SECTION 26. Amends Section 39.02(c), Penal Code, as follows:

(c) Provides that an offense under Subsection (a)(2) (relating to the commission of an offense if a public servant misuses government resources in the public servant's custody or possession by virtue of the public servant's office or employment) is:

(1) a Class C misdemeanor if the value of the use of the thing misused is less than \$100, rather than less than \$20;

(2) a Class B misdemeanor if the value of the use of the thing misused is \$100 or more but less than \$750, rather than \$20 or more but less than \$500;

(3) a Class A misdemeanor if the value of the use of the thing misused is \$750 or more but less than \$2,500, rather than \$500 or more but less than \$1,500;

(4) a state jail felony if the value of the use of the thing misused is \$2,500 or more but less than \$30,000, rather than \$1,500 or more but less than \$20,000;

(5) a felony of the third degree if the value of use of the thing misused stolen is \$30,000 or more but less than \$150,000, rather than \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the value of use of the thing misused is \$150,000 or more but less than \$300,000, rather than \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the service stolen is \$300,000 or more, rather than \$200,000 or more.

SECTION 27. Makes application of this Act prospective.

SECTION 28. Effective date: September 1, 2015.