

## **BILL ANALYSIS**

Senate Research Center  
81R2435 GCB-D

H.B. 348  
By: Pena et al. (Carona)  
Criminal Justice  
5/8/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In recognition of the increasing number of thefts of aluminum, bronze, and copper wire and cable, the 80th Legislature enacted legislation increasing the punishment for this crime. Top prices are being paid for these metals and the increase in punishment has benefited law enforcement across Texas.

However, aluminum, bronze, and copper metals are found in various forms, and the theft of these metals have expanded to include items such as air conditioner coils and lightning arrestor rods connected to telephone poles and buildings. Technically, the metal found in these items is not wire or cable, therefore, the increased penalty is inapplicable to the theft of these items.

H.B. 348 expands the conditions that constitute a state jail felony offense of theft to include the theft of aluminum, bronze, and copper tubing and rods.

### **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 Section 31.03(e), Penal Code, to provide that an offense, except as provided by Subsection (f) (relating to an offense being increased to the next higher category of offense), is a state jail felony if the value of the property stolen is less than \$20,000 and the property stolen is insulated or noninsulated tubing, rods, wire, or cable that consists of at least 50 percent aluminum, bronze, or copper.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.