

BILL ANALYSIS

Senate Research Center

C.S.H.B. 671
By: Darby et al. (Seliger)
Criminal Justice
5/22/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A nonprofit organization's primary objective is to support an issue or matter of private or public concern for noncommercial purposes. The organization may be involved in a large range of areas such as the arts, charities, education, politics, religion, or sports. Currently the penalty for theft from a nonprofit organization is not distinguished from the penalty for other types of theft, with the degree of punishment determined by the value of the stolen property. Theft from a nonprofit organization adversely affects the organization as funds for nonprofit organizations are donated or grant-based.

This bill increases the penalty for an offense of theft to the next higher category when the property is stolen from a nonprofit organization.

C.S.H.B. 671 amends current law relating to the penalty for theft from a nonprofit organization or by Medicare providers.

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(f), Penal Code, to provide that an offense described for purposes of punishment by Subsections (e)(1)-(6) (relating to penalties for an offense under this subsection) is increased to the next higher category of offense if it is shown on the trial of the offense that the owner of the property appropriated was at the time of the offense an elderly individual or a nonprofit organization; or the actor was a Medicare provider in a contractual relationship with the federal government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of the contractual relationship.

SECTION 2. Amends Section 31.03(h), Penal Code, by adding Subdivision (3), to define "nonprofit organization."

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.