

BILL ANALYSIS

Senate Research Center
86R682 MEW-D

H.B. 427
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Criminal Justice
5/6/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised regarding the discrepancy between the penalty for fraudulent destruction, removal, or concealment of a writing that is attached to tangible property and the penalty for theft of that same tangible property. H.B. 427 seeks to address this discrepancy by establishing a range of penalties for fraudulent destruction, removal, or concealment of a writing attached to tangible property that is similar to the penalty range established for property theft.

H.B. 427 amends current law relating to the punishment for the offense of fraudulent destruction, removal, or concealment of a writing that is attached to tangible property, and enhances a criminal penalty.

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 32.47, Penal Code, by amending Subsection (c) and adding Subsection (e), as follows:

(c) Provides that, except as provided by Subsection (d) (relating to providing that an offense under this section (Fraudulent Destruction, Removal, or Concealment of Writing) is a state jail felony if the writing meets certain criteria), an offense under this section is a Class A misdemeanor, provided that:

- (1) the writing is not attached to tangible property to indicate the price for the sale of that property; and
- (2) the actor did not engage in the conduct described by Subsection (a) with respect to that writing for the purpose of obtaining the property for a lesser price indicated by a separate writing.

(e) Provides that an offense under this section, if at the time of the offense the writing was attached to tangible property to indicate the price for the sale of that property and the actor engaged in the conduct described by Subsection (a) with respect to that writing for the purpose of obtaining the property for a lesser price indicated by a separate writing, is:

- (1) a Class C misdemeanor if the difference between the impaired writing and the lesser price indicated by the other writing is less than \$100;
- (2) a Class B misdemeanor if the difference between the impaired writing and the lesser price indicated by the other writing is \$100 or more but less than \$750;
- (3) a Class A misdemeanor if the difference between the impaired writing and the lesser price indicated by the other writing is \$750 or more but less than \$2,500;

(4) a state jail felony if the difference between the impaired writing and the lesser price indicated by the other writing is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the difference between the impaired writing and the lesser price indicated by the other writing is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the difference between the impaired writing and the lesser price indicated by the other writing is \$150,000 or more but less than \$300,000; or

(7) a felony of the first degree if the difference between the impaired writing and the lesser price indicated by the other writing is \$300,000 or more.

SECTION 2. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2019.