AN ACT

relating to the penalties for theft of cattle, horses, exotic livestock, exotic fowl, sheep, swine, or goats.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (e), Section 31.03, Penal Code, is amended to read as follows:

(e) Except as provided by Subsection (f), an offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than:

(A) $50; or

(B) $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;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is:

(i) $50 or more but less than $500; or

(ii) $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; or

(B) the value of the property stolen is less than:

(i) $50 and the defendant has previously been convicted of any grade of theft; or
S.B. No. 1163

(ii) $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;

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

(4) a state jail felony if:

(A) the value of the property stolen is $1,500 or
more but less than $20,000, or the property is less than 10 head of
[cattle, horses, or exotic livestock or exotic fowl as defined by
Section 142.001, Agriculture Code, or any part thereof under the
value of $20,000, or less than 100 head of] sheep, swine, or goats
or any part thereof under the value of $20,000;

(B) regardless of value, the property is stolen
from the person of another or from a human corpse or grave;

(C) the property stolen is a firearm, as defined
by Section 46.01;

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

(E) the property stolen is an official ballot or
official carrier envelope for an election; or

(F) the value of the property stolen is less than
$20,000 and the property stolen is insulated or noninsulated wire
or cable that consists of at least 50 percent:

(i) aluminum;

(ii) bronze; or
(iii) copper;

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

(A) [10 or more head of] 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 $100,000; or

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

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

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

SECTION 2. The change in law made by this Act applies only
to an offense committed on or after the effective date of this Act.
An offense committed before the effective date of this Act is
covered by the law in effect when the offense was committed, and the
former law is continued in effect for that purpose. 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. This Act takes effect September 1, 2009.
S.B. No. 1163

David Dewhurst
President of the Senate

I hereby certify that S.B. No. 1163 passed the Senate on April 16, 2009, by the following vote: Yeas 29, Nays 2.

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 1163 passed the House on May 12, 2009, by the following vote: Yeas 149, Nays 0, one present not voting.

Bryan Land
Secretary of the Senate

Robert Haney
Chief Clerk of the House

Approved:

23 May '09

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE

May 23, 2009

Raul Rodriguez
Secretary of State