

By: Raymond

H.B. No. 3291

A BILL TO BE ENTITLED

AN ACT

1
2 relating to increasing the punishment for certain offenses
3 involving oil, gas, or condensate or equipment designed for the
4 exploration or production of oil and gas; creating an offense.

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

6 SECTION 1. Section 85.389, Natural Resources Code, is
7 amended by amending Subsection (b) and adding Subsections (c) and
8 (d) to read as follows:

9 (b) A person commits an offense if the person purchases or
10 sells oil, gas, or condensate without the applicable tender,
11 authorization, or permit of the commission relating to oil or gas or
12 a product or byproduct of oil or gas.

13 (c) Subsection (b) does not apply to a pipeline operator or
14 gatherer that is authorized to operate by the commission.

15 (d) An offense under this section is a felony of the second
16 [~~third~~] degree.

17 SECTION 2. Section 31.03(e), Penal Code, is amended to read
18 as follows:

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

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

23 (A) \$50; or

24 (B) \$20 and the defendant obtained the property

1 by issuing or passing a check or similar sight order in a manner
2 described by Section 31.06;

3 (2) a Class B misdemeanor if:

4 (A) the value of the property stolen is:

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

6 (ii) \$20 or more but less than \$500 and the
7 defendant obtained the property by issuing or passing a check or
8 similar sight order in a manner described by Section 31.06;

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

11 (i) \$50 and the defendant has previously
12 been convicted of any grade of theft; or

13 (ii) \$20, the defendant has previously been
14 convicted of any grade of theft, and the defendant obtained the
15 property by issuing or passing a check or similar sight order in a
16 manner described by Section 31.06; or

17 (C) the property stolen is a driver's license,
18 commercial driver's license, or personal identification
19 certificate issued by this state or another state;

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

22 (4) a state jail felony if:

23 (A) the value of the property stolen is \$1,500 or
24 more but less than \$20,000, or the property is less than 10 head of
25 sheep, swine, or goats or any part thereof under the value of
26 \$20,000;

27 (B) regardless of value, the property is stolen

1 from the person of another or from a human corpse or grave,
2 including property that is a military grave marker;

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

5 (D) the value of the property stolen is less than
6 \$1,500 and the defendant has been previously convicted two or more
7 times of any grade of theft;

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

10 (F) the value of the property stolen is less than
11 \$20,000 and the property stolen is:

12 (i) aluminum;

13 (ii) bronze;

14 (iii) copper; or

15 (iv) brass;

16 (5) a felony of the third degree if:

17 (A) the value of the property stolen is \$20,000
18 or more but less than \$100,000, including property consisting of
19 oil, gas, condensate, oil and gas equipment, or pipeline equipment;
20 or

21 (B) the property is:

22 (i) [~~A~~] cattle, horses, or exotic
23 livestock or exotic fowl as defined by Section 142.001, Agriculture
24 Code, stolen during a single transaction and having an aggregate
25 value of less than \$100,000; or

26 (ii) [~~B~~] 10 or more head of sheep, swine,
27 or goats stolen during a single transaction and having an aggregate

1 value of less than \$100,000;

2 (6) a felony of the second degree if:

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

5 (B) the value of the property stolen is less than
6 \$200,000 and the property stolen is an automated teller machine or
7 the contents or components of an automated teller machine; or

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

10 SECTION 3. Section 31.03(h), Penal Code, is amended by
11 adding Subdivisions (5), (6), and (7) to read as follows:

12 (5) "Oil and gas equipment" and "pipeline equipment"
13 have the meanings assigned by Section 112.001, Natural Resources
14 Code.

15 (6) "Oil" and "gas" have the meanings assigned by
16 Section 115.001, Natural Resources Code.

17 (7) "Condensate" has the meaning assigned by Section
18 201.001, Tax Code.

19 SECTION 4. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the
25 effective date of this Act if any element of the offense occurred
26 before that date.

27 SECTION 5. This Act takes effect September 1, 2015.