

1-1 By: Zaffirini S.B. No. 1828  
 1-2 (In the Senate - Filed March 13, 2015; March 25, 2015, read  
 1-3 first time and referred to Committee on Criminal Justice;  
 1-4 April 23, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 23, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1828 By: Whitmire

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the creation of the offense of cargo theft.  
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-21 SECTION 1. The heading to Article 13.08, Code of Criminal  
 1-22 Procedure, is amended to read as follows:  
 1-23 Art. 13.08. THEFT; ORGANIZED RETAIL THEFT; CARGO THEFT.  
 1-24 SECTION 2. Article 13.08(b), Code of Criminal Procedure, is  
 1-25 amended to read as follows:  
 1-26 (b) An offense under Section 31.16 or 31.18, Penal Code, may  
 1-27 be prosecuted in any county in which an underlying theft could have  
 1-28 been prosecuted as a separate offense.  
 1-29 SECTION 3. Chapter 31, Penal Code, is amended by adding  
 1-30 Section 31.18 to read as follows:  
 1-31 Sec. 31.18. CARGO THEFT. (a) In this section:  
 1-32 (1) "Cargo" means goods, as defined by Section 7.102,  
 1-33 Business & Commerce Code, that constitute, wholly or partly, a  
 1-34 commercial shipment of freight moving in commerce. A shipment is  
 1-35 considered to be moving in commerce if the shipment is located at  
 1-36 any point between the point of origin and the final point of  
 1-37 destination regardless of any temporary stop that is made for the  
 1-38 purpose of transshipment or otherwise.  
 1-39 (2) "Vehicle" has the meaning assigned by Section  
 1-40 541.201, Transportation Code.  
 1-41 (b) A person commits an offense if the person:  
 1-42 (1) knowingly or intentionally conducts, promotes, or  
 1-43 facilitates an activity in which the person receives, possesses,  
 1-44 conceals, stores, barter, sells, abandons, or disposes of:  
 1-45 (A) stolen cargo; or  
 1-46 (B) cargo explicitly represented to the person as  
 1-47 being stolen cargo; or  
 1-48 (2) is employed as a driver lawfully contracted to  
 1-49 transport a specific cargo by vehicle from a known point of origin  
 1-50 to a known point of destination and, with the intent to conduct,  
 1-51 promote, or facilitate an activity described by Subsection (b)(1),  
 1-52 knowingly or intentionally:  
 1-53 (A) fails to deliver the entire cargo to the  
 1-54 known point of destination as contracted; or  
 1-55 (B) causes the seal to be broken on the vehicle or  
 1-56 on an intermodal container containing any part of the cargo.  
 1-57 (c) An offense under this section is:  
 1-58 (1) a state jail felony if the total value of the cargo  
 1-59 involved in the activity is less than \$10,000;  
 1-60 (2) a felony of the third degree if the total value of

2-1 the cargo involved in the activity is \$10,000 or more but less than  
2-2 \$100,000;

2-3 (3) a felony of the second degree if the total value of  
2-4 the cargo involved in the activity is \$100,000 or more but less than  
2-5 \$200,000; or

2-6 (4) a felony of the first degree if the total value of  
2-7 the cargo involved in the activity is \$200,000 or more.

2-8 (d) For purposes of Subsection (c), the total value of the  
2-9 cargo involved in the activity includes the value of any vehicle  
2-10 stolen or damaged in the course of the same criminal episode as the  
2-11 conduct that is the subject of the prosecution.

2-12 (e) An offense described for purposes of punishment by  
2-13 Subsections (c)(1)-(3) is increased to the next higher category of  
2-14 offense if it is shown on the trial of the offense that the person  
2-15 organized, supervised, financed, or managed one or more other  
2-16 persons engaged in an activity described by Subsection (b).

2-17 (f) It is not a defense to prosecution under this section  
2-18 that:

2-19 (1) the offense occurred as a result of a deception or  
2-20 strategy on the part of a law enforcement agency, including the use  
2-21 of:

- 2-22 (A) an undercover operative or peace officer; or
- 2-23 (B) a bait vehicle;

2-24 (2) the actor was provided by a law enforcement agency  
2-25 with a facility in which to commit the offense or with an  
2-26 opportunity to engage in conduct constituting the offense; or

2-27 (3) the actor was solicited to commit the offense by a  
2-28 peace officer, and the solicitation was of a type that would  
2-29 encourage a person predisposed to commit the offense to actually  
2-30 commit the offense but would not encourage a person not predisposed  
2-31 to commit the offense to actually commit the offense.

2-32 SECTION 4. This Act takes effect September 1, 2015.

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