

House Bill 3291
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

SECTION 2. Section 31.03(e), 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;

(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

SENATE VERSION (CS)

No equivalent provision.

No equivalent provision.

CONFERENCE

House Bill 3291
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (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; or
- (C) the property stolen is a driver's license, commercial driver's license, or personal identification certificate issued by this state or another state;
- (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 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, including property that is a military grave marker;
 - (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:
 - (i) aluminum;
 - (ii) bronze;
 - (iii) copper; or
 - (iv) brass;
- (5) a felony of the third degree if:
 - (A) the value of the property stolen is \$20,000 or more but less than \$100,000, including property consisting of oil, gas,

SENATE VERSION (CS)

CONFERENCE

House Bill 3291
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

condensate, oil and gas equipment, or pipeline equipment; or

(B) the property is:

(i) [~~(A)~~] 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

(ii) [~~(B)~~] 10 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:

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

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

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

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

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

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

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

No equivalent provision.

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of

No equivalent provision.

House Bill 3291
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date 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.

No equivalent provision.

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

SENATE VERSION (CS)

SECTION 1. Subchapter K, Chapter 85, Natural Resources Code, is amended by adding Section 85.390 to read as follows:

Sec. 85.390. TRANSACTION WITHOUT APPROVAL, AUTHORIZATION, OR PERMIT. (a) A person who is not a pipeline operator or gatherer authorized to operate by the commission commits an offense if the person recklessly possesses, transports, removes, delivers, accepts, purchases, sells, or physically moves oil, gas, or condensate as part of a transaction for which the commission requires a permit or commission approval or authorization unless the commission has:

(1) issued a permit, approval, or authorization for the transaction; or

(2) received a request for a permit, approval, or authorization for the transaction and the request is pending before the commission.

(b) An offense under this section is a felony of the second degree.

SECTION 2. Same as House version.

CONFERENCE