Offenses and Penalties Addressed by CSHB 3326

Offense	Current Offense Level	Proposed Offense Level	
	CSHB 3326, Sections 1 and 18 § 502.001(c), Business & Commerce Code		
Credit card or			
debit card abuse	§ 32.31(d),	Penal Code	
	State jail felony	Class A misdemeanor	
	СЅНВ 3326, Ѕес	tions 2, 9, 10, 11	
Possession of	§ 14.06(d), Code of	Criminal Procedure	
less than an	§ 481.121(b), Heal	th and Safety Code	
ounce of	§ 481.126(a), Health and Safety Code		
marijuana	§ 481.134(c), (d), (e), (f), Health and Safety Code		
	Class B misdemeanor	Class C misdemeanor	
Possession of	СЅНВ 3326, Ѕе	ections 3, 8, 11	
less than a gram	§ 15(a)(1), Art. 42.12, Co	de of Criminal Procedure	
of a controlled	§ 481.115(b), Heal	th and Safety Code	
substance in Penalty Group 1	State jail felony	Class A misdemeanor	
	CSHB 3326, Sect	ions 4, 5, 6, 7, 20	
		Family Code	
	§ 261.001(1)	, Family Code	
		th and Safety Code	
		alth & Safety Code	
		Penal Code	
Prostitution	- Class B misdemeanor: first conviction	- Class B misdemeanor: first conviction (in	
	- Class A misdemeanor: previously	return for a fee only)	
	convicted one or two times	- Class A misdemeanor: previously	
	- State jail felony: previously convicted	convicted one or more times (in return	
	three or more times	for a fee only)	
	- 2nd degree felony : person solicited is	- 2nd degree felony: person solicited is	
	younger than 18 years	younger than 18 years	
	<i>CSHB 3326, Section 12</i> § 28.03 (b), Penal Code		
	- Class C misdemeanor: less than <u>\$50</u>	- Class C misdemeanor: less than <u>\$500</u>	
	- Class B misdemeanor: \$50 or more but	- Class B misdemeanor: \$500 or more but	
	less than \$500	less than \$1,500	
Criminal			
Mischief	- Class A misdemeanor : <u>\$500</u> or more, but	- Class A misdemeanor : <u>\$1,500</u> or more,	
WIISCHIEF	less than <u>\$1,500</u>	but less than <u>\$20,000</u>	
	- State jail felony : <u>\$1,500</u> or more but less	- State jail felony: less than <u>\$20,000</u> if	
	than <u>\$20,000;</u> less than <u>\$1,500</u> if damage	damage is caused by a firearm or	
	is caused by a firearm or explosive	explosive weapon or if the property was	
	weapon or if the property was fence to	fence to contain livestock or game	
	contain livestock or game animals animals		
		, Section 13	
	§ 28.08(b) and (d), Penal Code		
		- Class C misdemeanor: less than <u>\$100</u>	
Graffiti	- Class B misdemeanor : less than <u>\$500</u>	- Class B misdemeanor: <u>\$100</u> or more but	
		less than <u>\$750</u>	
	- Class A misdemeanor : <u>\$500</u> or more but	- Class A misdemeanor: <u>\$750</u> or more but	
	less than <u>\$1,500</u>	less than <u>\$2,500</u>	

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	 State jail felony: <u>\$1,500</u> or more but less than <u>\$20,000</u> 	 State jail felony: <u>\$2,500</u> or more but less than <u>\$30,000</u> 	
	 State jail felony: marking is made on a school, institution of higher education, place of worship or human burial, public monument, or community center that provides medical, social, or education programs and the damage is less than <u>\$20,000</u> 	 State jail felony: marking is made on a school, institution of higher education, place of worship or human burial, public monument, or community center that provides medical, social, or education programs and the damage is <u>\$750</u> or more but less than <u>\$30,000</u> 	
	 3rd degree felony: <u>\$20,000</u> or more but less than <u>\$100,000</u> 	 3rd degree felony: <u>\$30,000</u> or more but less than <u>\$150,000</u> 	
	 2nd degree felony: <u>\$100,000</u> or more but less than \$<u>200,000</u> 	 2nd degree felony: <u>\$150,000</u> or more but less than <u>\$300,000</u> 	
	 1st degree felony: <u>\$200,000</u> or more 	- 1st degree felony : <u>\$300,000</u> or more	
D		5, Section 14	
Burglary of a	§ 30.02(c), Penal Code		
building other			
than a habitation	State jail felony	Class A misdemeanor	
	СЅНВ 3326	5, Section 15	
		Penal Code	
Theft	 Class C misdemeanor: less than <u>\$50</u>, or less than <u>\$20</u> and the defendant obtained the property by issuing a bad check 	- Class C misdemeanor : less than <u>\$500</u>	
	 Class B misdemeanor: \$50 or more but less than \$500, or \$20 or more but less than \$500 and the defendant obtained the property by issuing a bad check; less than \$50 and the defendant has previously been convicted of any grade of theft, or less than \$20 and the defendant has previously been convicted of any grade of theft and the theft was by bad check; a driver's license, commercial driver's license, or personal identification certificate 	 Class B misdemeanor: \$500 or more but less than \$1,500; less than \$500 and the defendant has previously been convicted of any grade of theft; a driver's license, commercial driver's license, or personal identification certificate 	
	 Class A misdemeanor: <u>\$500</u> or more, but less than <u>\$1,500</u> 	 Class A misdemeanor: <u>\$1,500</u> or more, but less than <u>\$20,000</u> 	
	 State jail felony: \$1,500 or more but less than \$20,000; or the property is less 10 head of sheep, swine, or goats or any part thereof under the value of \$20,000; property stolen from a human corpse or grave; property is a firearm; less than \$1,500 and the defendant has been previously convicted two or more times of any grade of theft; property is an 	 State jail felony: the property is less 10 head of sheep, swine, or goats or any part thereof under the value of \$20,000; property stolen from a human corpse or grave; property is a firearm; less than \$20,00 and the defendant has been previously convicted two or more times of any grade of theft; property is an official ballot or official carrier envelope 	

less than \$500less than \$750- Class A misdemeanor: \$500 or more, but less than \$1,500- Class A misdemeanor: \$750 or more, but less than \$2,500- State jail felony: \$1,500 or more but less than \$20,000- State jail felony: \$2,500 or more but less than \$30,000- 3rd degree felony: \$20,000 or more but less than \$100,000- 3rd degree felony: \$30,000 or more but less than \$150,000- 2nd degree felony: \$100,000 or more but less than \$200,000- 3rd degree felony: \$150,000 or more but less than \$150,000- 1st degree felony: \$200,000 or more but less than \$200,000 or more- 1st degree felony: \$300,000 or more but less than \$300,000- Teraudulent use or possession of dentifying- State jail felony: less than 5 items- Class A misdemeanor			
goats stolen during a single transaction and having an aggregate value of less than \$100,000 goats stolen during a single transaction and having an aggregate value of less than \$200,000 and the property stolen is an ATM or the contents or components of an ATM Goats stolen during a single transaction and having an aggregate value of less than \$200,000 and the property stolen is an ATM or the contents or components of an ATM • 1st degree felony: \$200,000 or more • Intent to avoid payment is presumed if the actor failed to return property held under a rental agreement within 5 days after receiving notice demanding return if the property is valued at less than \$1,500, or within 3 days after receiving notice demanding return if the property is valued at \$2,500 or more • Intent to avoid payment is presumed if the actor failed to return property held under a rental agreement within 5 days after receiving notice demanding return if the property is valued at less than \$1,500, or within 3 days after receiving notice demanding return if the property is valued at \$2,500 or more • Intent to avoid payment is presumed if the actor failed to return property held under a rental agreement within 5 days after receiving notice demanding return if the property is valued at less than \$2,500, or within 3 days after receiving notice demanding return if the property is valued at \$2,500 or more • Intent to avoid payment is presumed if the actor failed to return property held under a rental agreement within 5 days after receiving notice demanding return if the property is valued at \$2,500 or more but less than \$20,000 • Intent to avoid payment is presumed if the actor failed to return property held under a rental agreement within 5 days after receiving notice demanding return if the property is valued at \$2,500 or more • Class A misdemea		 for an election; less than \$20,000 and the property is aluminum, bronze, copper, or brass 3rd degree felony: \$20,000 or more but less than \$100,000, or the property is cattle, horses, or exotic livestock, exotic 	 the property is aluminum, bronze, copper, or brass 3rd degree felony: \$20,000 or more but less than \$100,000, or the property is cattle, horses, or exotic livestock, exotic
but less than \$200,000, or less than but less than \$200,000, and the property stolen is an ATM or the contents or components of an ATM ATM or the contents or components of an ATM Ist degree felony: \$200,000 or more Ist degree felony: \$200,000 or more Ist degree felony: \$200,000 or more Ist degree felony: \$200,000 or more Ist degree felony: \$200,000 or more Ist degree felony: \$200,000 or more Ist degree felony: \$200,000 or more Ist degree felony: \$200,000 or more Ist degree felony: \$200,000 or more Ist degree felony: \$200,000 or more Ist degree felony: \$200,000 or more Ist degree felony: \$200,000 or more It hear to avoid payment is presumed if the actor failed to return property held under a rental agreement within 5 days after receiving notice demanding return if the property is valued at less than \$1,500, or within 3 days after receiving notice demanding return if the property is valued at \$2,500 or more It class C misdemeanor: \$20 or more but less than \$20 It class A misdemeanor: \$20 or more but less than \$20,000 Itess than \$25,500 Itess than \$25,500 Itess than \$1,500 State jail felony: \$1,500 or more but less than \$20,000 Itess than \$25,500 Itess than \$20,000 State jail felony: \$20,000 or more but less than \$30,000 Itess than \$30,000 Itess than \$200,000 Itess than \$150,000 Itess than \$150,000 Itess than \$30,000 </th <th></th> <th>goats stolen during a single transaction and having an aggregate value of less</th> <th>goats stolen during a single transaction and having an aggregate value of less</th>		goats stolen during a single transaction and having an aggregate value of less	goats stolen during a single transaction and having an aggregate value of less
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§ 31.04(b) and (e), Penal Code- Intent to avoid payment is presumed if the actor failed to return property held under a rental agreement within 5 days after receiving notice demanding return if the property is valued at less than \$1,500, or within 3 days after receiving notice demanding return if the property is valued at \$1,500 or more- Intent to avoid payment is presumed if the actor failed to return property held under a rental agreement within 5 days after receiving notice demanding return if the property is valued at less than \$1,500, or within 3 days after receiving notice demanding return if the property is valued at \$1,500 or more- Intent to avoid payment is presumed if the actor failed to return property held under a rental agreement within 5 days after receiving notice demanding return if the property is valued at less than \$2,500, or within 3 days after receiving notice demanding return if the property is valued at \$1,500 or moreTheft of service- Class B misdemeanor: \$20 or more but less than \$500- Class B misdemeanor: \$100 or more but less than \$2,500 or more but less than \$2,500 or more but less than \$2,500Theft of service- Class A misdemeanor: \$500 or more but less than \$2,500- Class A misdemeanor: \$750 or more but less than \$2,500• Class A misdemeanor: \$20,000 or more but less than \$2,500- State jail felony: \$1,00,000 or more but less than \$100,000- State jail felony: \$2,500 or more but less than \$150,000• Drd degree felony: \$100,000 or more but less than \$200,000- State jail felony- Intent to avoid payment at the property is valued at \$2,500 or more but less than \$20,000• Class A misdemeanor but less than \$200,000- State jail felony <t< th=""><th></th><th> 1st degree felony: <u>\$200,000</u> or more </th><th>1st degree felony: <u>\$200,000</u> or more</th></t<>		 1st degree felony: <u>\$200,000</u> or more 	1st degree felony : <u>\$200,000</u> or more
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Theft of service- Class B misdemeanor: \$20 or more but less than \$500- Class B misdemeanor: \$100 or more but less than \$750- Class A misdemeanor: \$500 or more, but less than \$1,500- Class A misdemeanor: \$750 or more, but less than \$2,500- Class A misdemeanor: \$750 or more, but less than \$2,500- State jail felony: \$1,500 or more but less than \$20,000- State jail felony: \$2,500 or more but less than \$20,000- State jail felony: \$2,500 or more but less than \$30,000- 3rd degree felony: \$20,000 or more but less than \$100,000- 3rd degree felony: \$30,000 or more but less than \$150,000- 3rd degree felony: \$150,000 or more but less than \$150,000- 2nd degree felony: \$100,000 or more but less than \$200,000- 1st degree felony: \$150,000 or more but less than \$300,000- 2nd degree felony: \$150,000 or more but less than \$300,000- Tist degree felony: \$200,000 or more but less than \$200,000- Ist degree felony: \$300,000 or more but less than \$300,000- Ist degree felony: \$150,000 or more but less than \$300,000- Tist degree felony: \$200,000 or more- Ist degree felony: \$300,000 or more but less than \$320,000- Ist degree felony: \$300,000 or more but less than \$320,000- Tist degree felony: \$200,000 or more- Ist degree felony: \$300,000 or more but less than \$320,000- Ist degree felony: \$300,000 or more but less than \$320,000- Tist degree felony: \$200,000 or more- Ist degree felony: \$300,000 or more but less than \$320,000- Ist degree felony: \$300,000 or more but less than \$320,000- Tist degree felony: \$200,000 or more- Ist degree felony: \$300,000 or more \$32.51(c) and (d), Penal Code		the actor failed to return property held under a rental agreement within 5 days after receiving notice demanding return if the property is valued at less than \$1,500, or within 3 days after receiving notice demanding return if the property	the actor failed to return property held under a rental agreement within 5 days after receiving notice demanding return if the property is valued at less than \$2,500, or within 3 days after receiving notice demanding return if the property
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Iess than \$1,500Iess than \$2,500• State jail felony: \$1,500 or more but less than \$20,000• State jail felony: \$2,500 or more but less than \$30,000• 3rd degree felony: \$20,000 or more but less than \$100,000• 3rd degree felony: \$30,000 or more but less than \$150,000• 2nd degree felony: \$100,000 or more but less than \$200,000• 3rd degree felony: \$150,000 or more but less than \$150,000• 2nd degree felony: \$100,000 or more but less than \$200,000• 2nd degree felony: \$150,000 or more but less than \$300,000• 1st degree felony: \$200,000 or more but less than \$200,000 or more• 1st degree felony: \$300,000 or more but less than \$300,000• Tergery• 1st degree felony: \$200,000 or more \$32.21(c) and (J), Penal Code• Traudulent use or possession of dentifying• State jail felony: less than 5 items• Class A misdemeanor: less than 5 items	Theft of service		
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State jail felony: less than 5 items Class A misdemeanor: less than 5 items	Fraudulent use		
	or possession of		
	identifying information	 State jail felony: less than 5 items 	- Class A misdemeanor: less than 5 items

Offenses and Penalties Addressed by HB 3326

 - 3rd degree felony: 5 or more but less	 State jail felony: 5 or more but less than
than 10 items	10 items
 2nd degree felony: 10 or more but less	 3rd degree felony: 10 or more but less
than 50 items	than 50 items
- 1st degree felony: 50 or more items	- 2nd degree felony: 50 or more items