

Monetary Thresholds and Penalties Related to Property Offenses

Property offenses include theft, criminal mischief, and graffiti. The penalty for committing a property offense corresponds to the dollar amount lost or damaged. **These ranges of dollar amounts are also referred to as monetary “thresholds.”**

The definitions of theft, criminal mischief, and graffiti, along with three tables providing the monetary thresholds and penalties for these property offenses, are included below. The last table represents the suggested amendments to the monetary thresholds.

PROPERTY-RELATED OFFENSES THAT RELY ON OUTDATED MONETARY THRESHOLDS (DOLLAR RANGES)

- ❖ **Theft:** Theft refers to the unlawful appropriation of property with the intent to deprive the owner of property; this includes theft by check.¹ Theft of service occurs when a person intentionally avoids paying for a service that is provided for compensation.² Like other property-related crimes, theft offenses follow a monetary threshold that is congruent to the damage amounts and penalties set forth in Figure 2 below. There are, however, a few additions, including specific amounts corresponding to theft of service and theft by check. Figure 1 provides the monetary thresholds and penalties for theft offenses; the italicized amounts indicate congruency with the threshold amounts described in Figure 2:

Figure 1: Current Monetary Thresholds and Penalties ³		
THEFT		
OFFENSE	MONETARY THRESHOLD (DOLLAR RANGE OF PROPERTY LOST OR DAMAGED)	PENALTY
Class C Misdemeanor	<i>Less than \$50</i>	Up to \$500 fine
Class C Misdemeanor (Theft by Check)	Less than \$20	Up to \$500 fine
Class C Misdemeanor (Theft of Service)	Less than \$20	Up to \$500 fine
Class B Misdemeanor	<i>\$50 or more but less than \$500</i> Less than \$50 if prior theft conviction	30 days-180 days jail; \$2,000 fine
Class B Misdemeanor (Theft by Check)	\$20 or more but less than \$500 Less than \$20 if prior theft conviction	30 days-180 days jail; \$2,000 fine
Class B Misdemeanor (Theft of Service)	\$20 or more but less than \$500	30 days-180 days jail; \$2,000 fine
Class A Misdemeanor	<i>\$500 or more but less than \$1,500</i>	90 days-1 year jail; \$4,000 fine
State Jail Felony	<i>\$1,500 or more but less than \$20,000</i> Less than \$1,500 if 2 or more prior thefts Less than \$20,000 and the property is aluminum, bronze, copper, or brass	180 days-2 years jail; \$10,000 fine
Third Degree Felony	<i>\$20,000 or more but less than \$100,000</i>	2-10 years prison; \$10,000 fine
Second Degree Felony	<i>\$100,000 or more but less than \$200,000</i> Less than \$200,000 and property is an automated teller machine	2-20 years prison; \$10,000 fine
First Degree Felony	<i>\$200,000 or more</i>	5 years-life in prison; \$10,000 fine

- ❖ **Criminal Mischief and Graffiti:** Criminal mischief refers to conduct in which the actor intentionally or knowingly damages, destroys, tampers with, or marks on—including with inscriptions, slogans, drawings, or paintings—another’s property without the owner’s consent.⁴ The Penal Code section governing graffiti contains nearly identical language, but it adds a description of the tools that can be used to mark on another’s property, providing that it is an offense to make “markings on the tangible property of the owner with: (1) paint; an indelible marker; or an etching or engraving device.”⁵ Figure 2 lists the current monetary thresholds for criminal mischief and graffiti, with associated penalties.

Figure 2: Current Monetary Thresholds and Penalties CRIMINAL MISCHIEF AND GRAFFITI⁶		
OFFENSE	MONETARY THRESHOLD (DOLLAR RANGE OF PROPERTY LOST OR DAMAGED)	PENALTY
Class C Misdemeanor*	Less than \$50	Up to \$500 fine
Class B Misdemeanor*	\$50 or more but less than \$500	30 days-180 days jail; \$2,000 fine
Class A Misdemeanor	\$500 or more but less than \$1,500	90 days-1 year jail; \$4,000 fine
State Jail Felony	\$1,500 or more but less than \$20,000	180 days-2 years jail; \$10,000 fine
3 rd Degree Felony	\$20,000 or more but less than \$100,000	2-10 years prison; \$10,000 fine
2 nd Degree Felony	\$100,000 or more but less than \$200,000	2-20 years prison; \$10,000 fine
1 st Degree Felony	\$200,000 or more	5 years-life in prison; \$10,000 fine

*NOTE: Graffiti penalties start at a Class B misdemeanor for anything less than \$500; there is no Class C offense.

PROPOSED MODIFICATIONS TO THE MONETARY THRESHOLDS (DOLLAR RANGES) RELATED TO PROPERTY OFFENSES

Bringing monetary thresholds for property offenses in line with current dollar values will save taxpayer dollars and conserve valuable resources. Furthermore, the proposed changes will make penalties more appropriate and proportional to the offense committed, creating more fairness throughout the system. Figure 3 offers new monetary thresholds that policy-makers should apply to property-related offenses.

Figure 3: Suggested Monetary Thresholds (Penalties Remain Unchanged)		
OFFENSE	MONETARY THRESHOLD (DOLLAR RANGE OF PROPERTY LOST OR DAMAGED)	PENALTY
Class C Misdemeanor	Less than \$100	Up to \$500 fine
Class B Misdemeanor	\$100 or more but less than \$750	30 days-180 days jail; \$2,000 fine
Class A Misdemeanor	\$750 or more but less than \$2,500	90 days-1 year jail; \$4,000 fine
State Jail Felony	\$2,500 or more but less than \$30,000	180 days-2 years jail; \$10,000 fine
3 rd Degree Felony	\$30,000 or more but less than \$150,000	2-10 years prison; \$10,000 fine
2 nd Degree Felony	\$150,000 or more but less than \$300,000	2-20 years prison; \$10,000 fine
1 st Degree Felony	\$300,000 or more	5 years-life in prison; \$10,000 fine

Citations

¹ TEX. PENAL CODE § 31.03, <http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.31.htm>.

² *Id.* § 31.04, <http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.31.htm>.

³ Attorney General’s Office (AGO), “Penal Code Offenses by Punishment Range including Updates from the 82nd Legislative Session,” Revised July 2012, https://www.oag.state.tx.us/AG_Publications/pdfs/penalcode.pdf.

⁴ TEX. PENAL CODE § 28.03, <http://www.statutes.legis.state.tx.us/SOTWDOcs/PE/htm/PE.28.htm>.

⁵ *Id.* § 28.08, <http://www.statutes.legis.state.tx.us/SOTWDOcs/PE/htm/PE.28.htm>

⁶ Attorney General’s Office (AGO), “Penal Code Offenses by Punishment Range including Updates from the 82nd Legislative Session,” Revised July 2012, https://www.oag.state.tx.us/AG_Publications/pdfs/penalcode.pdf.