

Offenses and Penalties Addressed by HB 3326

| Offense | Current Offense Level | Proposed Offense Level |
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| Possession of less than an ounce of marijuana | <i>HB 3326, Section 1</i> § 481.121, Health and Safety Code | |
| | Class B misdemeanor | Class C misdemeanor |
| Possession of less than a gram of a controlled substance in Penalty Group 1 | <i>HB 3326, Sections 2 and 3</i> § 15(a)(1), Art. 42.12, Code of Criminal Procedure § 481.115(b), Health and Safety Code | |
| | State jail felony | Class A misdemeanor |
| Criminal Mischief | <i>HB 3326, Section 4</i> § 28.03 (b), Penal Code | |
| | <ul style="list-style-type: none"> - Class C misdemeanor: less than <u>\$50</u> - Class B misdemeanor: <u>\$50</u> or more but less than <u>\$500</u> - Class A misdemeanor: <u>\$500</u> or more, but less than <u>\$1,500</u> - State jail felony: <u>\$1,500</u> or more but less than <u>\$20,000</u>; less than <u>\$1,500</u> if damage is caused by a firearm or explosive weapon or if the property was fence to contain livestock or game animals | <ul style="list-style-type: none"> - Class C misdemeanor: less than <u>\$500</u> - Class B 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: less than <u>\$20,000</u> if damage is caused by a firearm or explosive weapon or if the property was fence to contain livestock or game animals |
| Graffiti | <i>HB 3326, Section 5</i> § 28.08(b), (d), Penal Code | |
| | <ul style="list-style-type: none"> - Class B misdemeanor: less than <u>\$500</u> - Class A misdemeanor: <u>\$500</u> or more but less than <u>\$1,500</u> - State jail felony: <u>\$1,500</u> or more but 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 less than <u>\$20,000</u> - 3rd degree felony: <u>\$20,000</u> or more but less than <u>\$100,000</u> - 2nd degree felony: <u>\$100,000</u> or more but less than <u>\$200,000</u> - 1st degree felony: <u>\$200,000</u> or more | <ul style="list-style-type: none"> - Class C misdemeanor: less than <u>\$100</u> - Class B misdemeanor: <u>\$100</u> or more but less than <u>\$750</u> - Class A misdemeanor: <u>\$750</u> or more but less than <u>\$2,500</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 <u>\$750</u> or more but less than <u>\$30,000</u> - 3rd degree felony: <u>\$30,000</u> or more but less than <u>\$150,000</u> - 2nd degree felony: <u>\$150,000</u> or more but less than <u>\$300,000</u> - 1st degree felony: <u>\$300,000</u> or more |
| Burglary of a building other than a habitation | <i>HB 3326, Section 6</i> § 30.02(c), Penal Code | |
| | State jail felony | Class A misdemeanor |

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| | | <i>HB 3326, Section 7</i> § 31.03(e), Penal Code | |
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| Theft | <ul style="list-style-type: none"> - 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 B misdemeanor: <u>\$50</u> or more but less than <u>\$500</u>, or <u>\$20</u> or more but less than <u>\$500</u> and the defendant obtained the property by issuing a bad check; less than <u>\$50</u> and the defendant has previously been convicted of any grade of theft, or less than <u>\$20</u> 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 A misdemeanor: <u>\$500</u> or more, but less than <u>\$1,500</u> - State jail felony: <u>\$1,500</u> or more but less than <u>\$20,000</u>; or the property is less 10 head of sheep, swine, or goats or any part thereof under the value of <u>\$20,000</u>; property stolen from a human corpse or grave; property is a firearm; less than <u>\$1,500</u> 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 for an election; less than <u>\$20,000</u> and the property is aluminum, bronze, copper, or brass - 3rd degree felony: <u>\$20,000</u> or more but less than <u>\$100,000</u>, or the property is cattle, horses, or exotic livestock, exotic fowl, 10 or more head of sheep, swine or goats stolen during a single transaction and having an aggregate value of less than <u>\$100,000</u> - 2nd degree felony: <u>\$100,000</u> or more but less than <u>\$200,000</u>, or less than <u>\$200,000</u> and the property stolen is an ATM or the contents or components of an ATM - 1st degree felony: <u>\$200,000</u> or more | <ul style="list-style-type: none"> - Class C misdemeanor: less than <u>\$500</u> - Class B misdemeanor: <u>\$500</u> or more but less than <u>\$1,500</u>; less than <u>\$500</u> 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>\$1,500</u> or more, but less than <u>\$20,000</u> - State jail felony: the property is less 10 head of sheep, swine, or goats or any part thereof under the value of <u>\$20,000</u>; property stolen from a human corpse or grave; property is a firearm; less than <u>\$20,000</u> 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 for an election; less than <u>\$20,000</u> and the property is aluminum, bronze, copper, or brass - 3rd degree felony: <u>\$20,000</u> or more but less than <u>\$100,000</u>, or the property is cattle, horses, or exotic livestock, exotic fowl, 10 or more head of sheep, swine or goats stolen during a single transaction and having an aggregate value of less than <u>\$100,000</u> - 2nd degree felony: <u>\$100,000</u> or more but less than <u>\$200,000</u>, or less than <u>\$200,000</u> and the property stolen is an ATM or the contents or components of an ATM - 1st degree felony: <u>\$200,000</u> or more | |

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| | <i>HB 3326, Section 8</i> § 31.04, Penal Code | |
| | <ul style="list-style-type: none"> - 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 <u>\$1,500</u>, or within 3 days after receiving notice demanding return if the property is valued at <u>\$1,500</u> or more - Class C misdemeanor: less than <u>\$20</u> - Class B misdemeanor: <u>\$20</u> or more but less than <u>\$500</u> - Class A misdemeanor: <u>\$500</u> or more, but less than <u>\$1,500</u> - State jail felony: <u>\$1,500</u> or more but less than <u>\$20,000</u> - 3rd degree felony: <u>\$20,000</u> or more but less than <u>\$100,000</u> - 2nd degree felony: <u>\$100,000</u> or more but less than <u>\$200,000</u> - 1st degree felony: <u>\$200,000</u> or more | <ul style="list-style-type: none"> - 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 <u>\$2,500</u>, or within 3 days after receiving notice demanding return if the property is valued at <u>\$2,500</u> or more - Class C misdemeanor: less than <u>\$100</u> - Class B misdemeanor: <u>\$100</u> or more but less than <u>\$750</u> - Class A misdemeanor: <u>\$750</u> or more, but less than <u>\$2,500</u> - State jail felony: <u>\$2,500</u> or more but less than <u>\$30,000</u> - 3rd degree felony: <u>\$30,000</u> or more but less than <u>\$150,000</u> - 2nd degree felony: <u>\$150,000</u> or more but less than <u>\$300,000</u> - 1st degree felony: <u>\$300,000</u> or more |
| Theft of service | <i>HB 3326, Sections 9 and 14</i> § 32.21, Penal Code | |
| | State jail felony | Class A misdemeanor |
| Forgery | <i>HB 3326, Sections 10 and 13</i> § 32.31, Penal Code | |
| | State jail felony | Class A misdemeanor |
| Credit card or debit card abuse | <i>HB 3326, Section 11</i> § 32.51, Penal Code | |
| | <ul style="list-style-type: none"> - State jail felony: less than 5 items - 3rd degree felony: 5 or more but less than 10 items - 2nd degree felony: 10 or more but less than 50 items - 1st degree felony: 50 or more items | <ul style="list-style-type: none"> - Class A misdemeanor: less than 5 items - State jail felony: 5 or more but less than 10 items - 3rd degree felony: 10 or more but less than 50 items - 2nd degree felony: 50 or more items |
| Fraudulent use or possession of identifying information | <i>HB 3326, Section 12</i> § 43.02, Penal Code | |
| | <ul style="list-style-type: none"> - Class B misdemeanor: first conviction - Class A misdemeanor: previously convicted one or two times - State jail felony: previously convicted three or more times - 2nd degree felony: person solicited is younger than 18 years | <ul style="list-style-type: none"> - Class B misdemeanor: first conviction - Class A misdemeanor: previously convicted one or more times - 2nd degree felony: person solicited is younger than 18 years |
| Prostitution | | |