

Offenses and Penalties Addressed by CSHB 3326

Offense	Current Offense Level	Proposed Offense Level
Credit card or debit card abuse	CSHB 3326, Sections 1 and 18 § 502.001(c), Business & Commerce Code § 32.31(d), Penal Code	
	State jail felony	Class A misdemeanor
Possession of less than an ounce of marijuana	CSHB 3326, Sections 2, 9, 10, 11 § 14.06(d), Code of Criminal Procedure § 481.121(b), Health and Safety Code § 481.126(a), Health and Safety Code § 481.134(c), (d), (e), (f), Health and Safety Code	
	Class B misdemeanor	Class C misdemeanor
Possession of less than a gram of a controlled substance in Penalty Group 1	CSHB 3326, Sections 3, 8, 11 § 15(a)(1), Art. 42.12, Code of Criminal Procedure § 481.115(b), Health and Safety Code	
	State jail felony	Class A misdemeanor
Prostitution	CSHB 3326, Sections 4, 5, 6, 7, 20 § 51.03(b), Family Code § 261.001(1), Family Code § 169.002(a), Health and Safety Code § 169A.002(a), Health & Safety Code § 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 (<i>in return for a fee only</i>) - Class A misdemeanor: previously convicted one or more times (<i>in return for a fee only</i>) - 2nd degree felony: person solicited is younger than 18 years
Criminal Mischief	CSHB 3326, Section 12 § 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	CSHB 3326, Section 13 § 28.08(b) and (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> 	<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>

Offenses and Penalties Addressed by HB 3326

	<ul style="list-style-type: none"> - 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"> - 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
<p>Burglary of a building other than a habitation</p>	<p><i>CSHB 3326, Section 14</i> § 30.02(c), Penal Code</p>	
	<p>State jail felony</p>	<p>Class A misdemeanor</p>
<p>Theft</p>	<p><i>CSHB 3326, Section 15</i> § 31.03(e), Penal Code</p>	
	<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 	<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>\$20,00</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

Offenses and Penalties Addressed by HB 3326

	<p>official ballot or official carrier envelope for an election; less than <u>\$20,000</u> and the property is aluminum, bronze, copper, or brass</p> <ul style="list-style-type: none"> - 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 	<p>for an election; less than <u>\$20,000</u> and the property is aluminum, bronze, copper, or brass</p> <ul style="list-style-type: none"> - 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
<p>Theft of service</p>	<p><i>CSHB 3326, Section 16</i> § 31.04(b) and (e), Penal Code</p>	
	<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
<p>Forgery</p>	<p><i>HB 3326, Sections 17 and 21</i> § 32.21(c) and (d), Penal Code</p>	
	<p>State jail felony</p>	<p>Class A misdemeanor</p>
<p>Fraudulent use or possession of identifying information</p>	<p><i>HB 3326, Section 19</i> § 32.51(c), Penal Code</p>	
	<ul style="list-style-type: none"> - State jail felony: less than 5 items 	<ul style="list-style-type: none"> - Class A misdemeanor: less than 5 items

Offenses and Penalties Addressed by HB 3326

	<ul style="list-style-type: none">- 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">- 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
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