

Offenses and Penalties Addressed by HB 3326

Offense	Current Offense Level	Proposed Offense Level
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"> <li>- <b>Class C misdemeanor:</b> less than <u>\$50</u></li> <li>- <b>Class B misdemeanor:</b> <u>\$50</u> or more but less than <u>\$500</u></li> <li>- <b>Class A misdemeanor:</b> <u>\$500</u> or more, but less than <u>\$1,500</u></li> <li>- <b>State jail felony:</b> <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</li> </ul>	<ul style="list-style-type: none"> <li>- <b>Class C misdemeanor:</b> less than <u>\$500</u></li> <li>- <b>Class B misdemeanor:</b> <u>\$500</u> or more but less than <u>\$1,500</u></li> <li>- <b>Class A misdemeanor:</b> <u>\$1,500</u> or more, but less than <u>\$20,000</u></li> <li>- <b>State jail felony:</b> 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</li> </ul>
Graffiti	<i>HB 3326, Section 5</i> § 28.08(b), (d), Penal Code	
	<ul style="list-style-type: none"> <li>- <b>Class B misdemeanor:</b> less than <u>\$500</u></li> <li>- <b>Class A misdemeanor:</b> <u>\$500</u> or more but less than <u>\$1,500</u></li> <li>- <b>State jail felony:</b> <u>\$1,500</u> or more but less than <u>\$20,000</u></li> <li>- <b>State jail felony:</b> 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></li> <li>- <b>3rd degree felony:</b> <u>\$20,000</u> or more but less than <u>\$100,000</u></li> <li>- <b>2nd degree felony:</b> <u>\$100,000</u> or more but less than <u>\$200,000</u></li> <li>- <b>1st degree felony:</b> <u>\$200,000</u> or more</li> </ul>	<ul style="list-style-type: none"> <li>- <b>Class C misdemeanor:</b> less than <u>\$100</u></li> <li>- <b>Class B misdemeanor:</b> <u>\$100</u> or more but less than <u>\$750</u></li> <li>- <b>Class A misdemeanor:</b> <u>\$750</u> or more but less than <u>\$2,500</u></li> <li>- <b>State jail felony:</b> <u>\$2,500</u> or more but less than <u>\$30,000</u></li> <li>- <b>State jail felony:</b> 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></li> <li>- <b>3rd degree felony:</b> <u>\$30,000</u> or more but less than <u>\$150,000</u></li> <li>- <b>2nd degree felony:</b> <u>\$150,000</u> or more but less than <u>\$300,000</u></li> <li>- <b>1st degree felony:</b> <u>\$300,000</u> or more</li> </ul>
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	
<b>Theft</b>	<ul style="list-style-type: none"> <li>- <b>Class C misdemeanor:</b> less than <u>\$50</u>, or less than <u>\$20</u> and the defendant obtained the property by issuing a bad check</li> <li>- <b>Class B misdemeanor:</b> <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</li> <li>- <b>Class A misdemeanor:</b> <u>\$500</u> or more, but less than <u>\$1,500</u></li> <li>- <b>State jail felony:</b> <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</li> <li>- <b>3rd degree felony:</b> <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></li> <li>- <b>2nd degree felony:</b> <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</li> <li>- <b>1st degree felony:</b> <u>\$200,000</u> or more</li> </ul>	<ul style="list-style-type: none"> <li>- <b>Class C misdemeanor:</b> less than <u>\$500</u></li> <li>- <b>Class B misdemeanor:</b> <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</li> <li>- <b>Class A misdemeanor:</b> <u>\$1,500</u> or more, but less than <u>\$20,000</u></li> <li>- <b>State jail felony:</b> 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</li> <li>- <b>3rd degree felony:</b> <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></li> <li>- <b>2nd degree felony:</b> <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</li> <li>- <b>1st degree felony:</b> <u>\$200,000</u> or more</li> </ul>	

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