

BILL ANALYSIS

Senate Research Center

H.B. 237
By: Goolsby (Ellis)
Criminal Justice
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Engrossed

DIGEST

Currently, there are approximately 500 public libraries in Texas, with an average of \$29,000 worth of materials so long overdue that they are presumed lost. This amounts to a total of about \$14.5 million in lost public library materials. H.B. 237 would expand the Penal Code's theft of service provisions to encompass overdue library materials. Theft of service would include a situation in which a person intentionally holds library property under a written borrowing agreement beyond the expiration date and without the library's consent. The intent to improperly hold library property would be presumed if a person failed to return the overdue materials before the 10th day after receiving a notice that the materials were overdue.

PURPOSE

As proposed, H.B. 237 establishes the prosecution of failure to return public library property as theft of service.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.04, Penal Code, to provide that a person commits theft of service if, having control of property of a public library that the person knows is provided only subject to a written borrowing agreement, the person intentionally holds the property beyond the expiration of the borrowing period without the effective consent of the public library. Establishes that for purposes of this section, intent to hold property beyond the expiration of the borrowing period without the effective consent of the public library is presumed if the actor fails to return the property to the library before the 10th day after the date on which the actor receives notice from the library of the expiration of the borrowing period. Provides that an offense under Subsection (a)(2) is a Class C misdemeanor if the value of the property stolen is less than \$500. Defines "public library." Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.