

## **BILL ANALYSIS**

Senate Research Center  
82R8128 NAJ-D

S.B. 1024  
By: Rodriguez  
Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Theft of wages occurs when employers fail to pay workers their promised wages. This is a frequent occurrence in Texas. In certain industries, such as construction, one in every five workers experiences wage theft. In addition, 50 percent of day laborers have experienced wage theft. The impact of this theft is widespread and has caused many workers to be unable to meet their family's basic needs.

S.B. 1024 addresses instances when workers receive periodic or partial payment of wages. The bill also amends current law to maintain that a person commits theft of service if, with intent to avoid payment, that person fails to make full payment after receiving notice demanding payment if the compensation was to be paid periodically. The intent to avoid payment for a service may be formed at any time during or before a pay period, and the partial payment of wages alone is not sufficient evidence to negate the actor's intent to avoid payment for a service.

As proposed, S.B. 1024 amends current law relating to the prosecution of the offense of theft of service.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 31.04, Penal Code, by amending Subsection (a) and adding Subsection (d-1), as follows:

- (a) Provides that a person commits theft of service if, with intent to avoid payment for service that the actor, rather than he, knows is provided only for compensation:
  - (1) the actor, rather than he, intentionally or knowingly secures performance of the service by deception, threat, or false token;
  - (2) having control over the disposition of services of another to which the actor, rather than he, is not entitled, the actor intentionally or knowingly diverts the other's services to the actor's own benefit or to the benefit of another not entitled to the services;
  - (3) having control of personal property under a written rental agreement, the actor holds the property beyond the expiration of the rental period without the effective consent of the owner of the property, thereby depriving the owner of the property of its use in further rentals; or
  - (4) the actor intentionally or knowingly secures the performance of the service by agreeing to provide compensation and, after the service is rendered, fails to make full payment after receiving notice demanding payment.

Makes conforming and nonsubstantive changes.

(d-1) Provides that for purposes of Subsection (a)(4):

(1) if the compensation is or was to be paid on a periodic basis, the intent to avoid payment for a service may be formed at any time during or before a pay period; and

(2) the partial payment of wages alone is not sufficient evidence to negate the actor's intent to avoid payment for a service.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.