

By: Cortez

H.B. No. 261

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the punishment for the offense of burglary of a vehicle.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 30.04, Penal Code, is amended by
5 amending Subsection (d) and adding Subsection (f) to read as
6 follows:

7 (d) An offense under this section is a Class A misdemeanor,
8 except that:

9 (1) the offense is a Class A misdemeanor with a minimum
10 term of confinement of six months if it is shown on the trial of the
11 offense that the defendant has been previously convicted of an
12 offense under this section;

13 (2) the offense is a state jail felony if:

14 (A) it is shown on the trial of the offense that
15 the defendant has been previously convicted two or more times of an
16 offense under this section; or

17 (B) the actor:

18 (i) broke into or entered a [the] vehicle,
19 or part of a [the] vehicle, that [broken into or entered] is a rail
20 car;

21 (ii) possessed a firearm during the
22 commission of the offense;

23 (iii) committed theft of a firearm during
24 the commission of the offense;

1 (iv) used a stolen vehicle to facilitate
2 the commission of the offense; or

3 (v) committed the offense with respect to
4 two or more vehicles during the same criminal transaction or during
5 different criminal transactions but pursuant to the same scheme or
6 course of conduct; and

7 (3) the offense is a felony of the third degree if:

8 (A) the vehicle broken into or entered is owned
9 or operated by a wholesale distributor of prescription drugs; and

10 (B) the actor breaks into or enters that vehicle
11 with the intent to commit theft of a controlled substance.

12 (f) In this section, "firearm" has the meaning assigned by
13 Section 46.01.

14 SECTION 2. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this
16 Act. An offense committed before the effective date of this Act is
17 governed by the law in effect on the date the offense was committed,
18 and the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense occurred
21 before that date.

22 SECTION 3. This Act takes effect September 1, 2023.