

By: Harless

H.B. No. 2685

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of unlawful use of criminal instrument or certain devices.

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

SECTION 1. The heading to Section 16.01, Penal Code, is amended to read as follows:

Sec. 16.01. UNLAWFUL USE OF CRIMINAL INSTRUMENT OR CERTAIN DEVICES [~~MECHANICAL SECURITY DEVICE~~].

SECTION 2. Section 16.01(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if:

(1) the person possesses a criminal instrument, ~~or~~ mechanical security device, motor vehicle key programming device, or relay hack device with the intent to use the instrument or device in the commission of an offense; or

(2) with knowledge of its character and with the intent to use a criminal instrument, ~~or~~ mechanical security device, motor vehicle key programming device, or relay hack device or aid or permit another to use the instrument or device in the commission of an offense, the person manufactures, adapts, sells, installs, or sets up the instrument or device.

SECTION 3. Section 16.01(b), Penal Code, is amended by adding Subdivisions (3), (4), and (5) to read as follows:

(3) "Motor vehicle" has the meaning assigned by

1 Section 32.34.

2 (4) "Motor vehicle key programming device" means a
3 device designed or used to electronically communicate with a motor
4 vehicle for the purpose of programing a blank motor vehicle key fob
5 that is capable of being used to start and operate the motor
6 vehicle.

7 (5) "Relay hack device" means a device capable of
8 intercepting the signal from a motor vehicle key fob for the purpose
9 of:

10 (A) unlocking the motor vehicle; or

11 (B) remotely activating the ignition of the motor
12 vehicle.

13 SECTION 4. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 governed by the law in effect on the date the offense was committed,
17 and the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense occurred
20 before that date.

21 SECTION 5. This Act takes effect September 1, 2023.