

Amend CSHB 2702 by adding a new appropriately numbered SECTION to read as follows:

SECTION ____ . Title 6, Chapter 472, Transportation Code, is amended by adding a new Section 472.032 to read as follows:

Sec. 472.032. SAFETY OF PERSONS AND PROPERTY IN AND ADJACENT TO TRANSPORTATION FACILITIES, THOROUGHFARES, TRANSIT ROUTES AND TRANSIT FACILITIES. (a) It is the policy of this state to protect the safety of persons and their property in the areas in and adjacent to public thoroughfares and transit systems in this state.

(b) This section applies to:

(1) the area occupied by a public thoroughfare of any class, including:

(A) an interstate highway;

(B) a state highway;

(C) a toll highway;

(D) a connector, service road, access road, ramp, or interchange;

(E) a local street or rural road;

(F) the Trans Texas Corridor;

(G) a non-tolled public road;

(H) a tolled public road;

(I) a bridge, overpass, underpass, toll entrance plaza, rest stop, public park, ferry, or causeway;

(2) passenger or freight rail facilities;

(3) transit routes and transit systems;

(4) an airport;

(5) pedestrian and bicycle facilities;

(6) a parking area or structure, rest stop, park, and any other improvement or amenity considered necessary, useful, or beneficial for the operation of a turnpike project;

(7) a toll-free facility that is appurtenant to and necessary for the efficient operation of a turnpike project, including a service road, access road, ramp, interchange, bridge, or tunnel; and

(8) any area that is adjacent to a thoroughfare, facility or area described by Subsections (b)(1)-(7).

(c)(1) A person commits an offense if, without the effective consent of the owner, he breaks into and enters a vehicle or any part of a vehicle with intent to commit any felony or theft if the vehicle is located in an area to which this section applies.

(2) For purposes of this Subsection:

(A) "enter" means to intrude:

(1) any part of the body; or

(2) any physical object connected with the body; and

(B) "adjacent to" means any property from which a vehicle may lawfully directly or indirectly enter or exit a thoroughfare, facility or area described by Subsections (b)(1)-(7).

(d) An offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if:

(1) it is shown on the trial of the offense that the defendant has been previously convicted under this section; or

(2) the vehicle or part of the vehicle broken into or entered is a rail car.