

BILL ANALYSIS

Senate Research Center
79R13884 JRJ-D

S.B. 1874
By: Whitmire et al.
Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Burglary of a motor vehicle has been labeled as one of the most serious crimes in Texas' urban areas. Review of how the criminal justice system responds to these crimes has not supported the often demanded enhancement of the penalty range from a Class A misdemeanor to that of a state jail felony. Surveys of large counties has demonstrated that the jail sentences received are between 90 days and 134 days, far below the available 352 days that is permitted under current laws.

What appears to be missing is a concentrated effort to enforce the current law and penalties. As proposed, S.B. 1874 expands the scope of the current Automobile Theft Prevention Authority and contemplates the use of the full amount of funds that are generated by the insurance fee which provides the funds for their activities. The name of the authority is changed to the Automobile Burglary and Theft Prevention Authority and it is given the responsibility to pursue the burglary of a motor vehicle in the same manner that it currently pursues automobile thefts.

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 the heading to Article 4413(37), Revised Statutes, to read as follows:

Art. 4413(37). AUTOMOBILE BURGLARY AND THEFT PREVENTION
AUTHORITY.

SECTION 2. Amends Section 1, Article 4413(37), Revised Statutes, to redefine "authority" and "economic automobile theft."

SECTION 3. Amends Section 2, Article 4413(37), Revised Statutes, to provide that the Automobile Burglary and Theft Prevention Authority, rather than the Automobile Theft Prevention Authority, is established in the Texas Department of Transportation.

SECTION 4. Amends Section 6A(d), Article 4413(37), Revised Statutes, to make a conforming change.

SECTION 5. Amends Section 7(b), Article 4413(37), Revised Statutes, to make conforming changes.

SECTION 6. Amends Section 8(a), Article 4413(37), Revised Statutes, to make conforming changes.

SECTION 7. Amends Section 11(a), Article 4413(37), Revised Statutes, to redefine "automobile theft rate."

SECTION 8. Effective date: September 1, 2005.