

By: Eissler

H.B. No. 35

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offenses of burglary of vehicles, theft, and
3 tampering with identification numbers.

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

5 SECTION 1. Section 30.04(d), Penal Code, is amended to read
6 as follows:

7 (d) An offense under this section is a [~~Class A misdemeanor~~
8 ~~unless the vehicle or part of the vehicle broken into or entered is~~
9 ~~a rail car, in which event the offense is a~~] state jail felony.

10 SECTION 2. Section 31.03(e), Penal Code, is amended to read
11 as follows:

12 (e) Except as provided by Subsection (f), an offense under
13 this section is:

14 (1) a Class C misdemeanor if the value of the property
15 stolen is less than:

16 (A) \$50; or

17 (B) \$20 and the defendant obtained the property
18 by issuing or passing a check or similar sight order in a manner
19 described by Section 31.06;

20 (2) a Class B misdemeanor if:

21 (A) the value of the property stolen is:

22 (i) \$50 or more but less than \$500; or

23 (ii) \$20 or more but less than \$500 and the
24 defendant obtained the property by issuing or passing a check or

1 similar sight order in a manner described by Section 31.06; or

2 (B) the value of the property stolen is less
3 than:

4 (i) \$50 and the defendant has previously
5 been convicted of any grade of theft; or

6 (ii) \$20, the defendant has previously been
7 convicted of any grade of theft, and the defendant obtained the
8 property by issuing or passing a check or similar sight order in a
9 manner described by Section 31.06;

10 (3) a Class A misdemeanor if the value of the property
11 stolen is \$500 or more but less than \$1,500;

12 (4) a state jail felony if:

13 (A) the value of the property stolen is \$1,500 or
14 more but less than \$20,000, or the property is less than 10 head of
15 cattle, horses, or exotic livestock or exotic fowl as defined by
16 Section 142.001, Agriculture Code, or any part thereof under the
17 value of \$20,000, or less than 100 head of sheep, swine, or goats or
18 any part thereof under the value of \$20,000;

19 (B) regardless of value, the property is stolen
20 from the person of another or from a human corpse or grave;

21 (C) the property stolen is a firearm, as defined
22 by Section 46.01;

23 (D) the value of the property stolen is less than
24 \$1,500 and the defendant has been previously convicted two or more
25 times of any grade of theft; or

26 (E) the property stolen is an official ballot or
27 official carrier envelope for an election;

1 (5) a felony of the third degree if the value of the
2 property stolen is \$20,000 or more but less than \$100,000, or the
3 property is:

4 (A) 10 or more head of cattle, horses, or exotic
5 livestock or exotic fowl as defined by Section 142.001, Agriculture
6 Code, stolen during a single transaction and having an aggregate
7 value of less than \$100,000; [~~or~~]

8 (B) 100 or more head of sheep, swine, or goats
9 stolen during a single transaction and having an aggregate value of
10 less than \$100,000; or

11 (C) a motor vehicle;

12 (6) a felony of the second degree if:

13 (A) the value of the property stolen is \$100,000
14 or more but less than \$200,000; or

15 (B) the property is a motor vehicle and the
16 defendant has been previously convicted two or more times of an
17 offense under Title 7; or

18 (7) a felony of the first degree if the value of the
19 property stolen is \$200,000 or more.

20 SECTION 3. Section 31.11(d), Penal Code, is amended to read
21 as follows:

22 (d) An offense under this section is a state jail felony
23 [~~Class A misdemeanor~~].

24 SECTION 4. The change in law made by this Act applies only
25 to an offense committed on or after the effective date of this Act.
26 An offense committed before the effective date of this Act is
27 covered by the law in effect when the offense was committed, and the

1 former law is continued in effect for that purpose. For purposes of
2 this section, an offense was committed before the effective date of
3 this Act if any element of the offense was committed before that
4 date.

5 SECTION 5. This Act takes effect September 1, 2005.