

By: West

S.B. No. 289

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of burglary of vehicles.

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

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

(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 two or more times under this section; or

(2) [unless] the vehicle or part of the vehicle broken into or entered is a rail car [in which event the offense is a state jail felony].

(d-1) For the purposes of Subsection (d), a defendant has been previously convicted under this section if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is

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

5 SECTION 3. This Act takes effect September 1, 2005.