

BILL ANALYSIS

H.B. 1779
By: Latham
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In the 73rd legislative session, the punishment for the crime of burglarizing a vehicle was reduced to a Class A Misdemeanor. As a result, the value of property loss has substantially increased due to burglary of vehicles. House Bill 1779 would account for the amount of pecuniary loss to tangible personal property in determining the level of punishment for the offense of burglary of a vehicle.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1779 amends Section 30.04 of the Penal Code by establishing a punishment range for the offense of burglary of a vehicle based on the amount of pecuniary loss to tangible personal property involved in the offense.

H.B. 1779 defines that if the amount of pecuniary loss to tangible personal property is:

- less than \$500, then the punishment is a Class B misdemeanor;
- \$500 or more but less than \$1,500, then the punishment is a Class A misdemeanor;
- \$1,500 or more but less than \$20,000, then the punishment is state jail felony;
- less than \$1,500 and the actor has previously been convicted two or more times under Section 30.04, Penal Code, then the punishment is a state jail felony;
- less than \$1,500 and the actor commits theft of an official ballot or official carrier envelope for an election in the course of committing the offense, then the punishment is a state jail felony;
- less than \$1,500 and the vehicle or part of the vehicle broken into or entered is a rail car, then the punishment is a state jail felony;
- \$20,000 or more but less than \$100,000, then the punishment is a third degree felony;
- \$100,000 or more but less than \$200,000, then the punishment is a second degree felony;
- \$200,000 or more, then the punishment is a first degree felony.

H.B. 1779 also adds that, in a 24 hour period, if the actor commits three or more offenses under Section 30.04, Penal Code, the conduct may be considered as one offense and the total amount of pecuniary loss to determine the grade of offense. H.B. 1779 also provides for purposes in determining the grade of offense of burglary of a vehicle, the amount of pecuniary loss to tangible personal property is the sum of the cost of repairing or restoring the vehicle, if the actor damaged the vehicle in the course of committing the offense, and the fair market value of any tangible personal property the actor stole from the vehicle, if the actor committed theft in the course of committing the offense.

The application of this Act is prospective.

EFFECTIVE DATE

September 1, 2007.

H.B. 1779 80(R)