

BILL ANALYSIS

H.B. 1887
By: Truitt
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Burglary of motor vehicles has been increasing at an alarming rate. Prior to 1994, this crime was a felony. However, during the 73rd Session, the penalty was reduced to a Class A misdemeanor.

Between 1992 and 1994, the number of car burglaries in Texas actually decreased 13%, from nearly 260,000 to around 211,000. Since 1994, the number has increase 30% to nearly 273,000 in 2003.

The cost of this crime to Texans is exorbitant. In 1994, total dollar losses due to car burglaries in Texas was a little over \$65 million. In 2003, the dollar losses exceeded \$204 million, a 214% increase in less than 10 years.

House Bill 1887 would provide tools to better address the offense of burglary of a vehicle by enhancing penalties for repeat offenders and by implementing prevention initiatives.

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 1887 amends the Penal Code to provide that the offense of burglary of a vehicle is a Class A misdemeanor except if it is shown on the trial that the defendant has been previously convicted of burglary of a vehicle, then it is a Class A misdemeanor with a minimum term of confinement of six months. H.B. 1887 also provides that the offense of burglary of a vehicle is a Class A misdemeanor except if it is shown on the trial that the defendant has been previously convicted two or more times of burglary of a vehicle or if part of the vehicle or vehicle broken into or entered is a rail car, then the offense is a state jail felony. For purposes of defining "previously convicted" for the offense of burglary of a vehicle, a defendant has previously been convicted if the defendant was adjudged guilty or entered a guilty plea or nolo contendere in return for deferred adjudication, regardless of whether the sentence was ever imposed or probated and the defendant was subsequently discharged from community supervision.

H.B. 1887 amends the Code of Criminal Procedures for judge ordered community supervision and for jury recommended community supervision that the minimum period of community supervision for the offense of burglary of a vehicle is one year if the offense was punishable as a Class A misdemeanor with a minimum term of confinement of six months.

H.B. 1887 also amends Article 4413(37), Revised Statutes, to change the heading to "Automobile Burglary and Theft Prevention Authority." The definition of "Authority" and "Economic automobile theft" in the Article are also amended to add burglary. Finally, the bill makes conforming changes to various sections of Article 4413(37), Revised Statutes, to address the revised name and scope of the "Automobile Burglary and Theft Prevention Authority" as changed by this Act.

The changes in law made by this Act to Section 30.04, Penal Code, and to Sections 3 and 4, Article 42.12, Code of Criminal Procedure, are prospective.

EFFECTIVE DATE

September 1, 2007.