

BILL ANALYSIS

C.S.H.B. 2950
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Parts of Texas, including Dallas County, have experienced an increase in the number of "smash and grabs," burglaries involving the use of a vehicle to enable the actor to commit the offense, with the intent to steal an ATM machine. When charges are filed as a theft or burglary, the amount of damage caused is not always reflected in the punishment. This bill would change the law to increase the penalty for a burglary offense committed by using an object such as a vehicle to enter a building or just entering a building with the intent to steal an ATM machine or a safe.

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

The Committee Substitute to House Bill 2950 amends the Penal Code to provide that burglary is a third degree felony if the person, with the intent to commit a theft involving an automated teller machine or a safe, uses an object or the actor's body to damage a wall, door, or window and gain entry into a building other than a habitation. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute changes the caption to read "relating to the punishment of the offense of burglary committed by entering a building with intent to commit a theft involving an automated teller machine or safe." The original's caption read "relating to the punishment of certain offenses committed by using a vehicle to enter a building or other structure."

The substitute amends Section 30.02, Penal Code, to provide that burglary is a third degree felony if the person, with the intent to commit a theft involving an automated teller machine or a safe, uses an object or the actor's body to damage a wall, door, or window and gain entry into a building other than a habitation. The original amends Subchapter D, Chapter 12, Penal Code, by adding Section 12.50, Penal Code, to provide that if a person operated a vehicle into or through a wall, door, or window of a building or other structure to enable the actor to commit an offense under Chapter 28 (Arson, Criminal Mischief, and Other Property Damage or Destruction), Chapter 29 (Robbery), Chapter 30 (Burglary), or Chapter 31 (Theft), other than an offense punishable as a first degree felony or a Class A misdemeanor, the punishment is increased to the punishment prescribed for the next higher category of offense. If the offense is a Class A misdemeanor, the minimum term of confinement is increased to 180 days. The original also defined "vehicle" as assigned by Section 30.01, Penal Code.