

By: Latham

H.B. No. 1779

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of burglary of a vehicle.

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 Subsections (f) and (g) to read as follows:

(d) An offense under this section is:

(1) a Class B misdemeanor if the amount of pecuniary loss to tangible personal property is less than \$500;

(2) a Class A misdemeanor if the amount of pecuniary loss to tangible personal property is \$500 or more but less than \$1,500;

(3) a state jail felony if:

(A) the amount of pecuniary loss to tangible personal property is \$1,500 or more but less than \$20,000;

(B) the amount of pecuniary loss to tangible personal property is less than \$1,500 and the actor has previously been convicted two or more times under this section;

(C) the amount of pecuniary loss to tangible personal property is 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; or

(D) the amount of pecuniary loss to tangible personal property is less than \$1,500 and ~~unless~~ the vehicle or

1 part of the vehicle broken into or entered is a rail car;

2 (4) a felony of the third degree if the amount of
3 pecuniary loss to tangible personal property is \$20,000 or more but
4 less than \$100,000;

5 (5) a felony of the second degree if the amount of
6 pecuniary loss to tangible personal property is \$100,000 or more
7 but less than \$200,000; or

8 (6) a felony of the first degree if the amount of
9 pecuniary loss to tangible personal property is \$200,000 or more [~~7~~
10 ~~in which event the offense is a state jail felony~~].

11 (f) If the actor, pursuant to one scheme or continuing
12 course of conduct, commits three or more offenses under this
13 section in a 24-hour period, the conduct may be considered as one
14 offense and the amounts of pecuniary loss aggregated in determining
15 the grade of offense.

16 (g) For the purposes of Subsection (d), the amount of
17 pecuniary loss to tangible personal property is the sum of:

18 (1) the cost of repairing or restoring the vehicle, if
19 the actor damaged the vehicle in the course of committing the
20 offense; and

21 (2) the fair market value of any tangible personal
22 property the actor stole from the vehicle, if the actor committed
23 theft in the course of committing the offense.

24 SECTION 2. 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 governed by the law in effect at the time the offense was committed,

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

5 SECTION 3. This Act takes effect September 1, 2007.