

By: Truitt

H.B. No. 1887

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment for and prevention of the offense of
3 burglary of vehicles.

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

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

8 (d) An offense under this section is a Class A misdemeanor,
9 except that:

10 (1) the offense is a Class A misdemeanor with a
11 minimum term of confinement of six months if it is shown on the
12 trial of the offense that the defendant has been previously
13 convicted of an offense under this section; and

14 (2) the offense is a state jail felony if:

15 (A) it is shown on the trial of the offense that
16 the defendant has been previously convicted two or more times of an
17 offense under this section; or

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

21 (d-1) For the purposes of Subsection (d), a defendant has
22 been previously convicted under this section if the defendant was
23 adjudged guilty of the offense or entered a plea of guilty or nolo
24 contendere in return for a grant of deferred adjudication,

1 regardless of whether the sentence for the offense was ever imposed
2 or whether the sentence was probated and the defendant was
3 subsequently discharged from community supervision.

4 SECTION 2. Section 3, Article 42.12, Code of Criminal
5 Procedure, is amended by adding Subsection (h) to read as follows:

6 (h) The minimum period of community supervision under this
7 section for an offense under Section 30.04, Penal Code, punishable
8 as a Class A misdemeanor with a minimum term of confinement of six
9 months is one year.

10 SECTION 3. Section 4, Article 42.12, Code of Criminal
11 Procedure, is amended by adding Subsection (f) to read as follows:

12 (f) The minimum period of community supervision under this
13 section for an offense under Section 30.04, Penal Code, punishable
14 as a Class A misdemeanor with a minimum term of confinement of six
15 months is one year.

16 SECTION 4. The heading to Article 4413(37), Revised
17 Statutes, is amended to read as follows:

18 Art. 4413(37). AUTOMOBILE BURGLARY AND THEFT PREVENTION
19 AUTHORITY.

20 SECTION 5. Sections 1(1) and (2), Article 4413(37), Revised
21 Statutes, are amended to read as follows:

22 (1) "Authority" means the Automobile Burglary and
23 Theft Prevention Authority.

24 (2) "Economic automobile theft" means automobile
25 burglary or theft committed for financial gain.

26 SECTION 6. Section 2, Article 4413(37), Revised Statutes, is
27 amended to read as follows:

1 Sec. 2. The Automobile Burglary and Theft Prevention
2 Authority is established in the Texas Department of Transportation.
3 The authority is not an advisory body to the Texas Department of
4 Transportation.

5 SECTION 7. Section 6A(d), Article 4413(37), Revised
6 Statutes, is amended to read as follows:

7 (d) Determinations made under this section shall be
8 performed in accordance with procedures set forth in rules adopted
9 by the authority [~~Automobile Theft Prevention Authority~~]. The
10 question of eligibility for a refund is not a contested case within
11 the meaning of the Administrative Procedure Act (Chapter 2001,
12 Government Code).

13 SECTION 8. Section 7(b), Article 4413(37), Revised
14 Statutes, is amended to read as follows:

15 (b) The plan of operation must include:

16 (1) an assessment of the scope of the problems of
17 automobile burglary or theft and economic automobile theft,
18 including particular areas of the state where the problems are
19 greatest;

20 (2) an analysis of various methods of combating the
21 problems of automobile burglary or theft and economic automobile
22 theft;

23 (3) a plan for providing financial support to combat
24 automobile burglary or theft and economic automobile theft; and

25 (4) an estimate of the funds required to implement the
26 plan of operation.

27 SECTION 9. Section 8(a), Article 4413(37), Revised

1 Statutes, is amended to read as follows:

2 (a) Money appropriated to the department for authority
3 purposes shall be used by the authority to pay the department for
4 administrative costs and to achieve the purposes of this article,
5 including:

6 (1) establishing and funding the automobile
7 registration program required by Section 9 of this article;

8 (2) providing financial support to law enforcement
9 agencies for economic automobile theft enforcement teams;

10 (3) providing financial support to law enforcement
11 agencies, local prosecutors, judicial agencies, and neighborhood,
12 community, business, and nonprofit organizations for programs
13 designed to reduce the incidence of economic automobile theft;

14 (4) conducting educational programs designed to
15 inform automobile owners of methods of preventing automobile
16 burglary or theft;

17 (5) providing equipment, for experimental purposes,
18 to assist automobile owners in preventing automobile burglary or
19 theft; and

20 (6) establishing a uniform program to prevent stolen
21 motor vehicles from entering Mexico.

22 SECTION 10. Section 11(a), Article 4413(37), Revised
23 Statutes, is amended to read as follows:

24 (a) In this section, "automobile theft rate" means the ratio
25 of automobile burglaries or thefts in this state to the number of
26 automobiles in this state. The ratio shall be based on statistical
27 information provided by the Department of Public Safety's uniform

1 crime reporting division.

2 SECTION 11. The changes in law made by this Act to Section
3 30.04, Penal Code, and to Sections 3 and 4, Article 42.12, Code of
4 Criminal Procedure, apply only to an offense committed on or after
5 the effective date of this Act. An offense committed before the
6 effective date of this Act is covered by the law in effect when the
7 offense was committed, and the former law is continued in effect for
8 that purpose. For purposes of this section, an offense was
9 committed before the effective date of this Act if any element of
10 the offense was committed before that date.

11 SECTION 12. This Act takes effect September 1, 2007.