

1-1 By: Whitmire, et al. S.B. No. 807
1-2 (In the Senate - Filed February 22, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 10, 2007, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 10, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the punishment for and prevention of the offense of
1-9 burglary of vehicles.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 30.04, Penal Code, is amended by
1-12 amending Subsection (d) and adding Subsection (d-1) to read as
1-13 follows:

1-14 (d) An offense under this section is a Class A misdemeanor,
1-15 except that:

1-16 (1) the offense is a Class A misdemeanor with a
1-17 minimum term of confinement of six months if it is shown on the
1-18 trial of the offense that the defendant has been previously
1-19 convicted of an offense under this section; and

1-20 (2) the offense is a state jail felony if:

1-21 (A) it is shown on the trial of the offense that
1-22 the defendant has been previously convicted two or more times of an
1-23 offense under this section; or

1-24 (B) [unless] the vehicle or part of the vehicle
1-25 broken into or entered is a rail car[, in which event the offense is
1-26 a state jail felony].

1-27 (d-1) For the purposes of Subsection (d), a defendant has
1-28 been previously convicted under this section if the defendant was
1-29 adjudged guilty of the offense or entered a plea of guilty or nolo
1-30 contendere in return for a grant of deferred adjudication,
1-31 regardless of whether the sentence for the offense was ever imposed
1-32 or whether the sentence was probated and the defendant was
1-33 subsequently discharged from community supervision.

1-34 SECTION 2. Section 3, Article 42.12, Code of Criminal
1-35 Procedure, is amended by adding Subsection (h) to read as follows:

1-36 (h) The minimum period of community supervision under this
1-37 section for an offense under Section 30.04, Penal Code, punishable
1-38 as a Class A misdemeanor with a minimum term of confinement of six
1-39 months is one year.

1-40 SECTION 3. Section 4, Article 42.12, Code of Criminal
1-41 Procedure, is amended by adding Subsection (f) to read as follows:

1-42 (f) The minimum period of community supervision under this
1-43 section for an offense under Section 30.04, Penal Code, punishable
1-44 as a Class A misdemeanor with a minimum term of confinement of six
1-45 months is one year.

1-46 SECTION 4. The heading to Article 4413(37), Revised
1-47 Statutes, is amended to read as follows:

1-48 Art. 4413(37). AUTOMOBILE BURGLARY AND THEFT PREVENTION
1-49 AUTHORITY

1-50 SECTION 5. Subdivisions (1) and (2), Section 1, Article
1-51 4413(37), Revised Statutes, are amended to read as follows:

1-52 (1) "Authority" means the Automobile Burglary and
1-53 Theft Prevention Authority.

1-54 (2) "Economic automobile theft" means automobile
1-55 burglary or theft committed for financial gain.

1-56 SECTION 6. Section 2, Article 4413(37), Revised Statutes,
1-57 is amended to read as follows:

1-58 Sec. 2. ESTABLISHMENT OF AUTHORITY. The Automobile
1-59 Burglary and Theft Prevention Authority is established in the Texas
1-60 Department of Transportation. The authority is not an advisory
1-61 body to the Texas Department of Transportation.

1-62 SECTION 7. Subsection (d), Section 6A, Article 4413(37),
1-63 Revised Statutes, is amended to read as follows:

1-64 (d) Determinations made under this section shall be

2-1 performed in accordance with procedures set forth in rules adopted
2-2 by the authority [~~Automobile Theft Prevention Authority~~]. The
2-3 question of eligibility for a refund is not a contested case within
2-4 the meaning of the Administrative Procedure Act (Chapter 2001,
2-5 Government Code).

2-6 SECTION 8. Subsection (b), Section 7, Article 4413(37),
2-7 Revised Statutes, is amended to read as follows:

2-8 (b) The plan of operation must include:

2-9 (1) an assessment of the scope of the problems of
2-10 automobile burglary or theft and economic automobile theft,
2-11 including particular areas of the state where the problems are
2-12 greatest;

2-13 (2) an analysis of various methods of combating the
2-14 problems of automobile burglary or theft and economic automobile
2-15 theft;

2-16 (3) a plan for providing financial support to combat
2-17 automobile burglary or theft and economic automobile theft; and

2-18 (4) an estimate of the funds required to implement the
2-19 plan of operation.

2-20 SECTION 9. Subsection (a), Section 8, Article 4413(37),
2-21 Revised Statutes, is amended to read as follows:

2-22 (a) Money appropriated to the department for authority
2-23 purposes shall be used by the authority to pay the department for
2-24 administrative costs and to achieve the purposes of this article,
2-25 including:

2-26 (1) establishing and funding the automobile
2-27 registration program required by Section 9 of this article;

2-28 (2) providing financial support to law enforcement
2-29 agencies for economic automobile theft enforcement teams;

2-30 (3) providing financial support to law enforcement
2-31 agencies, local prosecutors, judicial agencies, and neighborhood,
2-32 community, business, and nonprofit organizations for programs
2-33 designed to reduce the incidence of economic automobile theft;

2-34 (4) conducting educational programs designed to
2-35 inform automobile owners of methods of preventing automobile
2-36 burglary or theft;

2-37 (5) providing equipment, for experimental purposes,
2-38 to assist automobile owners in preventing automobile burglary or
2-39 theft; and

2-40 (6) establishing a uniform program to prevent stolen
2-41 motor vehicles from entering Mexico.

2-42 SECTION 10. Subsection (a), Section 11, Article 4413(37),
2-43 Revised Statutes, is amended to read as follows:

2-44 (a) In this section, "automobile theft rate" means the ratio
2-45 of automobile burglaries or thefts in this state to the number of
2-46 automobiles in this state. The ratio shall be based on statistical
2-47 information provided by the Department of Public Safety's uniform
2-48 crime reporting division.

2-49 SECTION 11. The changes in law made by this Act to Section
2-50 30.04, Penal Code, and to Sections 3 and 4, Article 42.12, Code of
2-51 Criminal Procedure, apply only to an offense committed on or after
2-52 the effective date of this Act. An offense committed before the
2-53 effective date of this Act is covered by the law in effect when the
2-54 offense was committed, and the former law is continued in effect for
2-55 that purpose. For purposes of this section, an offense was
2-56 committed before the effective date of this Act if any element of
2-57 the offense was committed before that date.

2-58 SECTION 12. This Act takes effect September 1, 2007.

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