

BILL ANALYSIS

H.B. 1396
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Burglaries of motor vehicles impact thousands of Texans each year. The Texas Auto Burglary and Theft Prevention Authority reports that in 2007 there were approximately 250,000 motor vehicle burglaries, accounting for an economic loss of almost \$215 million; these numbers account for only those burglaries that individuals have reported, indicating that in actuality, the incident rate and economic loss is higher. The economic loss of motor vehicle burglary is increased due to the damage done to a car by forceful entry.

Currently, both a first and second offense of a burglary of a vehicle are considered a Class A misdemeanor.

H.B. 1396 enhances the penalty for a second conviction of the offense of burglary of a vehicle from a Class A misdemeanor with a minimum term of confinement of six months to a state jail felony.

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

H.B. 1396 amends the Penal Code to enhance the penalty for a second conviction of the offense of burglary of a vehicle from a Class A misdemeanor with a minimum term of confinement of six months to a state jail felony.

H.B. 1396 amends the Code of Criminal Procedure to set at 600 hours the maximum amount of community service work hours to which a judge is authorized to order a defendant as a condition of community supervision for a state jail felony of burglary of a vehicle.

H.B. 1396 repeals provisions establishing at one year the minimum period of community supervision for burglary of a vehicle punishable as a Class A misdemeanor with a minimum term of confinement of six months.

H.B. 1396 repeals the following sections of the Code of Criminal Procedure:

- Section 3(h), Article 42.12
- Section 4(f), Article 42.12

EFFECTIVE DATE

September 1, 2009.