

By: Farrar, Vaught, Branch, Bohac, et al.

H.B. No. 1396

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the punishment prescribed for burglary of a vehicle and
3 to grants of community supervision to persons who commit that
4 offense.

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

6 SECTION 1. Section 30.04(d), Penal Code, is amended to read
7 as 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~~
11 ~~a 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 (1) ~~[(A)]~~ it is shown on the trial of the offense that
16 the defendant has been previously convicted [~~two or more times~~] of
17 an offense under this section; or

18 (2) ~~[(B)]~~ the vehicle or part of the vehicle broken
19 into or entered is a rail car.

20 SECTION 2. Section 16(b), Article 42.12, Code of Criminal
21 Procedure, is amended to read as follows:

22 (b) The amount of community service work ordered by the
23 judge:

24 (1) may not exceed 1,000 hours for an offense

1 classified as a first degree felony;

2 (2) may not exceed 800 hours for an offense classified
3 as a second degree felony;

4 (3) may not exceed 600 hours for an offense classified
5 as a third degree felony;

6 (4) except as provided by Subdivision (5), may not
7 exceed 400 hours for an offense classified as a state jail felony;

8 (5) may not ~~+~~

9 [~~(A)~~] exceed 600 hours for an offense under
10 Section 30.04, Penal Code [~~, classified as a Class A misdemeanor~~];

11 (6) except as provided by Subdivision (5), may not ~~ex~~

12 [~~(B)~~] exceed 200 hours for any [~~other~~] offense
13 classified as a Class A misdemeanor or for any other misdemeanor for
14 which the maximum permissible confinement, if any, exceeds six
15 months or the maximum permissible fine, if any, exceeds \$4,000; and

16 (7) [~~(6)~~] may not exceed 100 hours for an offense
17 classified as a Class B misdemeanor or for any other misdemeanor for
18 which the maximum permissible confinement, if any, does not exceed
19 six months and the maximum permissible fine, if any, does not exceed
20 \$4,000.

21 SECTION 3. Sections 3(h) and 4(f), Article 42.12, Code of
22 Criminal Procedure, are repealed.

23 SECTION 4. The change in law made by this Act applies only
24 to an offense committed on or after the effective date of this Act.
25 An offense committed before the effective date of this Act is
26 governed by the law in effect when the offense was committed, and
27 the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

4 SECTION 5. This Act takes effect September 1, 2009.