

By: Bohac

H.B. No. 3344

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the punishment prescribed for burglary of a vehicle and  
3 to community service ordered as a condition of community  
4 supervision for persons who commit that 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 [~~7~~  
9 ~~except that:~~

10 [~~(1) the offense is a Class A misdemeanor~~] with a  
11 minimum term of confinement of six months, except that [~~if it is~~  
12 ~~shown on the trial of the offense that the defendant has been~~  
13 ~~previously 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 an [~~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. The change in law made by this Act applies only  
22 to an offense committed on or after the effective date of this Act.  
23 An offense committed before the effective date of this Act is  
24 governed by the law in effect when the offense was committed, and  
25 the former law is continued in effect for that purpose. For  
26 purposes of this section, an offense was committed before the  
27 effective date of this Act if any element of the offense occurred

1 before that date.

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