

BILL ANALYSIS

H.B. 305
By: Harless
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In a prior session the legislature decreased the penalty for the offense of burglary of a vehicle from a third degree felony to a Class A misdemeanor. Subsequently, many communities saw an increase in motor vehicle burglaries. To address this problem, a later legislature enhanced the penalties for repeat offenders to a Class A misdemeanor with a minimum term of six months in county jail or one year probation for a second offense and to a state jail felony for a third offense. However, motor vehicle burglaries continue to escalate. H.B. 305 increases the penalty for a second offense of burglary of a motor vehicle 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. 305 amends the Penal Code to increase the penalty enhancement for a subsequent conviction of vehicle burglary from a Class A misdemeanor with a minimum term of confinement of six months to a state jail felony, regardless of the number of previous convictions the person has received, and makes conforming changes.

H.B. 305 repeals Sections 3(h) and 4(f), Article 42.12, Code of Criminal Procedure.

EFFECTIVE DATE

September 1, 2011.