

By: Riddle

H.B. No. 20

A BILL TO BE ENTITLED

AN ACT

1
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 [~~(A) it is shown on the trial of the offense that~~
16 ~~the defendant has been previously convicted two or more times of an~~
17 ~~offense under this section; or~~

18 [~~(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) may not exceed 400 hours for an offense classified
7 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; or~~

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

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

19 SECTION 3. The following are repealed:

20 (1) Section 30.04(d-1), Penal Code;

21 (2) Section 3(h), Article 42.12, Code of Criminal
22 Procedure; and

23 (3) Section 4(f), Article 42.12, Code of Criminal
24 Procedure.

25 SECTION 4. The change in law made by this Act applies only
26 to an offense committed on or after the effective date of this Act.

27 An offense committed before the effective date of this Act is

1 governed by the law in effect when the offense was committed, and
2 the former law is continued in effect for that purpose. For
3 purposes of this section, an offense was committed before the
4 effective date of this Act if any element of the offense occurred
5 before that date.

6 SECTION 5. This Act takes effect September 1, 2011.