

By: Harless, Fletcher, Riddle

H.B. No. 305

A BILL TO BE ENTITLED

AN ACT

relating to the punishment prescribed for burglary of a vehicle.

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

SECTION 1. Section 30.04(d), Penal Code, is amended to read as follows:

(d) An offense under this section is a Class A misdemeanor, except that

~~[(1) the offense is a Class A misdemeanor with a minimum term of confinement of six months if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section; and~~

~~[(2)]~~ the offense is a state jail felony if:

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

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

SECTION 2. Sections 3(h) and 4(f), Article 42.12, Code of Criminal Procedure, are repealed.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and 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 4. This Act takes effect September 1, 2011.