

BILL ANALYSIS

H.B. 2827
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Legislation enacted during a previous Texas legislative session established the penalty for burglary of a vehicle as a Class A misdemeanor. Critics assert that this has caused a substantial increase in the value of property loss resulting from vehicle burglaries. H.B. 2827 seeks to account for the amount of pecuniary loss to tangible personal property resulting from the commission of burglary of a vehicle in determining the penalty grade for the offense by establishing penalties ranging from a Class B misdemeanor to a first degree felony based on the amount of that pecuniary loss.

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. 2827 amends the Penal Code to establish penalties for burglary of a vehicle ranging from a Class B misdemeanor to a first degree felony based on the amount of pecuniary loss to tangible personal property resulting from the commission of the offense, rather than making such offense a Class A misdemeanor with penalty enhancements for a subsequent conviction. The bill establishes that the amount of pecuniary loss to tangible personal property is the sum of the cost of repairing or restoring the vehicle, if the defendant damaged the vehicle in the course of committing the offense, and the fair market value of any tangible personal property the defendant stole from the vehicle, if the defendant committed theft in the course of committing the offense. The bill establishes that if the defendant, pursuant to one scheme or continuing course of conduct, commits three or more burglary of a vehicle offenses in a 24-hour period, the conduct may be considered as one offense and the amounts of pecuniary loss can be aggregated in determining the grade of offense.

H.B. 2827 amends the Code of Criminal Procedure to make conforming changes.

H.B. 2827 repeals Sections 3(h) and 4(f), Article 42.12, Code of Criminal Procedure.

EFFECTIVE DATE

September 1, 2013.