

By: Simmons

H.B. No. 3275

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of unlawful use of a criminal instrument with intent to commit certain felony offenses.

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

SECTION 1. Section 16.01(b), Penal Code, is amended by adding Subdivision (3) to read as follows:

(3) "Vehicle" has the meaning assigned by Section 28.01.

SECTION 2. Section 16.01, Penal Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) An offense under Subsection (a)(1) is one category lower than the offense intended, except that the offense is punishable as the same category of offense as the offense intended if it is shown on the trial of the instant offense that the criminal instrument was a vehicle modified for purposes of concealing the commission of any of the following:

(1) a felony offense under Chapter 481 or 483, Health and Safety Code;

(2) a felony offense under Chapter 34; or

(3) an offense under Section 46.041, 46.09, or 46.14.

(d) An offense under Subsection (a)(2) is a state jail felony.

SECTION 3. The change in law made by this Act applies only

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

8 SECTION 4. This Act takes effect September 1, 2013.