

By: Burkett

H.B. No. 381

Substitute the following for H.B. No. 381:

By: Herrero

C.S.H.B. No. 381

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of burglary of a vehicle;
increasing a criminal penalty.

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

SECTION 1. Section 30.04, Penal Code, is amended by
amending Subsections (d) and (e) and adding Subsections (d-2) and
(d-3) to read as follows:

(d) An offense under this section is a:

(1) Class A misdemeanor if the amount of pecuniary
loss to tangible personal property is less than \$1,500; [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:

(A) the amount of pecuniary loss to tangible
personal property is \$1,500 or more but less than \$20,000;

(B) the amount of pecuniary loss to tangible
personal property is less than \$1,500 and 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

(C) the amount of pecuniary loss to tangible
personal property is less than \$1,500 and [B] the vehicle or

1 part of the vehicle broken into or entered is a rail car;

2 (3) felony of the third degree if the amount of
3 pecuniary loss to tangible personal property is \$20,000 or more but
4 less than \$100,000;

5 (4) felony of the second degree if the amount of
6 pecuniary loss to tangible personal property is \$100,000 or more
7 but less than \$200,000; or

8 (5) felony of the first degree if the amount of
9 pecuniary loss to tangible personal property is \$200,000 or more.

10 (d-2) For the purposes of Subsection (d), the amount of
11 pecuniary loss to tangible personal property is the sum of:

12 (1) the cost of repairing or restoring the vehicle, if
13 the defendant damaged the vehicle in the course of committing the
14 offense; and

15 (2) the fair market value of any tangible personal
16 property the defendant stole from the vehicle, if the defendant
17 committed theft in the course of committing the offense.

18 (d-3) If the defendant, pursuant to one scheme or continuing
19 course of conduct, commits three or more offenses under this
20 section in a 24-hour period, the conduct may be considered as one
21 offense and the amounts of pecuniary loss aggregated in determining
22 the grade of offense.

23 (e) It is a defense to prosecution under this section that
24 the defendant ~~actor~~ entered a rail car or any part of a rail car
25 and was at that time an employee or a representative of employees
26 exercising a right under the Railway Labor Act (45 U.S.C. Section
27 151 et seq.).

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

3 SECTION 3. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 governed by the law in effect when the offense was committed, and
7 the former law is continued in effect for that purpose. For
8 purposes of this section, an offense was committed before the
9 effective date of this Act if any element of the offense occurred
10 before that date.

11 SECTION 4. This Act takes effect September 1, 2015.