

By: Kuempel, Moody, Zerwas, Sheffield,
Holland

H.B. No. 1178

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the punishment for burglary and theft of controlled
3 substances.

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

5 SECTION 1. Section 30.01, Penal Code, is amended by adding
6 Subdivision (4) to read as follows:

7 (4) "Controlled substance" has the meaning assigned by
8 Section 481.002, Health and Safety Code.

9 SECTION 2. Section 30.02, Penal Code, is amended by
10 amending Subsection (c) and adding Subsection (c-1) to read as
11 follows:

12 (c) Except as provided in Subsection (c-1) or (d), an
13 offense under this section is a:

14 (1) state jail felony if committed in a building other
15 than a habitation; or

16 (2) felony of the second degree if committed in a
17 habitation.

18 (c-1) An offense under this section is a felony of the third
19 degree if:

20 (1) the premises are a building in which a controlled
21 substance is generally stored, including a pharmacy, clinic,
22 hospital, or nursing facility; and

23 (2) the person entered or remained concealed in that
24 building with intent to commit a theft of a controlled substance.

1 SECTION 3. Section 31.03(e), Penal Code, is amended to read
2 as follows:

3 (e) Except as provided by Subsection (f), an offense under
4 this section is:

5 (1) a Class C misdemeanor if the value of the property
6 stolen is less than \$100;

7 (2) a Class B misdemeanor if:

8 (A) the value of the property stolen is \$100 or
9 more but less than \$750;

10 (B) the value of the property stolen is less than
11 \$100 and the defendant has previously been convicted of any grade of
12 theft; or

13 (C) the property stolen is a driver's license,
14 commercial driver's license, or personal identification
15 certificate issued by this state or another state;

16 (3) a Class A misdemeanor if the value of the property
17 stolen is \$750 or more but less than \$2,500;

18 (4) a state jail felony if:

19 (A) the value of the property stolen is \$2,500 or
20 more but less than \$30,000, or the property is less than 10 head of
21 sheep, swine, or goats or any part thereof under the value of
22 \$30,000;

23 (B) regardless of value, the property is stolen
24 from the person of another or from a human corpse or grave,
25 including property that is a military grave marker;

26 (C) the property stolen is a firearm, as defined
27 by Section 46.01;

1 (D) the value of the property stolen is less than
2 \$2,500 and the defendant has been previously convicted two or more
3 times of any grade of theft;

4 (E) the property stolen is an official ballot or
5 official carrier envelope for an election; or

6 (F) the value of the property stolen is less than
7 \$20,000 and the property stolen is:

8 (i) aluminum;

9 (ii) bronze;

10 (iii) copper; or

11 (iv) brass;

12 (5) a felony of the third degree if the value of the
13 property stolen is \$30,000 or more but less than \$150,000, or the
14 property is:

15 (A) cattle, horses, or exotic livestock or exotic
16 fowl as defined by Section 142.001, Agriculture Code, stolen during
17 a single transaction and having an aggregate value of less than
18 \$150,000; ~~or~~

19 (B) 10 or more head of sheep, swine, or goats
20 stolen during a single transaction and having an aggregate value of
21 less than \$150,000; or

22 (C) a controlled substance, regardless of the
23 value of the controlled substance stolen;

24 (6) a felony of the second degree if:

25 (A) the value of the property stolen is \$150,000
26 or more but less than \$300,000; or

27 (B) the value of the property stolen is less than

1 \$300,000 and the property stolen is an automated teller machine or
2 the contents or components of an automated teller machine; or

3 (7) a felony of the first degree if the value of the
4 property stolen is \$300,000 or more.

5 SECTION 4. Section 31.03(h), Penal Code, is amended by
6 adding Subdivision (5) to read as follows:

7 (5) "Controlled substance" has the meaning assigned by
8 Section 481.002, Health and Safety Code.

9 SECTION 5. The change in law made by this Act applies only
10 to an offense committed on or after the effective date of this Act.
11 An offense committed before the effective date of this Act is
12 governed by the law in effect on the date the offense was committed,
13 and the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense occurred
16 before that date.

17 SECTION 6. This Act takes effect September 1, 2017.