

1-1 By: Kuempel, et al. (Senate Sponsor - Hinojosa) H.B. No. 1178
 1-2 (In the Senate - Received from the House April 18, 2017;
 1-3 April 19, 2017, read first time and referred to Committee on
 1-4 Criminal Justice; May 15, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 15, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1178 By: Garcia

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the punishment for burglary and theft involving
 1-22 controlled substances.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 30.01, Penal Code, is amended by adding
 1-25 Subdivisions (4) and (5) to read as follows:

1-26 (4) "Controlled substance" has the meaning assigned by
 1-27 Section 481.002, Health and Safety Code.

1-28 (5) "Wholesale distributor of prescription drugs"
 1-29 means a wholesale distributor, as defined by Section 431.401,
 1-30 Health and Safety Code.

1-31 SECTION 2. Section 30.02, Penal Code, is amended by
 1-32 amending Subsection (c) and adding Subsection (c-1) to read as
 1-33 follows:

1-34 (c) Except as provided in Subsection (c-1) or (d), an
 1-35 offense under this section is a:

1-36 (1) state jail felony if committed in a building other
 1-37 than a habitation; or

1-38 (2) felony of the second degree if committed in a
 1-39 habitation.

1-40 (c-1) An offense under this section is a felony of the third
 1-41 degree if:

1-42 (1) the premises are a commercial building in which a
 1-43 controlled substance is generally stored, including a pharmacy,
 1-44 clinic, hospital, nursing facility, or warehouse; and

1-45 (2) the person entered or remained concealed in that
 1-46 building with intent to commit a theft of a controlled substance.

1-47 SECTION 3. Section 30.04(d), Penal Code, is amended to read
 1-48 as follows:

1-49 (d) An offense under this section is a Class A misdemeanor,
 1-50 except that:

1-51 (1) the offense is a Class A misdemeanor with a minimum
 1-52 term of confinement of six months if it is shown on the trial of the
 1-53 offense that the defendant has been previously convicted of an
 1-54 offense under this section; ~~and~~

1-55 (2) the offense is a state jail felony if:

1-56 (A) it is shown on the trial of the offense that
 1-57 the defendant has been previously convicted two or more times of an
 1-58 offense under this section; or

1-59 (B) the vehicle or part of the vehicle broken
 1-60 into or entered is a rail car; and

- 2-1 (3) the offense is a felony of the third degree if:
- 2-2 (A) the vehicle broken into or entered is owned
- 2-3 or operated by a wholesale distributor of prescription drugs; and
- 2-4 (B) the actor breaks into or enters that vehicle
- 2-5 with the intent to commit theft of a controlled substance.

2-6 SECTION 4. Section 31.03(e), Penal Code, is amended to read

2-7 as follows:

2-8 (e) Except as provided by Subsection (f), an offense under

2-9 this section is:

2-10 (1) a Class C misdemeanor if the value of the property

2-11 stolen is less than \$100;

2-12 (2) a Class B misdemeanor if:

2-13 (A) the value of the property stolen is \$100 or

2-14 more but less than \$750;

2-15 (B) the value of the property stolen is less than

2-16 \$100 and the defendant has previously been convicted of any grade of

2-17 theft; or

2-18 (C) the property stolen is a driver's license,

2-19 commercial driver's license, or personal identification

2-20 certificate issued by this state or another state;

2-21 (3) a Class A misdemeanor if the value of the property

2-22 stolen is \$750 or more but less than \$2,500;

2-23 (4) a state jail felony if:

2-24 (A) the value of the property stolen is \$2,500 or

2-25 more but less than \$30,000, or the property is less than 10 head of

2-26 sheep, swine, or goats or any part thereof under the value of

2-27 \$30,000;

2-28 (B) regardless of value, the property is stolen

2-29 from the person of another or from a human corpse or grave,

2-30 including property that is a military grave marker;

2-31 (C) the property stolen is a firearm, as defined

2-32 by Section 46.01;

2-33 (D) the value of the property stolen is less than

2-34 \$2,500 and the defendant has been previously convicted two or more

2-35 times of any grade of theft;

2-36 (E) the property stolen is an official ballot or

2-37 official carrier envelope for an election; or

2-38 (F) the value of the property stolen is less than

2-39 \$20,000 and the property stolen is:

2-40 (i) aluminum;

2-41 (ii) bronze;

2-42 (iii) copper; or

2-43 (iv) brass;

2-44 (5) a felony of the third degree if the value of the

2-45 property stolen is \$30,000 or more but less than \$150,000, or the

2-46 property is:

2-47 (A) cattle, horses, or exotic livestock or exotic

2-48 fowl as defined by Section 142.001, Agriculture Code, stolen during

2-49 a single transaction and having an aggregate value of less than

2-50 \$150,000; ~~or~~

2-51 (B) 10 or more head of sheep, swine, or goats

2-52 stolen during a single transaction and having an aggregate value of

2-53 less than \$150,000; or

2-54 (C) a controlled substance, having a value of

2-55 less than \$150,000, if stolen from:

2-56 (i) a commercial building in which a

2-57 controlled substance is generally stored, including a pharmacy,

2-58 clinic, hospital, nursing facility, or warehouse; or

2-59 (ii) a vehicle owned or operated by a

2-60 wholesale distributor of prescription drugs;

2-61 (6) a felony of the second degree if:

2-62 (A) the value of the property stolen is \$150,000

2-63 or more but less than \$300,000; or

2-64 (B) the value of the property stolen is less than

2-65 \$300,000 and the property stolen is an automated teller machine or

2-66 the contents or components of an automated teller machine; or

2-67 (7) a felony of the first degree if the value of the

2-68 property stolen is \$300,000 or more.

2-69 SECTION 5. Section 31.03(h), Penal Code, is amended by

3-1 adding Subdivisions (5) and (6) to read as follows:

3-2 (5) "Controlled substance" has the meaning assigned by
3-3 Section 481.002, Health and Safety Code.

3-4 (6) "Wholesale distributor of prescription drugs"
3-5 means a wholesale distributor, as defined by Section 431.401,
3-6 Health and Safety Code.

3-7 SECTION 6. The change in law made by this Act applies only
3-8 to an offense committed on or after the effective date of this Act.
3-9 An offense committed before the effective date of this Act is
3-10 governed by the law in effect on the date the offense was committed,
3-11 and the former law is continued in effect for that purpose. For
3-12 purposes of this section, an offense was committed before the
3-13 effective date of this Act if any element of the offense occurred
3-14 before that date.

3-15 SECTION 7. This Act takes effect September 1, 2017.

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