

By: Leach

H.B. No. 1344

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. Sections 30.04(d) and (e), Penal Code, are amended to read as follows:

(d) An offense under this section is a state jail felony [~~Class A misdemeanor~~], except that:

(1) the offense is a state jail felony [~~Class A misdemeanor~~] with a minimum term of confinement of one year [~~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;

(2) the offense is a [~~state jail~~] felony of the third degree if [+

[~~(A)~~] 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~~

[~~(B) the vehicle or part of the vehicle broken into or entered is a rail car,~~] and

(3) the offense is a felony of the second [~~third~~] degree if:

(A) the vehicle broken into or entered is owned or operated by a wholesale distributor of prescription drugs; and

1 (B) the actor breaks into or enters that vehicle  
2 with the intent to commit theft of a controlled substance.

3 (e) It is a defense to prosecution under this section that  
4 the actor:

5 (1) entered a rail car or any part of a rail car,  
6 including a container or trailer carried on a rail car; and

7 (2) was at that time an employee or a representative of  
8 employees exercising a right under the Railway Labor Act (45 U.S.C.  
9 Section 151 et seq.).

10 SECTION 2. Article 42A.304(b), Code of Criminal Procedure,  
11 is amended to read as follows:

12 (b) The amount of community service work ordered by the  
13 judge may not exceed:

14 (1) 1,000 hours for an offense classified as a first  
15 degree felony;

16 (2) 800 hours for an offense classified as a second  
17 degree felony;

18 (3) 600 hours for:  
19 (A) an offense classified as a third degree  
20 felony; or

21 (B) an offense under Section 30.04, Penal Code,  
22 classified as a state jail felony [~~Class A misdemeanor~~];

23 (4) 400 hours for an offense classified as a state jail  
24 felony;

25 (5) 200 hours for:  
26 (A) an offense classified as a Class A  
27 misdemeanor, other than an offense described by Subdivision (3)(B);

1 or

2 (B) a misdemeanor for which the maximum  
3 permissible confinement, if any, exceeds six months or the maximum  
4 permissible fine, if any, exceeds \$4,000; and

5 (6) 100 hours for:

6 (A) an offense classified as a Class B  
7 misdemeanor; or

8 (B) a misdemeanor for which the maximum  
9 permissible confinement, if any, does not exceed six months and the  
10 maximum permissible fine, if any, does not exceed \$4,000.

11 SECTION 3. Sections 12.50(b) and (c), Penal Code, as  
12 amended by Chapters 418 (S.B. 201) and 1058 (H.B. 1028), Acts of the  
13 86th Legislature, Regular Session, 2019, are reenacted and amended  
14 to read as follows:

15 (b) The increase in punishment authorized by this section  
16 applies only to an offense under:

- 17 (1) Section 22.01;
- 18 (2) Section 28.02;
- 19 (3) Section 29.02;
- 20 (4) Section 30.02;
- 21 (5) Section 30.03;
- 22 (6) Section 30.04;
- 23 (7) Section 30.05; and
- 24 (8) Section 31.03.

25 (c) If an offense listed under Subsection (b)(1), (5),  
26 [~~(6)~~] (7), or (8) is punishable as a Class A misdemeanor, the  
27 minimum term of confinement for the offense is increased to 180

1 days. If an offense listed under Subsection (b)(2), (4), or (8) is  
2 punishable as a felony of the first degree, the punishment for that  
3 offense may not be increased under this section.

4 SECTION 4. The following provisions are repealed:

5 (1) Article 42A.057, Code of Criminal Procedure; and

6 (2) Section 30.04(c), Penal Code.

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

14 SECTION 6. To the extent of any conflict, this Act prevails  
15 over another Act of the 87th Legislature, Regular Session, 2021,  
16 relating to nonsubstantive additions to and corrections in enacted  
17 codes.

18 SECTION 7. This Act takes effect September 1, 2021.