

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1166
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Criminal Justice
4/25/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Texas law, burglary of a vehicle can range from a Class A misdemeanor to a third degree felony depending on various factors including criminal history and the intended felony or theft within. Currently, the only specified offense that increases the punishment to a third degree felony is a burglary with the intent to steal a controlled substance. No other items are specifically mentioned within this section of code, leaving a gap regarding the theft of other dangerous items. For example, the intentional theft of a firearm during a vehicle burglary would qualify as a Class A misdemeanor.

Under current law, burglary of a vehicle with the intent to commit theft of a firearm would classify as a Class A misdemeanor, as theft of a firearm is not specifically identified. By identifying the theft of a firearm as a separate offense, this offense would now carry the penalty of a third degree felony.

S.B. 1166 would add the criminal offense of burglary of a vehicle with the intent to commit theft of a firearm to the Texas Penal Code. The only specified theft offense in this section, which constitutes a third degree felony, is the burglary of vehicle owned by a wholesale distributor of prescription drugs with the intent to commit theft of a controlled substance. S.B. 1166 would add burglary of a vehicle with intent to commit theft of a firearm as a separate offense that also constitutes a third degree felony.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1166 amends current law relating to the punishment for the offense of burglary of a vehicle involving theft of a firearm and increases a criminal penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 30.04(b) and (d), Penal Code, as follows:

(b) Defines "firearm." Makes nonsubstantive changes.

(d) Provides that an offense under Section 30.04 (Burglary of Vehicles) is a Class A misdemeanor, except that:

(1)-(2) makes no changes to these subdivisions; and

(3) the offense is a felony of the third degree if:

(A) the vehicle broken into or entered is owned or operated by a wholesale distributor of prescription drugs and the actor breaks into or enters that vehicle with the intent to commit theft of a controlled substance; or

(B) the actor committed theft of a firearm during the commission of the offense.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.