

By: Birdwell

S.B. No. 1166

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the punishment for the offense of burglary of a vehicle
3 involving theft of a firearm; increasing a criminal penalty.

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

5 SECTION 1. Sections [30.04](#)(b) and (d), Penal Code, are
6 amended to read as follows:

7 (b) For purposes of this section:

8 (1) "Enter" [~~,"enter"~~] means to intrude:

9 (A) [~~(1)~~] any part of the body; or

10 (B) [~~(2)~~] any physical object connected with the
11 body.

12 (2) "Firearm" has the meaning assigned by Section
13 [46.01](#).

14 (d) An offense under this section is a Class A misdemeanor,
15 except that:

16 (1) the offense is a Class A misdemeanor with a minimum
17 term of confinement of six months if it is shown on the trial of the
18 offense that the defendant has been previously convicted of an
19 offense under this section;

20 (2) the offense is a state jail felony if:

21 (A) it is shown on the trial of the offense that
22 the defendant has been previously convicted two or more times of an
23 offense under this section; or

24 (B) the vehicle or part of the vehicle broken

1 into or entered is a rail car; and

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

3 (A) the vehicle broken into or entered is owned
4 or operated by a wholesale distributor of prescription drugs~~[+]~~ and

5 ~~[(B)]~~ the actor breaks into or enters that
6 vehicle with the intent to commit theft of a controlled substance;

7 or

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

10 SECTION 2. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect on the date the offense was committed,
14 and the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense occurred
17 before that date.

18 SECTION 3. This Act takes effect September 1, 2023.