

1-1 By: Birdwell S.B. No. 1166
1-2 (In the Senate - Filed February 23, 2023; March 9, 2023,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 27, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 27, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Flores	X		
1-11	Bettencourt		X	
1-12	Hinojosa	X		
1-13	Huffman	X		
1-14	King	X		
1-15	Miles	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1166 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the punishment for the offense of burglary of a vehicle
1-20 involving theft of a firearm; increasing a criminal penalty.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 30.04(b) and (d), Penal Code, are
1-23 amended to read as follows:

1-24 (b) For purposes of this section:

1-25 (1) "Enter" [~~,"enter"~~] means to intrude:

1-26 (A) [~~(1)~~] any part of the body; or

1-27 (B) [~~(2)~~] any physical object connected with the
1-28 body.

1-29 (2) "Firearm" has the meaning assigned by Section
1-30 46.01.

1-31 (d) An offense under this section is a Class A misdemeanor,
1-32 except that:

1-33 (1) the offense is a Class A misdemeanor with a minimum
1-34 term of confinement of six months if it is shown on the trial of the
1-35 offense that the defendant has been previously convicted of an
1-36 offense under this section;

1-37 (2) the offense is a state jail felony if:

1-38 (A) it is shown on the trial of the offense that
1-39 the defendant has been previously convicted two or more times of an
1-40 offense under this section; or

1-41 (B) the vehicle or part of the vehicle broken
1-42 into or entered is a rail car; and

1-43 (3) the offense is a felony of the third degree if:

1-44 (A) the vehicle broken into or entered is owned
1-45 or operated by a wholesale distributor of prescription drugs [~~+~~] and

1-46 [~~(B)~~] the actor breaks into or enters that
1-47 vehicle with the intent to commit theft of a controlled substance;
1-48 or

1-49 (B) the actor committed theft of a firearm during
1-50 the commission of the offense.

1-51 SECTION 2. The change in law made by this Act applies only
1-52 to an offense committed on or after the effective date of this Act.
1-53 An offense committed before the effective date of this Act is
1-54 governed by the law in effect on the date the offense was committed,
1-55 and the former law is continued in effect for that purpose. For
1-56 purposes of this section, an offense was committed before the
1-57 effective date of this Act if any element of the offense occurred
1-58 before that date.

1-59 SECTION 3. This Act takes effect September 1, 2023.

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