

By: Eckhardt

S.B. No. 1185

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 30.04, Penal Code, is amended by amending Subsections (b), (d), and (d-1) and adding Subsection (d-2) to read as follows:

(b) For purposes of this section:

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

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

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

(2) "Firearm" has the meaning assigned by Section 46.01.

(d) Except as provided by Subsection (d-1), an [An] offense under this section is a Class A misdemeanor, except that:

(1) the offense is a Class A misdemeanor with a minimum term of confinement of 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 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

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

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

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

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

8 (d-1) An offense under this section is a state jail felony
9 if, during the commission of the offense, the actor engages in
10 conduct constituting the offense of theft of a firearm, except that
11 the offense is a felony of the third degree if it is shown on the
12 trial of the offense that the actor has been previously convicted of
13 an offense punishable under this subsection.

14 (d-2) For the purposes of Subsections [~~Subsection~~] (d) and
15 (d-1), a defendant has been previously convicted under this section
16 if the defendant was adjudged guilty of the offense or entered a
17 plea of guilty or nolo contendere in return for a grant of deferred
18 adjudication, regardless of whether the sentence for the offense
19 was ever imposed or whether the sentence was probated and the
20 defendant was subsequently discharged from community supervision.

21 SECTION 2. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 governed by the law in effect on the date the offense was committed,
25 and the former law is continued in effect for that purpose. For
26 purposes of this section, an offense was committed before the
27 effective date of this Act if any element of the offense occurred

1 before that date.

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