

BILL ANALYSIS

S.B. 872
By: Birdwell
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the criminal penalty for burglary of a vehicle can range from a Class A misdemeanor to a third degree felony, depending on various factors such as criminal history and type of vehicle. Currently, the only burglary of a vehicle offense in which specific items are listed is burglary of a wholesale distributor of prescription drugs with intent to steal a controlled substance. The bill sponsor has informed the committee that, since no other items are specified, theft of a firearm from a vehicle is classified as a Class A misdemeanor and is essentially treated the same as theft of innocuous items. The bill sponsor has also informed the committee that, over the past decade, the trend of firearm thefts from vehicles has grown exponentially and that the federal Bureau of Alcohol, Tobacco, Firearms and Explosives has linked car burglaries in San Antonio to weapons trafficking, notably seizing more than 200 stolen guns in August 2024. Additionally, the City of Houston reported over 3,000 firearm thefts from vehicles in 2022. The bill sponsor has further informed the committee that this alarming trend is occurring nationwide and that the Texas Legislature must do more to deter theft of firearms from vehicles. S.B. 872 aims to close a gap in the law by increasing the penalty of theft of a firearm during the burglary of a vehicle to a third degree felony offense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 872 amends the Penal Code to increase from a Class A misdemeanor to a third degree felony the penalty for burglary of vehicles if the actor committed theft of a firearm during the commission of the offense. The bill applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.