

## **BILL ANALYSIS**

Senate Research Center  
89R5818 CJD-F

S.B. 872  
By: Birdwell  
Criminal Justice  
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As Filed

### **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 dependent on various factors such as criminal history and type of vehicle. Currently, the only vehicle of a burglary offense in which specific items are taken is burglary of a wholesale distributor 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, theft of a firearm from a car only qualifies as a Class A misdemeanor. This means that, in regards to vehicle burglaries, the theft of clothing is treated the same as the theft of a firearm.

Over the past decade, the trend of firearm thefts from vehicles has grown increasingly dangerous. Specifically in Texas, the City of Houston reported over 3,000 firearm thefts from vehicles in 2022. This trend is occurring nationwide and Texas must do more to protect its citizens. S.B. 872 aims to fill this gap by adding the theft of a firearm during the burglary of a vehicle as a third degree felony.

As proposed, S.B. 872 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" and makes nonsubstantive changes.

(d) Provides that an offense under Section 30.04 (Burglary of Vehicles) is a Class A misdemeanor, except that the offense is increased under certain circumstances, including that the offense is a felony of the third degree if certain actions are taken, including if the actor committed theft of a firearm during the commission of the offense. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.