

BILL ANALYSIS

Senate Research Center
80R4802 JPL-D

S.B. 807
By: Whitmire et al.
Criminal Justice
4/2/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, offenders convicted of burglary of a motor vehicle can be sentenced to up to one year in county jail, but due to plea bargaining, they usually receive only a 90-day term of confinement. However, burglaries of motor vehicles have escalated over the past several years.

As proposed, S.B. 807 requires offenders to serve a minimum term of six months in county jail or one year probation on their second offense, and after the third offense of burglary of a motor vehicle, the punishment will be enhanced to a state felony. This bill also provides additional financial support to the renamed Texas Auto Theft and Burglary Prevention Authority to safeguard against auto theft or burglary, study problem areas in regard to auto theft or burglary within the state, mandate a plan of action to address those problems, and to establish educational programs to educate automobile owners on preventing auto burglary or theft.

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 Section 30.04, Penal Code, by amending Subsection (d) and adding Subsection (d-1), as follows:

(d) Provides that an offense under this section (Burglary of Vehicles) is a Class A misdemeanor, except that the penalty is enhanced under certain circumstances.

(d-1) Provides that, for the purposes of Subsection (d), a defendant has been previously convicted under this section if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

SECTION 2. Amends Section 3, Article 42.12, Code of Criminal Procedure, by adding Subsection (h) to specify that the minimum period of community supervision under this section (Judge Ordered Community Supervision) for an offense under Section 30.04, Penal Code, punishable as a Class A misdemeanor with a minimum term of confinement of six months is one year.

SECTION 3. Amends Section 4, Article 42.12, Code of Criminal Procedure, by adding Subsection (f) to make a conforming change.

SECTION 4. Amends the heading to Article 4413(37), Revised Statutes, to read as follows:

Art. 4413(37). AUTOMOBILE BURGLARY AND THEFT PREVENTION
AUTHORITY.

SECTION 5. Amends Sections 1(1) and (2), Article 4413(37), Revised Statutes, to define "authority" and "economic automobile theft."

SECTION 6. Amends Section 2, Article 4413(37), Revised Statutes, to make a conforming change.

SECTION 7. Amends Section 6A(d), Article 4413(37), Revised Statutes, to require determinations made under this section to be performed in accordance with procedures set forth in rules adopted by the Automobile Burglary and Theft Prevention Authority, rather than the Automobile Theft Prevention Authority.

SECTION 8. Amends Section 7(b), Article 4413(37), Revised Statutes, to make conforming changes.

SECTION 9. Amends Section 8(a), Article 4413(37), Revised Statutes, to make conforming changes.

SECTION 10. Amends Section 11(a), Article 4413(37), Revised Statutes, to redefine "automobile theft rate."

SECTION 11. Makes application of Section 30.04, Penal Code, and Sections 3 and 4, Article 42.12, Code of Criminal Procedure, of this Act prospective.

SECTION 12. Effective date: September 1, 2007.