

BILL ANALYSIS

Senate Research Center
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S.B. 1103
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Cargo theft, which is essentially commercial theft, is estimated to be a \$30 billion industry, and Texas is among the top three states in the nation to suffer from cargo theft losses. However, it is not just the size and extensive transportation infrastructure that makes Texas so vulnerable to cargo theft.

Current law provides that if merchandise is stolen in one county but recovered in another county, the accused will be prosecuted in the county where the merchandise was recovered despite there being more evidence in the county where the merchandise was stolen.

S.B. 1103 would amend Article 13.08 (Theft; Organized Retail Theft), Code of Criminal Procedure, to remove the question of the interpretation surrounding prosecution of thefts from one county and arrests and property recovery in another county. This bill would allow for easier prosecution of theft cases in which the property has been transported across county lines.

As proposed, S.B. 1103 amends current law relating to the venue for prosecution of certain theft offenses.

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 Article 13.08(a), Code of Criminal Procedure, as follows:

- (a) Authorizes the offender, where property is stolen in one county and removed to another county, to be prosecuted in the county in which the property was stolen or in any other county through or into which the property was removed. Deletes existing text authorizing the offender, where property is stolen in one county and removed by the offender to another county, to be prosecuted either in the county where he took the property or in any other county through or into which he may have removed the same.

SECTION 2. Makes application of this Act to a criminal case in which the indictment, information, or complaint is presented to the court on or after the effective date of this Act, prospective.

SECTION 3. Effective date: September 1, 2011.