By: Hagenbuch S.B. No. 170

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. Sections 30.04(b) and (d), Penal Code, are amended 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) 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

(B) the vehicle or part of the vehicle broken

into or entered is a rail car; and

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

(A) the vehicle broken into or entered is owned or operated by a wholesale distributor of prescription drugs and the actor breaks into or enters that vehicle with the intent to commit theft of a controlled substance; [~~or~~]

(B) it is shown on the trial of the offense that the actor committed the offense in the course of committing an offense under Section 20.05(a)(2)<u>; or</u>

<u>(C) the actor committed theft of a firearm during the commission of the offense</u>.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act 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 purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2027.