

AN ACT

relating to the punishment for burglary and theft involving controlled substances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 30.01, Penal Code, is amended by adding Subdivisions (4) and (5) to read as follows:

(4) "Controlled substance" has the meaning assigned by Section 481.002, Health and Safety Code.

(5) "Wholesale distributor of prescription drugs" means a wholesale distributor, as defined by Section 431.401, Health and Safety Code.

SECTION 2. Section 30.02, Penal Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Except as provided in Subsection (c-1) or (d), an offense under this section is a:

(1) state jail felony if committed in a building other than a habitation; or

(2) felony of the second degree if committed in a habitation.

(c-1) An offense under this section is a felony of the third degree if:

(1) the premises are a commercial building in which a controlled substance is generally stored, including a pharmacy,

1 clinic, hospital, nursing facility, or warehouse; and

2 (2) the person entered or remained concealed in that
3 building with intent to commit a theft of a controlled substance.

4 SECTION 3. Section 30.04(d), Penal Code, is amended to read
5 as follows:

6 (d) An offense under this section is a Class A misdemeanor,
7 except that:

8 (1) the offense is a Class A misdemeanor with a minimum
9 term of confinement of six months if it is shown on the trial of the
10 offense that the defendant has been previously convicted of an
11 offense under this section; ~~and~~

12 (2) the offense is a state jail felony if:

13 (A) it is shown on the trial of the offense that
14 the defendant has been previously convicted two or more times of an
15 offense under this section; or

16 (B) the vehicle or part of the vehicle broken
17 into or entered is a rail car; and

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

19 (A) the vehicle broken into or entered is owned
20 or operated by a wholesale distributor of prescription drugs; and

21 (B) the actor breaks into or enters that vehicle
22 with the intent to commit theft of a controlled substance.

23 SECTION 4. Section 31.03(e), Penal Code, is amended to read
24 as follows:

25 (e) Except as provided by Subsection (f), an offense under
26 this section is:

27 (1) a Class C misdemeanor if the value of the property

1 stolen is less than \$100;

2 (2) a Class B misdemeanor if:

3 (A) the value of the property stolen is \$100 or
4 more but less than \$750;

5 (B) the value of the property stolen is less than
6 \$100 and the defendant has previously been convicted of any grade of
7 theft; or

8 (C) the property stolen is a driver's license,
9 commercial driver's license, or personal identification
10 certificate issued by this state or another state;

11 (3) a Class A misdemeanor if the value of the property
12 stolen is \$750 or more but less than \$2,500;

13 (4) a state jail felony if:

14 (A) the value of the property stolen is \$2,500 or
15 more but less than \$30,000, or the property is less than 10 head of
16 sheep, swine, or goats or any part thereof under the value of
17 \$30,000;

18 (B) regardless of value, the property is stolen
19 from the person of another or from a human corpse or grave,
20 including property that is a military grave marker;

21 (C) the property stolen is a firearm, as defined
22 by Section [46.01](#);

23 (D) the value of the property stolen is less than
24 \$2,500 and the defendant has been previously convicted two or more
25 times of any grade of theft;

26 (E) the property stolen is an official ballot or
27 official carrier envelope for an election; or

1 (F) the value of the property stolen is less than
2 \$20,000 and the property stolen is:

3 (i) aluminum;

4 (ii) bronze;

5 (iii) copper; or

6 (iv) brass;

7 (5) a felony of the third degree if the value of the
8 property stolen is \$30,000 or more but less than \$150,000, or the
9 property is:

10 (A) cattle, horses, or exotic livestock or exotic
11 fowl as defined by Section 142.001, Agriculture Code, stolen during
12 a single transaction and having an aggregate value of less than
13 \$150,000; ~~or~~

14 (B) 10 or more head of sheep, swine, or goats
15 stolen during a single transaction and having an aggregate value of
16 less than \$150,000; or

17 (C) a controlled substance, having a value of
18 less than \$150,000, if stolen from:

19 (i) a commercial building in which a
20 controlled substance is generally stored, including a pharmacy,
21 clinic, hospital, nursing facility, or warehouse; or

22 (ii) a vehicle owned or operated by a
23 wholesale distributor of prescription drugs;

24 (6) a felony of the second degree if:

25 (A) the value of the property stolen is \$150,000
26 or more but less than \$300,000; or

27 (B) the value of the property stolen is less than

1 \$300,000 and the property stolen is an automated teller machine or
2 the contents or components of an automated teller machine; or

3 (7) a felony of the first degree if the value of the
4 property stolen is \$300,000 or more.

5 SECTION 5. Section 31.03(h), Penal Code, is amended by
6 adding Subdivisions (5) and (6) to read as follows:

7 (5) "Controlled substance" has the meaning assigned by
8 Section 481.002, Health and Safety Code.

9 (6) "Wholesale distributor of prescription drugs"
10 means a wholesale distributor, as defined by Section 431.401,
11 Health and Safety Code.

12 SECTION 6. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 7. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 1178 was passed by the House on April 12, 2017, by the following vote: Yeas 139, Nays 6, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1178 on May 21, 2017, by the following vote: Yeas 133, Nays 7, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1178 was passed by the Senate, with amendments, on May 19, 2017, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor