

- SUBJECT:** Including burglary of vehicles as a common nuisance activity
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Leach, Davis, Dutton, Julie Johnson, Krause, Middleton, Moody, Schofield, Smith
- 0 nays
- WITNESSES:** For — Robert Miklos, City of Mesquite; (*Registered, but did not testify:* TJ Patterson, City of Fort Worth; M. Paige Williams, Dallas Criminal District Attorney John Creuzot; George Craig, Houston Police Department; Susana Carranza; Idona Griffith; Vanessa MacDougal; Thomas Parkinson; Gregg Vunderink)
- Against — None
- BACKGROUND:** Under Civil Practice and Remedies Code sec. 125.0015, a person who maintains a place to which people habitually go for certain purposes — including prostitution, the sale or use of narcotics, illegal gambling, aggravated offenses, and other crimes — and who knowingly tolerates the activity and fails to make reasonable attempts to abate the activity maintains a common nuisance. Under Chapter 125, a common nuisance can be addressed through various remedies, including through a suit to abate the nuisance.
- Under Penal Code sec. 30.04, a person commits burglary of a vehicle if, without the effective consent of the owner, the person breaks into or enters a vehicle or any part of a vehicle with intent to commit any felony or theft.
- There have been reports that certain areas in Texas are struggling with recurring burglary of vehicles in certain locations. Including burglary of vehicles as an activity that could constitute maintenance of a common nuisance could address concerns by encouraging property owners to take effective preventative measures.

DIGEST:

HB 3338 would establish that a person who maintained a place to which persons habitually went to engage in the burglary of vehicles and who knowingly tolerated and failed to make reasonable attempts to abate the activity would maintain a common nuisance.

The bill would take effect September 1, 2021, and would apply only to a cause of action that accrued on or after that date.