

BILL ANALYSIS

Senate Research Center
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H.B. 2231
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Criminal Justice
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Engrossed

DIGEST

Prior to the 1993 revision of the Penal Code, burglary of a rail car was a felony offense. Under current law, burglary of a vehicle is a Class A misdemeanor. A rail car fits within the statutory definition of a vehicle. Because rail cars carry valuable loads, rail cars may be targets for thieves. Protecting rail cars from theft can be difficult, especially if they are delayed on the tracks for any reason. In addition, some rail cars carry hazardous materials which could threaten community health and safety if their security is compromised. H.B. 2231 makes the offense of burglary of a rail car a state jail felony.

PURPOSE

As proposed, H.B. 2231 makes the offense of burglary of a rail car a state jail felony.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30.04, Penal Code, to provide that a container or trailer carried on a rail car is a part of the rail car, under this section (Burglary of Vehicles). Provides that a person commits a state jail felony if the vehicle or part of the vehicle broken into or entered is a rail car. Provides that it is a defense to prosecution under this section that the actor entered a rail car or any part of a rail car and was at that time an employee or a representative of employees exercising a right under the Railway Labor Act (45 U.S.C. Section 151 et seq.).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.