

BILL ANALYSIS

Senate Research Center
82R3883 AJZ-F

H.B. 2577
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Criminal Justice
5/19/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that a person currently is not prohibited from possessing locksmith tools without an appropriate license. Interested parties further contend that locksmith tools are designed specifically for the purposes of repairing and defeating locks and lock systems, can be purchased at many retail outlets and online without any credentials, and are therefore easily accessible to any individual, including an individual with criminal intent.

Current statute makes the unlawful use of a criminal instrument an offense but does not adequately address the possession of locksmith tools without a proper license. H.B. 2577 seeks to provide peace officers the ability to charge a person who possesses locksmith tools and is involved in the commission of an offense or intends to use the tools in the commission of an offense with a criminal penalty.

H.B. 2577 amends current law relating to the unlawful use of a criminal instrument or mechanical security device and provides a penalty.

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 Section 16.01, Penal Code, as follows:

Sec. 16.01. New heading: UNLAWFUL USE OF CRIMINAL INSTRUMENT OR MECHANICAL SECURITY DEVICE. (a) Provides that a person commits an offense if:

- (1) the person possesses a criminal instrument or mechanical security device with the intent to use the instrument or device in the commission of an offense; or
- (2) with knowledge of its character and with the intent to use a criminal instrument or mechanical security device or aid or permit another to use the instrument or device in the commission of an offense, the person manufactures, adapts, sells, installs, or sets up the instrument or device.

Makes nonsubstantive changes.

(b) Defines, in this section, "mechanical security device." Makes a nonsubstantive change.

(c) Makes no changes to this subsection.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.