

BILL ANALYSIS

Senate Research Center
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H.B. 1178
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Prescription drug abuse is a huge epidemic facing our country and our state, claiming tens of thousands of lives every year. The opioid abuse crisis has fueled an increase in pharmacy burglaries and thefts. In Texas there are no special penalty enhancements or offenses specifically dealing with pharmacy. This means that a burglary of a pharmacy would be treated the same as the burglary of a convenience store or a car without regard to the controlled substances or opioids that are stolen.

We must do more to protect communities from the wave of property crime that is feeding the illegal opioid pipeline. The punishment for burglarizing a pharmacy, clinic, or hospital is not appropriate to the harm that opioid abuse does to our society.

H.B. 1178 addresses this issue by establishing penalties for a certain burglary or theft offense involving a controlled substance. It amends the Penal Code to establish a penalty of third degree felony for burglary if the premises is a building in which a controlled substance is generally stored, including a pharmacy, clinic, hospital, or nursing facility, and the actor entered or remained concealed in that building with intent to commit a theft of a controlled substance.

H.B. 1178 expands the conduct that constitutes a third degree felony theft offense to include theft of property that is a controlled substance, regardless of the value of the controlled substance.

H.B. 1178 amends current law relating to the punishment for burglary and theft of controlled substances.

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 30.01, Penal Code, by adding Subdivision (4) to define "controlled substance."

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

(c) Includes an exception as provided in Subsection (c-1).

(c-1) Provides that an offense under this section (Burglary) is a felony of the third degree if the premises are a building in which a controlled substance is generally stored, including a pharmacy, clinic, hospital, or nursing facility, and the person entered or remained concealed in that building with intent to commit a theft of a controlled substance.

SECTION 3. Amends Section 31.03(e), Penal Code, as follows:

(e) Provides that, except as provided by Subsection (f) (relating to providing that a certain offense is increased to the next higher category of offense under certain circumstances), an offense under this section (Theft) is a felony of the third degree if the value of the property stolen is of a certain amount, or the property is, among certain other items, a controlled substance, regardless of the value of the controlled substance stolen. Makes nonsubstantive changes.

SECTION 4. Amends Section 31.03(h), Penal Code, by adding Subdivision (5), to define “controlled substance.”

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2017.