

## **BILL ANALYSIS**

H.B. 3786  
By: Oliverson  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that when an offender commits a burglary knowing someone is in the home, the possibility of physical harm, including death, increases and contend that such offenders are likely more violent than offenders who avoid committing burglary when someone is in the home. H.B. 3786 seeks to ensure that an offender who commits burglary knowing someone is in the home is ineligible to serve the offender's sentence on community supervision.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3786 amends the Code of Criminal Procedure to make a defendant who is convicted of burglary ineligible for jury-recommended community supervision if it is shown on the trial of the offense that the offense was committed in a habitation and the defendant knew at the time of the offense that another person was present in the habitation.

### **EFFECTIVE DATE**

September 1, 2017.