

1-1 By: Bettencourt S.B. No. 1969
1-2 (In the Senate - Filed March 8, 2023; March 21, 2023, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 19, 2023, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to increasing the criminal penalty for certain offenses
1-18 committed on or near the premises of a day-care center, school, or
1-19 postsecondary educational institution.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subchapter D, Chapter 12, Penal Code, is amended
1-22 by adding Section 12.502 to read as follows:

1-23 Sec. 12.502. PENALTY IF OFFENSE COMMITTED ON OR NEAR
1-24 PREMISES OF DAY-CARE CENTER, SCHOOL, OR POSTSECONDARY EDUCATIONAL
1-25 INSTITUTION. (a) In this section:

1-26 (1) "Day-care center" has the meaning assigned by
1-27 Section 42.002, Human Resources Code.

1-28 (2) "Postsecondary educational institution" means:

1-29 (A) an institution of higher education or a
1-30 private or independent institution of higher education as defined
1-31 by Section 61.003, Education Code; or

1-32 (B) a career school or college as defined by
1-33 Section 132.001, Education Code.

1-34 (3) "Premises" means real property and all buildings
1-35 and appurtenances pertaining to the real property.

1-36 (4) "School" means a public or private elementary or
1-37 secondary school.

1-38 (b) Except as provided by Subsection (c), if it is shown on
1-39 the trial of an offense under Chapter 21 that the offense was
1-40 committed in a location that was on the premises of or within 1,500
1-41 feet of the premises of a day-care center, school, or postsecondary
1-42 educational institution, the category of punishment under that
1-43 chapter for the offense is increased to a higher category of offense
1-44 as follows:

1-45 (1) a Class C misdemeanor is increased to a Class B
1-46 misdemeanor;

1-47 (2) a Class B misdemeanor is increased to a Class A
1-48 misdemeanor;

1-49 (3) a Class A misdemeanor is increased to a state jail
1-50 felony;

1-51 (4) a state jail felony is increased to a felony of the
1-52 third degree;

1-53 (5) a felony of the third degree is increased to a
1-54 felony of the second degree; and

1-55 (6) a felony of the second degree is increased to a
1-56 felony of the first degree.

1-57 (c) For an offense otherwise punishable under Subsection
1-58 (b), if it is shown on the trial of the offense that the person has
1-59 been previously convicted twice of an offense under Chapter 21 for
1-60 which the punishment was increased under Subsection (b), the
1-61 category of punishment under that chapter for the offense is

2-1 increased to a higher category of offense as follows:

2-2 (1) a Class C misdemeanor is increased to a Class A
2-3 misdemeanor;

2-4 (2) a Class B misdemeanor is increased to a state jail
2-5 felony;

2-6 (3) a Class A misdemeanor is increased to a felony of
2-7 the third degree;

2-8 (4) a state jail felony is increased to a felony of the
2-9 second degree; and

2-10 (5) a felony of the third degree or second degree is
2-11 increased to a felony of the first degree.

2-12 (d) If the punishment scheme for an offense under Chapter 21
2-13 contains a specific enhancement provision increasing punishment to
2-14 a higher minimum term of punishment than the minimum term required
2-15 by the applicable higher category of offense prescribed by
2-16 Subsection (b) or (c), the specific enhancement provision controls
2-17 over this section.

2-18 (e) A previous conviction may be used for purposes of
2-19 enhancement under this section or under another provision of
2-20 Subchapter D, Chapter 12, but not under both this section and the
2-21 other provision.

2-22 SECTION 2. The change in law made by this Act applies only
2-23 to an offense committed on or after the effective date of this Act.
2-24 An offense committed before the effective date of this Act is
2-25 governed by the law in effect on the date the offense was committed,
2-26 and the former law is continued in effect for that purpose. For
2-27 purposes of this section, an offense was committed before the
2-28 effective date of this Act if any element of the offense occurred
2-29 before that date.

2-30 SECTION 3. This Act takes effect September 1, 2023.

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