

By: Hamric

H.B. No. 1539

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the punishment of the offense of trespassing and to  
3 requiring certain defendants convicted of that offense to register  
4 as sex offenders.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 30.05(d), Penal Code, is amended to read  
7 as follows:

8 (d) (1) An offense under Subsection (e) is a Class C  
9 misdemeanor unless it is committed in a habitation or unless the  
10 actor carries a deadly weapon on or about the actor's person during  
11 the commission of the offense, in which event it is a Class A  
12 misdemeanor.

13 (2) An offense under Subsection (a) is a Class B  
14 misdemeanor, except that the offense is:

15 (A) a Class A misdemeanor if [+

16 [~~(1)~~] the offense is committed [+

17 [~~(A) in a habitation or a shelter center; or~~

18 [~~(B)~~] on a Superfund site; or

19 (B) a state jail felony if:

20 (i) the offense is committed in a  
21 habitation or shelter center;

22 (ii) the actor carries a deadly weapon on or  
23 about his person during the commission of the offense; or

24 (iii) the offense is committed with the

1 intent to arouse or gratify the sexual desire of any person

2 [~~(2) the actor carries a deadly weapon on or about his~~  
3 ~~person during the commission of the offense].~~

4 SECTION 2. Article 62.01(5), Code of Criminal Procedure, is  
5 amended to read as follows:

6 (5) "Reportable conviction or adjudication" means a  
7 conviction or adjudication, regardless of the pendency of an  
8 appeal, that is:

9 (A) a conviction for a violation of Section 21.11  
10 (Indecency with a child), 22.011 (Sexual assault), 22.021  
11 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),  
12 Penal Code;

13 (B) a conviction for a violation of Section 43.05  
14 (Compelling prostitution), 43.25 (Sexual performance by a child),  
15 or 43.26 (Possession or promotion of child pornography), Penal  
16 Code;

17 (C) a conviction for a violation of Section  
18 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant  
19 committed the offense with intent to violate or abuse the victim  
20 sexually;

21 (D) a conviction for a violation of Section 30.02  
22 (Burglary), Penal Code, if the offense is punishable under  
23 Subsection (d) of that section and the defendant committed the  
24 offense with intent to commit a felony listed in Paragraph (A) or  
25 (C);

26 (E) a conviction for a violation of Section 20.02  
27 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated

1 kidnapping), Penal Code, if the judgment in the case contains an  
2 affirmative finding under Article 42.015;

3 (F) the second conviction for a violation of  
4 Section 21.08 (Indecent exposure), Penal Code;

5 (G) a conviction for an attempt, conspiracy, or  
6 solicitation, as defined by Chapter 15, Penal Code, to commit an  
7 offense listed in Paragraph (A), (B), (C), (D), or (E);

8 (H) an adjudication of delinquent conduct:

9 (i) based on a violation of one of the  
10 offenses listed in Paragraph (A), (B), (C), (D), ~~(G)~~, or (N)  
11 or, if the order in the hearing contains an affirmative finding that  
12 the victim or intended victim was younger than 17 years of age, one  
13 of the offenses listed in Paragraph (E); or

14 (ii) for which two violations of the  
15 offense listed in Paragraph (F) are shown;

16 (I) a deferred adjudication for an offense listed  
17 in:

18 (i) Paragraph (A), (B), (C), (D), ~~(G)~~, or (N);  
19 or

20 (ii) Paragraph (E) if the papers in the case  
21 contain an affirmative finding that the victim or intended victim  
22 was younger than 17 years of age;

23 (J) a conviction under the laws of another state,  
24 federal law, the laws of a foreign country, or the Uniform Code of  
25 Military Justice for an offense containing elements that are  
26 substantially similar to the elements of an offense listed under  
27 Paragraph (A), (B), (C), (D), (E), ~~(G)~~, or (N);

1 (K) an adjudication of delinquent conduct under  
2 the laws of another state, federal law, or the laws of a foreign  
3 country based on a violation of an offense containing elements that  
4 are substantially similar to the elements of an offense listed  
5 under Paragraph (A), (B), (C), (D), (E), [~~or~~] (G), or (N);

6 (L) the second conviction under the laws of  
7 another state, federal law, the laws of a foreign country, or the  
8 Uniform Code of Military Justice for an offense containing elements  
9 that are substantially similar to the elements of the offense of  
10 indecent exposure; [~~or~~]

11 (M) the second adjudication of delinquent  
12 conduct under the laws of another state, federal law, or the laws of  
13 a foreign country based on a violation of an offense containing  
14 elements that are substantially similar to the elements of the  
15 offense of indecent exposure; or

16 (N) a conviction for a violation of Section  
17 30.05, Penal Code, if the offense is punishable under Subsection  
18 (d)(2)(B)(iii) of that section.

19 SECTION 3. (a) The change in law made by this Act applies  
20 only to an offense committed on or after the effective date of this  
21 Act. For purposes of this section, an offense is committed before  
22 the effective date of this Act if any element of the offense occurs  
23 before that date.

24 (b) An offense committed before the effective date of this  
25 Act is covered by the law in effect when the offense was committed,  
26 and the former law is continued in effect for that purpose.

27 SECTION 4. This Act takes effect September 1, 2005.