

By: Phillips

H.B. No. 1762

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the punishment for a person with multiple convictions
3 for identical misdemeanor offenses.

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

5 SECTION 1. Section 12.43, Penal Code, is amended by adding
6 Subsections (b-1) and (e) to read as follows:

7 (b-1) Subsections (a) and (b) do not apply to a defendant
8 convicted of three or more identical offenses as described by
9 Subsection (e).

10 (e) If it is shown on the trial of a misdemeanor offense that
11 the defendant has been before convicted of the same offense as the
12 instant offense two or more times, the punishment for the offense is
13 increased to the punishment prescribed for the next highest
14 category of offense. Notwithstanding Subsection (d), a specific
15 enhancement provision in the punishment scheme for an offense
16 controls over this subsection only if the provision provides a
17 penalty greater than the penalty provided by this subsection.

18 SECTION 2. The change in law made by this Act applies only
19 to an offense committed on or after the effective date of this Act.
20 An offense committed before the effective date of this Act is
21 covered by the law in effect when the offense was committed, and the
22 former law is continued in effect for that purpose. For purposes of
23 this section, an offense is committed before the effective date of
24 this Act if any element of the offense occurs before the effective

1 date.

2 SECTION 3. This Act takes effect September 1, 2005.