

By: Zedler, Flynn, Eissler

H.B. No. 3207

A BILL TO BE ENTITLED

AN ACT

1
2 relating to increasing the penalties for certain criminal offenses
3 involving an election.

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

5 SECTION 1. Section 64.036(d), Election Code, is amended to
6 read as follows:

7 (d) An offense under this section is a felony of the third
8 degree [~~Class A misdemeanor~~].

9 SECTION 2. Section 86.006(g), Election Code, is amended to
10 read as follows:

11 (g) An offense under Subsection (f) is:

12 (1) a Class A [~~B~~] misdemeanor if the person possesses
13 or has possessed at least one but fewer than three [~~10~~] ballots or
14 carrier envelopes during an election cycle unless the person
15 possesses or has possessed the ballots or carrier envelopes without
16 the consent of the voters, in which event the offense is a [~~state~~
17 ~~jail~~] felony of the third degree; or

18 (2) a felony of the third degree [~~Class A misdemeanor~~]
19 if the person possesses or has possessed three or more [~~at least 10~~
20 ~~but fewer than 20~~] ballots or carrier envelopes during an election
21 cycle unless the person possesses or has possessed the ballots or
22 carrier envelopes without the consent of the voters, in which event
23 the offense is a felony of the second [~~third~~] degree[, ~~or~~

24 [~~(3) a state jail felony if the person possesses 20 or~~

1 ~~more ballots or carrier envelopes unless the person possesses the~~
2 ~~ballots or carrier envelopes without the consent of the voters, in~~
3 ~~which event the offense is a felony of the second degree].~~

4 SECTION 3. Section 86.010(g), Election Code, is amended to
5 read as follows:

6 (g) An offense under this section is a felony of the third
7 degree [~~Class A misdemeanor~~] unless the person is convicted of an
8 offense under Section 64.036 for providing unlawful assistance to
9 the same voter, in which event the offense is a [~~state jail~~] felony
10 of the second degree.

11 SECTION 4. The changes in law made by this Act apply only to
12 an offense committed on or after the effective date of this Act. An
13 offense committed before the effective date of this Act is covered
14 by the law in effect at the time the offense was committed, and the
15 former law is continued in effect for that purpose. For purposes of
16 this section, an offense was committed before the effective date of
17 this Act if any element of the offense was committed before that
18 date.

19 SECTION 5. This Act takes effect September 1, 2005.