

Amend the proposed floor substitute to **HB 8** (Amendment No. 7 by Gattis) on page 3, between lines 15 and 16, by inserting the following:

(j) Notwithstanding Subsection (i), if it is shown on the trial of an offense under this section that the defendant has once before been convicted of an offense under this section, on a unanimous determination by the jury or a written determination by the judge that the punishment described by Subsection (i) would result in disproportionate or unfair punishment, the judge or jury, as applicable, may punish the defendant by imprisonment in the Texas Department of Criminal Justice for any term of not more than 99 years and not less than a number of years that is at least 10 years greater than the number of years to which the defendant was sentenced to serve for the defendant's most recent conviction under this section.