

By: Miller

H.B. No. 192

A BILL TO BE ENTITLED

AN ACT

relating to the punishment prescribed for certain attempts to commit an offense on school premises or on the premises of a school-sponsored activity.

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

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0155 to read as follows:

Art. 42.0155. FINDING REGARDING ATTEMPT ON SCHOOL PREMISES OR PREMISES OF SCHOOL-SPONSORED ACTIVITY. In the trial of an attempt to commit an offense under Chapter 20, 21, or 22, Penal Code, the judge shall make an affirmative finding of fact and enter that finding in the judgment of the case if, at the guilt or innocence phase of the trial, the judge or jury, whichever is the trier of fact, determines beyond a reasonable doubt that:

(1) at the time the attempt was committed:

(A) the actor was 18 years of age or older; and

(B) the intended victim was younger than 14 years of age; and

(2) the attempt was committed on the premises of a public or private school or educational institution or on premises where an official school-sponsored activity was taking place.

SECTION 2. Section 15.01(d), Penal Code, is amended to read as follows:

(d) Except as otherwise provided by this subsection or

1 another provision of law, an [An] offense under this section is one
2 category lower than the offense attempted, and if the offense
3 attempted is a state jail felony, the offense is a Class A
4 misdemeanor. If the judgment of the case contains an affirmative
5 finding under Article 42.0155, Code of Criminal Procedure, an
6 offense under this section is subject to the same punishment as the
7 punishment prescribed for the offense attempted.

8 SECTION 3. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 governed by the law in effect when the offense was committed, and
12 the former law is continued in effect for that purpose. For
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense was
15 committed before that date.

16 SECTION 4. This Act takes effect September 1, 2007.