

By: Haggerty

H.B. No. 1511

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for criminal offenses involving secure correctional facility property or committed by persons confined in secure correctional facilities.

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

SECTION 1. Section 22.01(c), Penal Code, is amended to read as follows:

(c) An offense under Subsection (a)(2) or (3) is a Class C misdemeanor, except that the offense is:

(1) a state jail felony if the offense is committed by an inmate of a secure correctional facility against an official or employee of that facility;

(2) a Class A misdemeanor if the offense is committed under Subsection (a)(3) against an elderly individual or disabled individual, as those terms are defined by Section 22.04; or

(3) [~~(2)~~] a Class B misdemeanor if the offense is committed by a person who is not a sports participant against a person the actor knows is a sports participant either:

(A) while the participant is performing duties or responsibilities in the participant's capacity as a sports participant; or

(B) in retaliation for or on account of the participant's performance of a duty or responsibility within the participant's capacity as a sports participant.

1 SECTION 2. Section 28.03(f), Penal Code, is amended to read  
2 as follows:

3 (f) An offense under this section is a state jail felony if:

4 (1) the damage or destruction is inflicted on a place  
5 of worship or human burial, a secure correctional facility, a  
6 public monument, or a community center that provides medical,  
7 social, or educational programs; and

8 (2) the amount of the pecuniary loss to real property  
9 or to tangible personal property is less than \$20,000.

10 SECTION 3. Article 42.08(b), Code of Criminal Procedure, is  
11 amended to read as follows:

12 (b) If a defendant is sentenced for an offense committed  
13 while the defendant was an inmate in a confinement facility  
14 operated by or under contract with any [the institutional] division  
15 of the Texas Department of Criminal Justice, including a state jail  
16 felony facility, and the defendant has not completed the sentence  
17 the defendant [he] was serving at the time of the offense, the judge  
18 shall order the sentence for the subsequent offense to commence  
19 immediately on completion of the sentence for the original offense.

20 SECTION 4. The change in law made by this Act applies only  
21 to an offense committed on or after the effective date of this Act.  
22 An offense committed before the effective date of this Act is  
23 covered by the law in effect when the offense was committed, and the  
24 former law is continued in effect for that purpose. For purposes of  
25 this section, an offense was committed before the effective date of  
26 this Act if any element of the offense was committed before that  
27 date.

1 SECTION 5. This Act takes effect September 1, 2007.