AN ACT
relating to penalties for certain repeat and habitual felony sex
offenders.

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

SECTION 1. Subdivision (3), Subsection (a), Section 12.42, Penal Code, is amended to read as follows:

(3) Except as provided by Subsection (c)(2), if [If]
it is shown on the trial of a state jail felony punishable under
Section 12.35(c) or on the trial of a third-degree felony that the
defendant has been once before convicted of a felony, on conviction
he shall be punished for a second-degree felony.

SECTION 2. Subsection (b), Section 12.42, Penal Code, is
amended to read as follows:

(b) Except as provided by Subsection (c)(2), if [If] it is
shown on the trial of a second-degree felony that the defendant has
been once before convicted of a felony, on conviction he shall be
punished for a first-degree felony.

SECTION 3. Subdivision (2), Subsection (c), Section 12.42,
Penal Code, is amended to read as follows:

(2) A defendant shall be punished by imprisonment in
the institutional division for life if:

(A) the defendant is convicted of an offense:

(i) under Section 21.11(a)(1), 22.021, or

22.011, Penal Code;
under Section 20.04(a)(4), Penal Code,

if the defendant committed the offense with the intent to violate or
abuse the victim sexually; or

under Section 30.02, Penal Code,
punishable under Subsection (d) of that section, if the defendant
committed the offense with the intent to commit a felony described
by Subparagraph (i) or (ii) or a felony under Section 21.11 or
22.011, Penal Code; and

(B) the defendant has been previously convicted
of an offense:

(i) under Section 43.25 or 43.26, Penal
Code, or an offense under Section 43.23, Penal Code, punishable
under Subsection (h) of that section;

(ii) under Section 21.11, 22.011, 22.021,
or 25.02, Penal Code;

(iii) under Section 20.04(a)(4), Penal
Code, if the defendant committed the offense with the intent to
violate or abuse the victim sexually;

(iv) under Section 30.02, Penal Code,
punishable under Subsection (d) of that section, if the defendant
committed the offense with the intent to commit a felony described
by Subparagraph (ii) or (iii); or

(v) under the laws of another state
containing elements that are substantially similar to the elements
of an offense listed in Subparagraph (i), (ii), (iii), or (iv).

SECTION 4. Subsection (d), Section 12.42, Penal Code, is
amended to read as follows:
(d) Except as provided by Subsection (c)(2), if it is shown on the trial of a felony offense other than a state jail felony punishable under Section 12.35(a) that the defendant has previously been finally convicted of two felony offenses, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, on conviction he shall be punished by imprisonment in the institutional division of the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 25 years.

SECTION 5. The change in law made by this Act applies only to an offense committed on or after September 1, 2007. An offense committed before September 1, 2007, is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For the purposes of this section, an offense was committed before September 1, 2007, if any element of the offense was committed before that date.

SECTION 6. This Act takes effect September 1, 2007.
S.B. No. 75

President of the Senate

I hereby certify that S.B. No. 75 passed the Senate on March 29, 2007, by the following vote: Yeas 30, Nays 0.

Speaker of the House

Secretary of the Senate

I hereby certify that S.B. No. 75 passed the House on May 15, 2007, by the following vote: Yeas 142, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor