

1-1 By: Shapiro, Van de Putte S.B. No. 75
1-2 (In the Senate - Filed November 13, 2006; January 23, 2007,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 26, 2007, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; March 26, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to penalties for certain repeat and habitual felony sex
1-9 offenders.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subdivision (3), Subsection (a), Section 12.42,
1-12 Penal Code, is amended to read as follows:

1-13 (3) Except as provided by Subsection (c)(2), if [~~if~~]
1-14 it is shown on the trial of a state jail felony punishable under
1-15 Section 12.35(c) or on the trial of a third-degree felony that the
1-16 defendant has been once before convicted of a felony, on conviction
1-17 he shall be punished for a second-degree felony.

1-18 SECTION 2. Subsection (b), Section 12.42, Penal Code, is
1-19 amended to read as follows:

1-20 (b) Except as provided by Subsection (c)(2), if [~~if~~] it is
1-21 shown on the trial of a second-degree felony that the defendant has
1-22 been once before convicted of a felony, on conviction he shall be
1-23 punished for a first-degree felony.

1-24 SECTION 3. Subdivision (2), Subsection (c), Section 12.42,
1-25 Penal Code, is amended to read as follows:

1-26 (2) A defendant shall be punished by imprisonment in
1-27 the institutional division for life if:

1-28 (A) the defendant is convicted of an offense:

1-29 (i) under Section 21.11, 22.021, or 22.011,
1-30 Penal Code;

1-31 (ii) under Section 20.04(a)(4), Penal Code,
1-32 if the defendant committed the offense with the intent to violate or
1-33 abuse the victim sexually; or

1-34 (iii) under Section 30.02, Penal Code,
1-35 punishable under Subsection (d) of that section, if the defendant
1-36 committed the offense with the intent to commit a felony described
1-37 by Subparagraph (i) or (ii) or a felony under Section 21.11 or
1-38 22.011, Penal Code; and

1-39 (B) the defendant has been previously convicted
1-40 of an offense:

1-41 (i) under Section 43.25 or 43.26, Penal
1-42 Code, or an offense under Section 43.23, Penal Code, punishable
1-43 under Subsection (h) of that section;

1-44 (ii) under Section 21.11, 22.011, 22.021,
1-45 or 25.02, Penal Code;

1-46 (iii) under Section 20.04(a)(4), Penal
1-47 Code, if the defendant committed the offense with the intent to
1-48 violate or abuse the victim sexually;

1-49 (iv) under Section 30.02, Penal Code,
1-50 punishable under Subsection (d) of that section, if the defendant
1-51 committed the offense with the intent to commit a felony described
1-52 by Subparagraph (ii) or (iii); or

1-53 (v) under the laws of another state
1-54 containing elements that are substantially similar to the elements
1-55 of an offense listed in Subparagraph (i), (ii), (iii), or (iv).

1-56 SECTION 4. Subsection (d), Section 12.42, Penal Code, is
1-57 amended to read as follows:

1-58 (d) Except as provided by Subsection (c)(2), if [~~if~~] it is
1-59 shown on the trial of a felony offense other than a state jail
1-60 felony punishable under Section 12.35(a) that the defendant has
1-61 previously been finally convicted of two felony offenses, and the
1-62 second previous felony conviction is for an offense that occurred
1-63 subsequent to the first previous conviction having become final, on
1-64 conviction he shall be punished by imprisonment in the

2-1 institutional division of the Texas Department of Criminal Justice
2-2 for life, or for any term of not more than 99 years or less than 25
2-3 years.

2-4 SECTION 5. The change in law made by this Act applies only
2-5 to an offense committed on or after September 1, 2007. An offense
2-6 committed before September 1, 2007, is governed by the law in effect
2-7 when the offense was committed, and the former law is continued in
2-8 effect for that purpose. For the purposes of this section, an
2-9 offense was committed before September 1, 2007, if any element of
2-10 the offense was committed before that date.

2-11 SECTION 6. This Act takes effect September 1, 2007.

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