

By: Whitmire

S.B. No. 1097

A BILL TO BE ENTITLED

AN ACT

relating to the penalties for the offense of criminal trespass.

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

SECTION 1. Section 30.05(d), Penal Code, is amended to read as follows:

(d) An offense under Subsection (e) is a Class C misdemeanor unless it is committed in a habitation or unless the actor carries a deadly weapon on or about the actor's person during the commission of the offense, in which event it is a Class A misdemeanor. An offense under Subsection (a) is a Class C [~~B~~] misdemeanor, except that the offense is:

(1) a Class B misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section; and

(2) a Class A misdemeanor if:

(A) [~~(1)~~] the offense is committed:

(i) [~~(A)~~] in a habitation or a shelter center;

(ii) [~~(B)~~] on a Superfund site; or

(iii) [~~(C)~~] on or in a critical infrastructure facility; or

(B) [~~(2)~~] the actor carries a deadly weapon on or about his person during the commission of the offense.

SECTION 2. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect when the offense was committed, and
4 the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense was
7 committed before that date.

8 SECTION 3. This Act takes effect September 1, 2007.