

By: Edwards

H.B. No. 2332

A BILL TO BE ENTITLED

AN ACT

relating to the penalties prescribed for committing prostitution within a certain distance of certain designated places.

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

SECTION 1. Section 43.01, Penal Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Protected premises" means the real property and all buildings and appurtenances pertaining to the real property of:

(A) an agency of the state or a political subdivision of the state;

(B) a church;

(C) a public or private school;

(D) a licensed child-care facility;

(E) a public park; or

(F) the premises of the holder of a license or permit issued under Title 3, Alcoholic Beverage Code.

SECTION 2. Section 43.02, Penal Code, is amended by adding Subsection (d) to read as follows:

(d) If it is shown on the trial of the offense that the actor committed the offense within 1,000 feet of a protected premises, the offense is:

(1) a Class A misdemeanor if the offense would otherwise be punishable as a Class B misdemeanor under Subsection (c);

1 (2) a state jail felony if the offense would otherwise
2 be punishable as a Class A misdemeanor under Subsection (c); and

3 (3) a felony of the third degree if the offense would
4 otherwise be punishable as a state jail felony under Subsection
5 (c).

6 SECTION 3. Section 43.03(b), Penal Code, is amended to read
7 as follows:

8 (b) An offense under this section is a Class A misdemeanor,
9 unless it is shown on the trial of the offense that the actor
10 committed the offense within 1,000 feet of a protected premises, in
11 which event the offense is a state jail felony.

12 SECTION 4. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 covered by the law in effect when the offense was committed, and the
16 former law is continued in effect for that purpose. For purposes of
17 this section, an offense was committed before the effective date of
18 this Act if any element of the offense was committed before that
19 date.

20 SECTION 5. This Act takes effect September 1, 2009.