

By: Nelson

S.B. No. 528

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 Subdivisions (2-a) and (6) 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 hotel, motel, or similar establishment;

(F) a public park;

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

(H) a sexually oriented business.

(6) "Sexually oriented business" has the meaning assigned by Section 243.002, Local Government 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,

1 the offense is:

2 (1) a Class B misdemeanor with a minimum term of  
3 confinement of 90 days, if the offense would otherwise be  
4 punishable as a Class B misdemeanor under Subsection (c);

5 (2) a Class A misdemeanor with a minimum term of  
6 confinement of 180 days, if the offense would otherwise be  
7 punishable as a Class A misdemeanor under Subsection (c); and

8 (3) a state jail felony with a minimum term of  
9 confinement of one year, if the offense would otherwise be  
10 punishable as a state jail felony under Subsection (c).

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

13 (b) An offense under this section is a Class A misdemeanor,  
14 unless it is shown on the trial of the offense that the actor  
15 committed the offense within 1,000 feet of a protected premises, in  
16 which event the offense is a Class A misdemeanor with a minimum term  
17 of confinement of 180 days.

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

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