

Amend HB 3473 by adding the following and renumbering the sections appropriately:

SECTION 1. Section 43.02(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if [~~unless~~] the actor has previously been convicted one or two times of an offense under this section;

(2) a state jail felony if [~~, in which event it is a Class A misdemeanor. If~~] the actor has previously been convicted three or more times of an offense under this section; or

(3) a felony of the third degree if:

(A) the actor is the person who is to pay the fee or who solicits another for hire; and

(B) the person who is to receive the fee or who is solicited to be hired is younger than 17 years of age at the time of the offense [~~, the offense is a state jail felony~~].

SECTION 2. Section 43.03(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if the actor has previously been convicted of an offense under this section; or

(2) a felony of the third degree if:

(A) the person who provides prostitution services from which the actor receives money or other property is younger than 17 years of age at the time of the offense; or

(B) the actor solicits another to engage in sexual conduct with a person who is younger than 17 years of age.

SECTION 3. Section 43.04(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a felony of the third degree, unless any prostitute that is part of the actor's prostitution enterprise is younger than 17 years of age at the time of the offense, in which event it is a felony of the second degree.

SECTION 4. Article 62.001(5), Code of Criminal Procedure,

is amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(B) a violation of Section 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(B-1) a violation of Section 43.02 (Prostitution), Penal Code, if the offense is punishable under Subsection (c)(3) of that section;

(B-2) a violation of Section 43.03 (Promotion of prostitution), Penal Code, if the offense is punishable under Subsection (b)(2) of that section;

(B-3) a violation of Section 43.04 (Aggravated promotion of prostitution), Penal Code, if the offense is punishable as a felony of the second degree; and

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (B-1), (B-2), (B-3), (C), (D), (E), (G), or (J), but not if the violation results in a deferred adjudication;