

Amend **HB 1363** (senate committee report) in SECTION 6 of the bill, by striking amended Section 43.02(c), Penal Code (page 3, lines 8 through 15), and substituting the following:

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

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

(2) a state jail felony if the actor has previously been convicted six [~~three~~] or more times of an offense under Subsection (a).