

Amend SB 3 (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 42.01, Code of Criminal Procedure, is amended by adding Section 14 to read as follows:

Sec. 14. In addition to the information described by Section 1, the judgment should reflect affirmative findings entered pursuant to Article 42.0132.

SECTION _____. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0132 to read as follows:

Art. 42.0132. FINDING THAT OFFENSE WAS COMMITTED BECAUSE OF GENDER NONCONFORMING CHARACTERISTICS. In the trial of an offense under Title 5, Penal Code, that was committed on the premises of a restroom, shower, or changing facility, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment of the case if at the guilt or innocence phase of the trial, the judge or the jury, whichever is the trier of fact, determines beyond a reasonable doubt that the defendant intentionally selected the person against whom the offense was committed because of the person's gender nonconforming behavior, appearance, or other characteristics.

SECTION _____. Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.501 to read as follows:

Sec. 12.501. PENALTY IF OFFENSE COMMITTED BECAUSE OF GENDER NONCONFORMING CHARACTERISTICS. If an affirmative finding under Article 42.0132, Code of Criminal Procedure, is made in the trial of an offense, other than a first degree felony or a Class C misdemeanor, the punishment for the offense is increased to the punishment prescribed for the next higher category of offense.

SECTION _____. Article 42.0132, Code of Criminal Procedure, and Section 12.501, Penal Code, as added by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.