

Amend CSSB 1232 (house committee report) as follows:

(1) On page 6, line 15, strike "and amending Subsection (b)".

(2) On page 6, strike lines 23 through 25.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 42.092, Penal Code, is amended by amending Subsection (c) and adding Subsections (c-1) and (c-2) to read as follows:

(c) An offense under Subsection (b)(3), (4), (5), (6), or (9) is a Class A misdemeanor, except that the offense is a state jail felony if the person has previously been convicted two times under this section, two times under Section 42.09, or one time under this section and one time under Section 42.09.

(c-1) An offense under Subsection (b)(1) ~~or~~ (2) is a felony of the third degree, except that the offense is a felony of the second degree if the person has previously been convicted under Subsection (b)(1), (2), (7), or (8) or under Section 42.09.

(c-2) An offense under Subsection (b)(7) ~~, (7),~~ or (8) is a state jail felony, except that the offense is a felony of the third degree if the person has previously been convicted ~~[two times]~~ under this section~~[, two times under Section 42.09,]~~ or ~~[one time under this section and one time]~~ under Section 42.09.

SECTION _____. Section 821.023(b), Health and Safety Code, is repealed.