

By: Watson

S.B. No. 1649

A BILL TO BE ENTITLED

AN ACT

relating to an enhanced penalty for repeated criminal trespass on
or in the property of a public institution of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 30.05, Penal Code, is amended by
amending Subsection (d), and adding Subsection (j), to read as
follows:

(d) An offense under this section is:

(1) a Class B misdemeanor, except as provided by
Subdivisions (2) and (3);

(2) a Class C misdemeanor, except as provided by
Subdivision (3), if the offense is committed:

(A) on agricultural land and within 100 feet of
the boundary of the land; or

(B) on residential land and within 100 feet of a
protected freshwater area; and

(3) a Class A misdemeanor if:

(A) the offense is committed:

(i) in a habitation or a shelter center;

(ii) on a Superfund site; or

(iii) on or in a critical infrastructure
facility; ~~or~~

(B) the person carries a deadly weapon during the
commission of the offense; or

1 (C) the offense committed on or in the property of
2 an institution of higher education, as defined by Section 61.003,
3 Education Code, and it is shown on the trial of the offense that the
4 defendant has been previously convicted of an offense under this
5 section for entering or remaining on or in the property of an
6 institution of higher education.

7 (j) For the purposes of Subsection (d)(3)(C), a defendant
8 has been previously convicted under this section if the defendant
9 was adjudged guilty of the offense or entered a plea of guilty or
10 nolo contendere in return for a grant of deferred adjudication,
11 regardless of whether the sentence for the offense was ever imposed
12 or whether the sentence was probated and the defendant was
13 subsequently discharged from community supervision.

14 SECTION 2. This Act takes effect September 1, 2017.