

1-1 By: Watson S.B. No. 1649
 1-2 (In the Senate - Filed March 9, 2017; March 22, 2017, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 May 4, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 0; May 4, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12			X	
1-13			X	
1-14	X			
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1649 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to increasing the punishment for certain conduct
 1-22 constituting the offense of criminal trespass.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 30.05(b), Penal Code, is amended by
 1-25 adding Subdivision (12) to read as follows:

1-26 (12) "Institution of higher education" has the meaning
 1-27 assigned by Section 61.003, Education Code.

1-28 SECTION 2. Section 30.05, Penal Code, is amended by
 1-29 amending Subsection (d) and adding Subsection (d-1) to read as
 1-30 follows:

1-31 (d) An offense under this section is:

1-32 (1) a Class B misdemeanor, except as provided by
 1-33 Subdivisions (2) and (3);

1-34 (2) a Class C misdemeanor, except as provided by
 1-35 Subdivision (3), if the offense is committed:

1-36 (A) on agricultural land and within 100 feet of
 1-37 the boundary of the land; or

1-38 (B) on residential land and within 100 feet of a
 1-39 protected freshwater area; and

1-40 (3) a Class A misdemeanor if:

1-41 (A) the offense is committed:

1-42 (i) in a habitation or a shelter center;

1-43 (ii) on a Superfund site; or

1-44 (iii) on or in a critical infrastructure
 1-45 facility; ~~or~~

1-46 (B) the offense is committed on or in property of
 1-47 an institution of higher education and it is shown on the trial of
 1-48 the offense that the person has previously been convicted of:

1-49 (i) an offense under this section relating
 1-50 to entering or remaining on or in property of an institution of
 1-51 higher education; or

1-52 (ii) an offense under Section 51.204(b)(1),
 1-53 Education Code, relating to trespassing on the grounds of an
 1-54 institution of higher education; or

1-55 (C) the person carries a deadly weapon during the
 1-56 commission of the offense.

1-57 (d-1) For the purposes of Subsection (d)(3)(B), a person has
 1-58 previously been convicted of an offense described by that paragraph
 1-59 if the person was adjudged guilty of the offense or entered a plea
 1-60 of guilty or nolo contendere in return for a grant of deferred

2-1 adjudication community supervision, regardless of whether the
2-2 sentence for the offense was ever imposed or whether the sentence
2-3 was probated and the person was subsequently discharged from
2-4 deferred adjudication community supervision.

2-5 SECTION 3. The change in law made by this Act applies only
2-6 to an offense committed on or after the effective date of this Act.
2-7 An offense committed before the effective date of this Act is
2-8 governed by the law in effect on the date the offense was committed,
2-9 and the former law is continued in effect for that purpose. For
2-10 purposes of this section, an offense was committed before the
2-11 effective date of this Act if any element of the offense occurred
2-12 before that date.

2-13 SECTION 4. This Act takes effect September 1, 2017.

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