

Amend CSSB 20 (house committee report) as follows:

(1) On page 5, line 1, following the underlined period, add the following:

This subsection does not apply to a defendant who has previously been convicted of any other Class B misdemeanor under Section 43.02(c), Penal Code.

(2) On page 5, lines 3 and 4, strike "state jail felony under Section 43.02(c)(2), Penal Code, that is punished under Section 12.35(a)" and substitute "Class A misdemeanor under Section 43.02(c)".

(3) On page 5, lines 7-9, strike "state jail felony under Section 43.02(c)(2), Penal Code, that is punished under Section 12.35" and substitute "Class A misdemeanor under Section 43.02(c)".

(4) On page 13, strike lines 6 and 7 and substitute the following:

SECTION 2.05. Section 43.02, Penal Code, is amended by adding Subsection (b-1) and amending Subsections (c) and (c-1) to read as follows:

(b-1) A person may not be prosecuted for an offense under Subsection (a) that the person committed when younger than 18 years of age.

(c) An offense under Subsection (a) is a Class B misdemeanor, except that the offense is[+]

~~[(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (a); or~~

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

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

ARTICLE _____. COURT COST ON CONVICTION OF CERTAIN OFFENSES

SECTION _____.01. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.023 to read as follows:

Art. 102.023. COURT COSTS: COMMERCIAL SEXUAL EXPLOITATION

VICTIM FUND. (a) The commercial sexual exploitation victim fund is a dedicated account in the general revenue fund.

(b) A person convicted of an offense under Section 20A.02, 20A.03, or 43.02(b), Penal Code, shall pay as a cost of court \$500 on conviction of the offense.

(c) For purposes of this article, a person is considered to have been convicted if:

(1) a sentence is imposed on the person; or

(2) the person receives community supervision, including deferred adjudication community supervision.

(d) Court costs under this article are collected in the same manner as other fines or costs. An officer collecting the costs shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county treasury.

(e) The custodian of a county treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) If no funds due as costs under this article are deposited in a county treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(g) The comptroller shall deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the commercial sexual exploitation victim fund. The legislature may appropriate money from the account only to the criminal justice division of the governor's office to enable that division to provide funds for services and programs directed toward victims of conduct that constitutes an offense under Section 20A.02 or 43.05, Penal Code, including:

(1) diversion programs for victims who have been charged with an offense;

(2) housing;

(3) vocational services;

(4) counseling;

(5) substance abuse recovery services;

(6) mental health services; and

(7) prostitution prevention programs.

(h) Funds collected under this article are subject to audit by the comptroller.

SECTION ____ .02. Subchapter B, Chapter 102, Government Code, is amended by adding Section 102.02111 to read as follows:

Sec. 102.02111. ADDITIONAL COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense under Section 20A.02, 20A.03, or 43.02(b), Penal Code, shall pay, in addition to all other costs, a court cost on conviction to benefit victims of commercial sexual exploitation in this state (Art. 102.023, Code of Criminal Procedure). . . \$500.

SECTION ____ .03. The change in law made by this article applies only to a cost on conviction for 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 the 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.