

Amend SB 20 on third reading as follows:

(1) In the SECTION of the bill adding Article 42A.515, Code of Criminal Procedure, as amended by Amendment No. 3 by J. González on second reading, strike added Subsections (a), (b), and (c) of that article and substitute the following:

(a) Except as provided by Subsection (e), on a defendant's conviction of a Class B misdemeanor under Section 43.02(c), Penal Code, the judge shall suspend imposition of the sentence and place the defendant on community supervision. 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.

(b) Except as provided by Subsection (e), on a defendant's conviction of a Class A misdemeanor under Section 43.02(c), Penal Code, the judge shall suspend the imposition of the sentence and place the defendant on community supervision. This subsection does not apply to a defendant who has previously been convicted of any other Class A misdemeanor under Section 43.02(c), Penal Code.

(c) A judge who places a defendant on community supervision under Subsection (a) or (b) shall require as a condition of community supervision that the defendant participate in a commercially sexually exploited persons court program established under Chapter 126, Government Code, if a program has been established for the county or municipality where the defendant resides. Sections 126.002(b) and (c), Government Code, do not apply with respect to a defendant required to participate in the court program under this subsection.

(2) In the SECTION of the bill amending Section 411.042(b), Government Code, as amended by Amendment No. 3 by J. González on second reading, strike Subdivision (5) of that subsection and substitute the following:

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

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

SECTION _____. Section 43.02, Penal Code, is amended by adding Subsection (b-1) and amending Subsection (c) 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).~~