

By: Moody

H.B. No. 4169

A BILL TO BE ENTITLED

AN ACT

relating to the criminal penalties for certain criminal offenses.

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

SECTION 1. Section 502.001(c), Business & Commerce Code, is amended to read as follows:

(c) A restaurant or bar owner shall display in a prominent place on the premises of the restaurant or bar a sign stating in letters at least one-half inch high: "UNDER SECTION 32.51, PENAL CODE, IT IS A [~~STATE JAIL~~] FELONY OF THE FOURTH DEGREE (PUNISHABLE BY IMPRISONMENT IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE [~~CONFINEMENT IN A STATE JAIL~~] FOR NOT MORE THAN TWO YEARS) TO OBTAIN, POSSESS, TRANSFER, OR USE A CUSTOMER'S DEBIT CARD OR CREDIT CARD NUMBER WITHOUT THE CUSTOMER'S CONSENT."

SECTION 2. Section 101.029, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 101.029. LIABILITY FOR CERTAIN CONDUCT OF STATE PRISON INMATES. (a) The Texas Department of Criminal Justice is liable for property damage, personal injury, and death proximately caused by the wrongful act or omission or the negligence of an inmate [~~or state jail defendant~~] housed in a facility operated by the department if:

(1) the property damage, personal injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment;

1 (2) the inmate [~~or defendant~~] would be personally
2 liable to the claimant for the property damage, personal injury, or
3 death according to Texas law were the inmate [~~or defendant~~] a
4 private person acting in similar circumstances; and

5 (3) the act, omission, or negligence was committed by
6 the inmate [~~or defendant~~] acting in the course and scope of a task
7 or activity that:

8 (A) the inmate [~~or defendant~~] performed at the
9 request of an employee of the department; and

10 (B) the inmate [~~or defendant~~] performed under the
11 control or supervision of the department.

12 (b) A claimant may not name the inmate [~~or state jail~~
13 ~~defendant~~] whose act or omission gave rise to the claim as a
14 codefendant in an action brought under this section.

15 (c) A judgment in an action or a settlement of a claim
16 against the Texas Department of Criminal Justice under this section
17 bars any action involving the same subject matter by the claimant
18 against the inmate [~~or state jail defendant~~] whose act or omission
19 gave rise to the claim. A judgment in an action or a settlement of a
20 claim against an inmate [~~or state jail defendant~~] bars any action
21 involving the same subject matter by the claimant against the Texas
22 Department of Criminal Justice under this section.

23 (d) This section does not apply to property damage, personal
24 injury, or death sustained by an inmate [~~or state jail defendant~~].

25 SECTION 3. Article [42A.056](#), Code of Criminal Procedure, is
26 amended to read as follows:

27 Art. 42A.056. LIMITATION ON JURY-RECOMMENDED COMMUNITY

1 SUPERVISION. A defendant is not eligible for community
2 supervision under Article 42A.055 if the defendant:

3 (1) is sentenced to a term of imprisonment that
4 exceeds 10 years;

5 (2) ~~[is convicted of a state jail felony for which~~
6 ~~suspension of the imposition of the sentence occurs automatically~~
7 ~~under Article 42A.551,~~

8 ~~(3)]~~ is adjudged guilty of an offense under Section
9 19.02, Penal Code;

10 (3) ~~(4)]~~ is convicted of an offense under Section
11 21.11(a)(1), 22.011, or 22.021, Penal Code, if the victim of the
12 offense was younger than 14 years of age at the time the offense was
13 committed;

14 (4) ~~(5)]~~ is convicted of an offense under Section
15 20.04, Penal Code, if:

16 (A) the victim of the offense was younger than 14
17 years of age at the time the offense was committed; and

18 (B) the actor committed the offense with the
19 intent to violate or abuse the victim sexually;

20 (5) ~~(6)]~~ is convicted of an offense under Section
21 20A.02, 43.05, or 43.25, Penal Code; or

22 (6) ~~(7)]~~ is convicted of an offense for which
23 punishment is increased under Section 481.134(c), (d), (e), or (f),
24 Health and Safety Code, if it is shown that the defendant has been
25 previously convicted of an offense for which punishment was
26 increased under any of those subsections.

27 SECTION 4. Articles 56.12(a) and (a-1), Code of Criminal

1 Procedure, are amended to read as follows:

2 (a) The Texas Department of Criminal Justice shall
3 immediately notify the victim of an offense, the victim's guardian,
4 or the victim's close relative, if the victim is deceased, if the
5 victim, victim's guardian, or victim's close relative has notified
6 the department as provided by Subsection (b), whenever the
7 defendant:

8 (1) escapes from a facility operated by the department
9 for the imprisonment of individuals convicted of felonies [~~other~~
10 ~~than state jail felonies~~]; or

11 (2) is transferred from the custody of a facility
12 operated by the department for the imprisonment of individuals
13 convicted of felonies [~~other than state jail felonies~~] to the
14 custody of a peace officer under a writ of attachment or a bench
15 warrant.

16 (a-1) The Texas Department of Criminal Justice shall
17 immediately notify a witness who testified against a defendant at
18 the trial for the offense for which the defendant is incarcerated,
19 the witness's guardian, or the witness's close relative, if the
20 witness is deceased, if the witness, witness's guardian, or
21 witness's close relative has notified the department as provided by
22 Subsection (b), whenever the defendant:

23 (1) escapes from a facility operated by the department
24 for the imprisonment of individuals convicted of felonies [~~other~~
25 ~~than state jail felonies~~]; or

26 (2) is transferred from the custody of a facility
27 operated by the department for the imprisonment of individuals

1 convicted of felonies [~~other than state jail felonies~~] to the
2 custody of a peace officer under a writ of attachment or a bench
3 warrant.

4 SECTION 5. Article 57.02(i), Code of Criminal Procedure, as
5 added by Chapter 619 (H.B. 433), Acts of the 80th Legislature,
6 Regular Session, 2007, is amended to read as follows:

7 (i) This article does not prohibit the inspector general of
8 the Texas Department of Criminal Justice from disclosing a victim's
9 identifying information to an employee of the department if the
10 victim is an inmate [~~or state jail defendant~~] confined in a facility
11 operated by or under contract with the department.

12 SECTION 6. Article 57.02(i), Code of Criminal Procedure, as
13 added by Chapter 1217 (H.B. 1944), Acts of the 80th Legislature,
14 Regular Session, 2007, is redesignated as Article 57.02(j), Code of
15 Criminal Procedure, and amended to read as follows:

16 (j) [~~(i)~~] This article does not prohibit the inspector
17 general of the Texas Department of Criminal Justice from disclosing
18 a victim's identifying information to the department's ombudsperson
19 if the victim is an inmate [~~or state jail defendant~~] confined in a
20 facility operated by or under contract with the department.

21 SECTION 7. Article 57.03(c-1), Code of Criminal Procedure,
22 as added by Chapter 619 (H.B. 433), Acts of the 80th Legislature,
23 Regular Session, 2007, is amended to read as follows:

24 (c-1) It is an exception to the application of this article
25 that:

26 (1) the person who discloses the name, address, or
27 telephone number of a victim is the inspector general of the Texas

1 Department of Criminal Justice;

2 (2) the victim is an inmate [~~or state jail defendant~~]
3 confined in a facility operated by or under contract with the Texas
4 Department of Criminal Justice; and

5 (3) the person to whom the disclosure is made is an
6 employee of the department.

7 SECTION 8. Article 57.03(c-1), Code of Criminal Procedure,
8 as added by Chapter 1217 (H.B. 1944), Acts of the 80th Legislature,
9 Regular Session, 2007, is redesignated as Article 57.03(c-2), Code
10 of Criminal Procedure, and amended to read as follows:

11 (c-2) [~~(c-1)~~] It is an exception to the application of this
12 article that:

13 (1) the person who discloses the name, address, or
14 telephone number of a victim is the inspector general of the Texas
15 Department of Criminal Justice;

16 (2) the victim is an inmate [~~or state jail defendant~~]
17 confined in a facility operated by or under contract with the
18 department; and

19 (3) the person to whom the disclosure is made is the
20 department's ombudsperson.

21 SECTION 9. Article 62.001(5), Code of Criminal Procedure,
22 is amended to read as follows:

23 (5) "Reportable conviction or adjudication" means a
24 conviction or adjudication, including an adjudication of
25 delinquent conduct or a deferred adjudication, that, regardless of
26 the pendency of an appeal, is a conviction for or an adjudication
27 for or based on:

1 (A) a violation of Section 21.02 (Continuous
2 sexual abuse of young child or children), 21.09 (Bestiality), 21.11
3 (Indecency with a child), 22.011 (Sexual assault), 22.021
4 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),
5 Penal Code;

6 (B) a violation of Section 43.05 (Compelling
7 prostitution), 43.25 (Sexual performance by a child), or 43.26
8 (Possession or promotion of child pornography), Penal Code;

9 (B-1) a violation of Section 43.02
10 (Prostitution), Penal Code, if the offense is punishable under
11 Subsection (c-1)(2) [~~(c-1)(3)~~] of that section;

12 (C) a violation of Section 20.04(a)(4)
13 (Aggravated kidnapping), Penal Code, if the actor committed the
14 offense or engaged in the conduct with intent to violate or abuse
15 the victim sexually;

16 (D) a violation of Section 30.02 (Burglary),
17 Penal Code, if the offense or conduct is punishable under
18 Subsection (d) of that section and the actor committed the offense
19 or engaged in the conduct with intent to commit a felony listed in
20 Paragraph (A) or (C);

21 (E) a violation of Section 20.02 (Unlawful
22 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
23 Penal Code, if, as applicable:

24 (i) the judgment in the case contains an
25 affirmative finding under Article 42.015; or

26 (ii) the order in the hearing or the papers
27 in the case contain an affirmative finding that the victim or

1 intended victim was younger than 17 years of age;

2 (F) the second violation of Section 21.08
3 (Indecent exposure), Penal Code, but not if the second violation
4 results in a deferred adjudication;

5 (G) an attempt, conspiracy, or solicitation, as
6 defined by Chapter 15, Penal Code, to commit an offense or engage in
7 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

8 (H) a violation of the laws of another state,
9 federal law, the laws of a foreign country, or the Uniform Code of
10 Military Justice for or based on the violation of an offense
11 containing elements that are substantially similar to the elements
12 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
13 (G), (J), (K), or (L), but not if the violation results in a
14 deferred adjudication;

15 (I) the second violation of the laws of another
16 state, federal law, the laws of a foreign country, or the Uniform
17 Code of Military Justice for or based on the violation of an offense
18 containing elements that are substantially similar to the elements
19 of the offense of indecent exposure, but not if the second violation
20 results in a deferred adjudication;

21 (J) a violation of Section 33.021 (Online
22 solicitation of a minor), Penal Code;

23 (K) a violation of Section 20A.02(a)(3), (4),
24 (7), or (8) (Trafficking of persons), Penal Code; or

25 (L) a violation of Section 20A.03 (Continuous
26 trafficking of persons), Penal Code, if the offense is based partly
27 or wholly on conduct that constitutes an offense under Section

1 20A.02(a)(3), (4), (7), or (8) of that code.

2 SECTION 10. Sections 76.010(a), (c), (d), (e), and (f),
3 Government Code, are amended to read as follows:

4 (a) In this section, "community [+
5 ~~[(1) "Community]~~ corrections facility" has the
6 meaning assigned by Section 509.001.

7 ~~[(2) "State jail felony facility" means a facility~~
8 ~~operated or contracted for by the Texas Department of Criminal~~
9 ~~Justice under Subchapter A, Chapter 507, for the confinement of~~
10 ~~individuals convicted of state jail felonies.]~~

11 (c) The department may authorize expenditures of funds
12 provided by the division to the department for the purposes of
13 providing facilities, equipment, and utilities for community
14 corrections facilities ~~[or state jail felony facilities]~~ if:

15 (1) the judges described by Section 76.002 recommend
16 the expenditures; and

17 (2) the division~~[, or the correctional institutions~~
18 ~~division of the Texas Department of Criminal Justice in the case of~~
19 ~~a state jail felony facility,]~~ provides funds for the purpose of
20 assisting in the establishment or improvement of the facilities.

21 (d) A department may acquire, hold title to, and own real
22 property for the purpose of establishing a community corrections
23 facility ~~[or a state jail felony facility]~~.

24 (e) A department, county, municipality, or a combination
25 involving more than one of those entities may not use a facility or
26 real property purchased, acquired, or improved with state funds
27 unless the division~~[, or the correctional institutions division of~~

1 ~~the Texas Department of Criminal Justice in the case of a state jail~~
2 ~~felony facility,~~] first approves the use.

3 (f) The division [~~or the correctional institutions division~~
4 ~~of the Texas Department of Criminal Justice, in the case of a state~~
5 ~~jail felony facility,~~] is entitled to reimbursement from an entity
6 described by Subsection (e) of all state funds used by the entity
7 without the approval required by Subsection (e).

8 SECTION 11. Section 402.035(d), Government Code, is amended
9 to read as follows:

10 (d) The task force shall:

11 (1) collaborate, as needed to fulfill the duties of
12 the task force, with:

13 (A) United States attorneys' offices for all of
14 the federal districts of Texas; and

15 (B) special agents or customs and border
16 protection officers and border patrol agents of:

17 (i) the Federal Bureau of Investigation;

18 (ii) the United States Drug Enforcement
19 Administration;

20 (iii) the Bureau of Alcohol, Tobacco,
21 Firearms and Explosives;

22 (iv) United States Immigration and Customs
23 Enforcement; or

24 (v) the United States Department of
25 Homeland Security;

26 (2) collect, organize, and periodically publish
27 statistical data on the nature and extent of human trafficking in

1 this state, including data described by Subdivisions (4)(A), (B),
2 (C), (D), and (E);

3 (3) solicit cooperation and assistance from state and
4 local governmental agencies, political subdivisions of the state,
5 nongovernmental organizations, and other persons, as appropriate,
6 for the purpose of collecting and organizing statistical data under
7 Subdivision (2);

8 (4) ensure that each state or local governmental
9 agency and political subdivision of the state and each state or
10 local law enforcement agency, district attorney, or county attorney
11 that assists in the prevention of human trafficking collects
12 statistical data related to human trafficking, including, as
13 appropriate:

14 (A) the number of investigations concerning,
15 arrests and prosecutions for, and convictions of:

16 (i) the offense of trafficking of persons;

17 (ii) the offense of forgery or an offense
18 under Chapter 43, Penal Code, if the offense was committed as part
19 of a criminal episode involving the trafficking of persons; and

20 (iii) an offense punishable under Section
21 43.02(c-1)(2) [~~43.02(c-1)(3)~~], Penal Code, regardless of whether
22 the offense was committed as part of a criminal episode involving
23 the trafficking of persons;

24 (B) demographic information on persons who are
25 convicted of offenses described by Paragraph (A) and persons who
26 are the victims of those offenses;

27 (C) geographic routes by which human trafficking

1 victims are trafficked, including routes by which victims are
2 trafficked across this state's international border, and
3 geographic patterns in human trafficking, including the country or
4 state of origin and the country or state of destination;

5 (D) means of transportation and methods used by
6 persons who engage in trafficking to transport their victims; and

7 (E) social and economic factors that create a
8 demand for the labor or services that victims of human trafficking
9 are forced to provide;

10 (5) work with the Texas Commission on Law Enforcement
11 to develop and conduct training for law enforcement personnel,
12 victim service providers, and medical service providers to identify
13 victims of human trafficking;

14 (6) work with the Texas Education Agency, the
15 Department of Family and Protective Services, and the Health and
16 Human Services Commission to:

17 (A) develop a list of key indicators that a
18 person is a victim of human trafficking;

19 (B) develop a standardized curriculum for
20 training doctors, nurses, emergency medical services personnel,
21 teachers, school counselors, school administrators, and personnel
22 from the Department of Family and Protective Services and the
23 Health and Human Services Commission to identify and assist victims
24 of human trafficking;

25 (C) train doctors, nurses, emergency medical
26 services personnel, teachers, school counselors, school
27 administrators, and personnel from the Department of Family and

1 Protective Services and the Health and Human Services Commission to
2 identify and assist victims of human trafficking;

3 (D) develop and conduct training for personnel
4 from the Department of Family and Protective Services and the
5 Health and Human Services Commission on methods for identifying
6 children in foster care who may be at risk of becoming victims of
7 human trafficking; and

8 (E) develop a process for referring identified
9 human trafficking victims and individuals at risk of becoming
10 victims to appropriate entities for services;

11 (7) on the request of a judge of a county court, county
12 court at law, or district court or a county attorney, district
13 attorney, or criminal district attorney, assist and train the judge
14 or the judge's staff or the attorney or the attorney's staff in the
15 recognition and prevention of human trafficking;

16 (8) examine training protocols related to human
17 trafficking issues, as developed and implemented by federal, state,
18 and local law enforcement agencies;

19 (9) collaborate with state and local governmental
20 agencies, political subdivisions of the state, and nongovernmental
21 organizations to implement a media awareness campaign in
22 communities affected by human trafficking;

23 (10) develop recommendations on how to strengthen
24 state and local efforts to prevent human trafficking, protect and
25 assist human trafficking victims, curb markets and other economic
26 avenues that facilitate human trafficking and investigate and
27 prosecute human trafficking offenders;

1 (11) examine the extent to which human trafficking is
2 associated with the operation of sexually oriented businesses, as
3 defined by Section 243.002, Local Government Code, and the
4 workplace or public health concerns that are created by the
5 association of human trafficking and the operation of sexually
6 oriented businesses;

7 (12) develop recommendations for addressing the
8 demand for forced labor or services or sexual conduct involving
9 victims of human trafficking, including recommendations for
10 increased penalties for individuals who engage or attempt to engage
11 in prostitution with victims younger than 18 years of age; and

12 (13) identify and report to the governor and
13 legislature on laws, licensure requirements, or other regulations
14 that can be passed at the state and local level to curb trafficking
15 using the Internet and in sexually oriented businesses.

16 SECTION 12. Section 411.172(b), Government Code, is amended
17 to read as follows:

18 (b) For the purposes of this section, an offense under the
19 laws of this state, another state, or the United States is:

20 (1) except as provided by Subsection (b-1), a felony
21 if the offense, at the time the offense is committed:

22 (A) is designated by a law of this state as a
23 felony;

24 (B) contains all the elements of an offense
25 designated by a law of this state as a felony; or

26 (C) is punishable by confinement for one year or
27 more in a penitentiary; and

1 (2) a Class A misdemeanor if the offense is not a
2 felony and confinement in a jail [~~other than a state jail felony~~
3 ~~facility~~] is affixed as a possible punishment.

4 SECTION 13. Section 493.002(a), Government Code, is amended
5 to read as follows:

6 (a) The following divisions are within the department:

7 (1) the community justice assistance division;

8 (2) the institutional division;

9 (3) the pardons and paroles division;

10 (4) [~~the state jail division,~~

11 ~~(5)]~~ the internal audit division; and

12 (5) [~~(6)]~~ the programs and services division.

13 SECTION 14. Section 493.0021(a), Government Code, is
14 amended to read as follows:

15 (a) Notwithstanding Sections 493.002, 493.003, 493.004,
16 493.005, [~~493.0051,~~] 493.0052, [~~as added by Chapter 1360, Acts of~~
17 ~~the 75th Legislature, Regular Session, 1997,~~] and 493.0053
18 [~~493.0052, as added by Chapter 490, Acts of the 75th Legislature,~~
19 ~~Regular Session, 1997,~~], the executive director, with the approval
20 of the board, may:

21 (1) create divisions in addition to those listed in
22 Section 493.002 and assign to the newly created divisions any
23 duties and powers imposed on or granted to an existing division or
24 to the department generally;

25 (2) eliminate any division listed in Section 493.002
26 or created under this section and assign any duties or powers
27 previously assigned to the eliminated division to another division

1 listed in Section 493.002 or created under this section; or

2 (3) eliminate all divisions listed in Section 493.002
3 or created under this section and reorganize the distribution of
4 powers and duties granted to or imposed on a division in any manner
5 the executive director determines is best for the proper
6 administration of the department.

7 SECTION 15. Chapter 493, Government Code, is amended by
8 adding Section 493.0095 to read as follows:

9 Sec. 493.0095. USE OF FORMER STATE JAIL FELONY FACILITIES.
10 Notwithstanding any other law, the department may use a state jail
11 felony facility established under former Chapter 507 for any
12 purpose the department determines appropriate, including the
13 confinement of inmates serving a sentence for a felony of the fourth
14 degree.

15 SECTION 16. Section 493.015(b), Government Code, is amended
16 to read as follows:

17 (b) The department shall identify those inmates who are
18 imprisoned in the institutional division or confined in a transfer
19 facility, a substance abuse treatment facility, [~~a state jail~~
20 ~~felony facility,~~] or a county jail awaiting transfer to the
21 institutional division and for whom the department is unable to
22 reasonably ascertain whether or not the person is an illegal
23 criminal alien.

24 SECTION 17. Section 496.007, Government Code, is amended to
25 read as follows:

26 Sec. 496.007. LOCATION OF NEW FACILITIES. In determining
27 the location of a facility to be built, the department, in

1 evaluating the advantages and disadvantages of the proposed
2 location, shall consider whether the proposed location is:

3 (1) close enough to a county with 100,000 or more
4 inhabitants to provide access to services and other resources
5 provided in such a county;

6 (2) cost-effective with respect to its proximity to
7 other facilities of the department;

8 (3) close to an area that would facilitate release of
9 inmates [~~or persons confined in state jail felony facilities~~] to
10 their area of residence; and

11 (4) close to an area that provides adequate
12 educational opportunities and medical care.

13 SECTION 18. Section 497.010(d), Government Code, is amended
14 to read as follows:

15 (d) It is an exception to the application of this section
16 that the actor was an inmate [~~or state jail defendant~~] confined in a
17 facility operated by or under contract with the department who sold
18 or offered to sell an art or craft in the manner authorized under
19 Section 501.013(b).

20 SECTION 19. Section 497.094(b), Government Code, is amended
21 to read as follows:

22 (b) The department and the Texas Workforce Investment
23 Council by rule shall adopt a memorandum of understanding that
24 establishes the respective responsibility of those entities to
25 provide through local workforce development boards job training and
26 employment assistance to persons formerly sentenced to the
27 institutional division [~~or the state jail division~~] and information

1 on services available to employers or potential employers of those
2 persons. The department shall coordinate the development of the
3 memorandum of understanding.

4 SECTION 20. Section 499.155(a), Government Code, is amended
5 to read as follows:

6 (a) Except as provided by Subsection (b), the institutional
7 division may not confine an inmate described by Section 499.152 in a
8 transfer facility authorized by this subchapter for a period that
9 exceeds the maximum period for which a person [~~state jail felon~~]
10 be confined [~~in a state jail felony facility~~] under Section 12.35,
11 Penal Code.

12 SECTION 21. Section 501.015(f), Government Code, is amended
13 to read as follows:

14 (f) Subsection (a)(3) does not apply to an inmate [~~who on
15 discharge or release on parole, mandatory supervision, or
16 conditional pardon is transferred from the custody of the
17 institutional division to a state jail felony facility or~~] who is
18 subject to a felony detainer and is released to the custody of
19 another jurisdiction.

20 SECTION 22. Section 501.054(g), Government Code, is amended
21 to read as follows:

22 (g) The department shall maintain the confidentiality of
23 test results of an inmate indicating HIV infection at all times,
24 including after the inmate's discharge [~~release from a state
25 jail,~~] or release on parole or mandatory supervision. The
26 department may not honor the request of an agency of the state or
27 any person who requests a test result as a condition of housing or

1 supervising the inmate while the inmate is on community supervision
2 or parole or mandatory supervision, unless honoring the request
3 would improve the ability of the inmate to obtain essential health
4 and social services.

5 SECTION 23. Section 501.091, Government Code, as added by
6 Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular
7 Session, 2009, is reenacted and amended to read as follows:

8 Sec. 501.091. DEFINITIONS. In this subchapter:

9 (1) "Correctional facility" means a facility operated
10 by or under contract with the department.

11 (2) "Offender" means an inmate [~~or state jail~~
12 ~~defendant~~] confined in a correctional facility.

13 SECTION 24. Section 501.171(2), Government Code, is amended
14 to read as follows:

15 (2) "Inmate" means an inmate [~~or state jail defendant~~]
16 confined in a facility operated by or under contract with the
17 department.

18 SECTION 25. Section 1232.114(b), Government Code, is
19 amended to read as follows:

20 (b) This section does not apply to a minor renovation,
21 repair, or construction project at a facility operated by the Texas
22 Department of Criminal Justice for the imprisonment of individuals
23 convicted of felonies [~~other than state jail felonies~~], as defined
24 by the department in cooperation with the commission. Instead of
25 submitting a project analysis, the department may substitute the
26 master plan required to be submitted by Section 1401.121 if the
27 master plan contains information substantially equivalent to the

1 information required to be in a project analysis under Sections
2 2166.151-2166.155.

3 SECTION 26. Section 2166.003(b), Government Code, is
4 amended to read as follows:

5 (b) Only Sections 2166.104, 2166.151, 2166.152, 2166.153,
6 2166.154, 2166.155, 2166.251, 2166.252, and Subchapter H apply to a
7 construction project undertaken by or for the Texas Department of
8 Criminal Justice for the imprisonment of individuals convicted of
9 felonies [~~other than state jail felonies~~].

10 SECTION 27. Section 2303.402(c), Government Code, is
11 amended to read as follows:

12 (c) For the purposes of this section, an economically
13 disadvantaged individual is an individual who:

14 (1) was unemployed for at least three months before
15 obtaining employment with the qualified business;

16 (2) receives public assistance benefits, including
17 welfare payments or food stamps, based on need and intended to
18 alleviate poverty;

19 (3) is a low-income individual, as defined by Section
20 101, Workforce Investment Act of 1998 (29 U.S.C. Section 2801(25));

21 (4) is an individual with a disability, as defined
22 by 29 U.S.C. Section 705(20)(A);

23 (5) is an inmate, as defined by Section 498.001;

24 (6) is entering the workplace after being confined in
25 a facility operated by or under contract with the Texas Department
26 of Criminal Justice for the imprisonment of individuals convicted
27 of felonies [~~other than state jail felonies~~];

1 (7) has been released by the Texas Juvenile Justice
2 Department and is on parole, if state law provides for such a person
3 to be on parole;

4 (8) meets the current low income or moderate income
5 limits developed under Section 8, United States Housing Act of 1937
6 (42 U.S.C. Section 1437f et seq.); or

7 (9) was under the permanent managing conservatorship
8 of the Department of Family and Protective Services on the day
9 preceding the individual's 18th birthday.

10 SECTION 28. Section 481.115(b), Health and Safety Code, is
11 amended to read as follows:

12 (b) An offense under Subsection (a) is a Class A misdemeanor
13 [~~state jail felony~~] if the amount of the controlled substance
14 possessed is, by aggregate weight, including adulterants or
15 dilutants, less than one gram.

16 SECTION 29. Section 481.1151(b), Health and Safety Code, is
17 amended to read as follows:

18 (b) An offense under this section is:

19 (1) a Class A misdemeanor [~~state jail felony~~] if the
20 number of abuse units of the controlled substance is fewer than 20;

21 (2) a felony of the third degree if the number of abuse
22 units of the controlled substance is 20 or more but fewer than 80;

23 (3) a felony of the second degree if the number of
24 abuse units of the controlled substance is 80 or more but fewer than
25 4,000;

26 (4) a felony of the first degree if the number of abuse
27 units of the controlled substance is 4,000 or more but fewer than

1 8,000; and

2 (5) punishable by imprisonment in the Texas Department
3 of Criminal Justice for life or for a term of not more than 99 years
4 or less than 15 years and a fine not to exceed \$250,000, if the
5 number of abuse units of the controlled substance is 8,000 or more.

6 SECTION 30. Section 481.116(b), Health and Safety Code, is
7 amended to read as follows:

8 (b) An offense under Subsection (a) is a Class A misdemeanor
9 [~~state jail felony~~] if the amount of the controlled substance
10 possessed is, by aggregate weight, including adulterants or
11 dilutants, less than one gram.

12 SECTION 31. Section 481.1161(b), Health and Safety Code, is
13 amended to read as follows:

14 (b) An offense under this section is:

15 (1) a Class B misdemeanor if the amount of the
16 controlled substance possessed is, by aggregate weight, including
17 adulterants or dilutants, four [~~two~~] ounces or less;

18 (2) [~~a Class A misdemeanor if the amount of the~~
19 ~~controlled substance possessed is, by aggregate weight, including~~
20 ~~adulterants or dilutants, four ounces or less but more than two~~
21 ~~ounces,~~

22 [~~(3)~~] a Class A misdemeanor [~~state jail felony~~] if the
23 amount of the controlled substance possessed is, by aggregate
24 weight, including adulterants or dilutants, five pounds or less but
25 more than four ounces;

26 (3) [~~(4)~~] a felony of the third degree if the amount of
27 the controlled substance possessed is, by aggregate weight,

1 including adulterants or dilutants, 50 pounds or less but more than
2 5 pounds;

3 (4) [~~(5)~~] a felony of the second degree if the amount
4 of the controlled substance possessed is, by aggregate weight,
5 including adulterants or dilutants, 2,000 pounds or less but more
6 than 50 pounds; and

7 (5) [~~(6)~~] punishable by imprisonment in the Texas
8 Department of Criminal Justice for life or for a term of not more
9 than 99 years or less than 5 years, and a fine not to exceed \$50,000,
10 if the amount of the controlled substance possessed is, by
11 aggregate weight, including adulterants or dilutants, more than
12 2,000 pounds.

13 SECTION 32. Section 481.121(b), Health and Safety Code, is
14 amended to read as follows:

15 (b) An offense under Subsection (a) is:

16 (1) a Class B misdemeanor if the amount of marihuana
17 possessed is four [~~two~~] ounces or less;

18 [~~(2) [a Class A misdemeanor if the amount of marihuana
19 possessed is four ounces or less but more than two ounces,~~

20 [~~(3)~~] a Class A misdemeanor [~~state jail felony~~] if the
21 amount of marihuana possessed is five pounds or less but more than
22 four ounces;

23 (3) [~~(4)~~] a felony of the third degree if the amount of
24 marihuana possessed is 50 pounds or less but more than 5 pounds;

25 (4) [~~(5)~~] a felony of the second degree if the amount
26 of marihuana possessed is 2,000 pounds or less but more than 50
27 pounds; and

1 (5) [~~(6)~~] punishable by imprisonment in the Texas
2 Department of Criminal Justice for life or for a term of not more
3 than 99 years or less than 5 years, and a fine not to exceed \$50,000,
4 if the amount of marihuana possessed is more than 2,000 pounds.

5 SECTION 33. Section 481.126(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) A person commits an offense if the person:

8 (1) barter property or expends funds the person knows
9 are derived from the commission of an offense under this chapter
10 punishable by imprisonment in the Texas Department of Criminal
11 Justice for life;

12 (2) barter property or expends funds the person knows
13 are derived from the commission of an offense under Section
14 481.121(a) that is punishable under Section 481.121(b)(4)
15 [~~481.121(b)(5)~~];

16 (3) barter property or finances or invests funds the
17 person knows or believes are intended to further the commission of
18 an offense for which the punishment is described by Subdivision
19 (1); or

20 (4) barter property or finances or invests funds the
21 person knows or believes are intended to further the commission of
22 an offense under Section 481.121(a) that is punishable under
23 Section 481.121(b)(4) [~~481.121(b)(5)~~].

24 SECTION 34. Section 481.129(g), Health and Safety Code, is
25 amended to read as follows:

26 (g) An offense under Subsection (c)(2) is:

27 (1) a Class A misdemeanor [~~state jail felony~~] if the

1 defendant possesses:

2 (A) a prescription form; or

3 (B) a prescription for a controlled substance
4 listed in Schedule II or III; and

5 (2) a Class B misdemeanor if the defendant possesses a
6 prescription for a controlled substance listed in Schedule IV or V.

7 SECTION 35. Sections 481.134(c), (d), and (e), Health and
8 Safety Code, are amended to read as follows:

9 (c) The minimum term of confinement or imprisonment for an
10 offense otherwise punishable under Section 481.112(c), (d), (e), or
11 (f), 481.1121(b)(2), (3), or (4), 481.113(c), (d), or (e),
12 481.114(c), (d), or (e), 481.115(c)-(f), 481.1151(b)(2), (3), (4),
13 or (5), 481.116(c), (d), or (e), 481.1161(b)(3), (4), or (5)
14 [~~481.1161(b)(4), (5), or (6)~~], 481.117(c), (d), or (e), 481.118(c),
15 (d), or (e), 481.120(b)(4), (5), or (6), or 481.121(b)(3), (4), or
16 (5) [~~481.121(b)(4), (5), or (6)~~] is increased by five years and the
17 maximum fine for the offense is doubled if it is shown on the trial
18 of the offense that the offense was committed:

19 (1) in, on, or within 1,000 feet of the premises of a
20 school, the premises of a public or private youth center, or a
21 playground; or

22 (2) on a school bus.

23 (d) An offense otherwise punishable under Section
24 481.112(b), 481.1121(b)(1), 481.113(b), 481.114(b), or
25 [~~481.115(b), 481.1151(b)(1), 481.116(b), 481.1161(b)(3),~~]
26 481.120(b)(3) [~~, or 481.121(b)(3)~~] is a felony of the third degree
27 if it is shown on the trial of the offense that the offense was

1 committed:

2 (1) in, on, or within 1,000 feet of any real property
3 that is owned, rented, or leased to a school or school board, the
4 premises of a public or private youth center, or a playground; or

5 (2) on a school bus.

6 (e) An offense otherwise punishable under Section
7 481.115(b), 481.1151(b)(1), 481.116(b), 481.117(b), 481.119(a),
8 481.120(b)(2), or 481.121(b)(2) is a ~~[state jail]~~ felony of the
9 fourth degree if it is shown on the trial of the offense that the
10 offense was committed:

11 (1) in, on, or within 1,000 feet of any real property
12 that is owned, rented, or leased to a school or school board, the
13 premises of a public or private youth center, or a playground; or

14 (2) on a school bus.

15 SECTION 36. Section 614.0032(a), Health and Safety Code, is
16 amended to read as follows:

17 (a) The office shall~~[-~~

18 ~~[-(1)]~~ perform duties imposed on the office by Section
19 508.146, Government Code~~[-, and~~

20 ~~[-(2) periodically identify state jail felony~~
21 ~~defendants suitable for release under Article 42A.561, Code of~~
22 ~~Criminal Procedure, and perform other duties imposed on the office~~
23 ~~by that article].~~

24 SECTION 37. Section 306.007(b), Labor Code, is amended to
25 read as follows:

26 (b) The commission shall adopt a memorandum of
27 understanding with each of the following agencies that establishes

1 the respective responsibilities of the commission and the agencies
2 in providing information described by Subsection (a) to persons
3 formerly sentenced to the institutional division [~~or the state jail~~
4 ~~division~~] of the Texas Department of Criminal Justice, to employers
5 or potential employers of those persons, and to local workforce
6 development boards:

7 (1) the Department of State Health Services;

8 (2) the Texas Department of Housing and Community
9 Affairs;

10 (3) the Texas Veterans Commission; and

11 (4) the Health and Human Services Commission.

12 SECTION 38. Section [244.006](#), Local Government Code, is
13 amended to read as follows:

14 Sec. 244.006. EXEMPTIONS. This subchapter does not apply
15 to the operation of a correctional or rehabilitation facility at a
16 location subject to this subchapter if:

17 (1) on September 1, 1997, the correctional or
18 rehabilitation facility was in operation, under construction,
19 under contract for operation or construction, or planned for
20 construction at the location on land owned or leased by an agency or
21 political subdivision of the state and designated for use as a
22 correctional or rehabilitation facility;

23 (2) the correctional or rehabilitation facility was in
24 operation or under construction before the establishment of a
25 residential area the location of which makes the facility subject
26 to this subchapter;

27 (3) the correctional or rehabilitation facility is a

1 temporary correctional or rehabilitation facility that will be
2 operated at the location for less than one year;

3 (4) the correctional or rehabilitation facility is
4 required to obtain a special use permit or a conditional use permit
5 from the municipality in which the facility is located before
6 beginning operation;

7 (5) the correctional or rehabilitation facility is an
8 expansion of a facility operated by the correctional institutions
9 division of the Texas Department of Criminal Justice for the
10 imprisonment of individuals convicted of felonies [~~other than state~~
11 ~~jail felonies~~] or by the Texas Juvenile Justice Department;

12 (6) the correctional or rehabilitation facility is a
13 county jail or a pre-adjudication or post-adjudication juvenile
14 detention facility operated by a county or county juvenile board;

15 (7) the facility is:

16 (A) a juvenile probation office located at, and
17 operated in conjunction with, a juvenile justice alternative
18 education center; and

19 (B) used exclusively by students attending the
20 juvenile justice alternative education center;

21 (8) the facility is a public or private institution of
22 higher education or vocational training to which admission is open
23 to the general public;

24 (9) the facility is operated primarily as a treatment
25 facility for juveniles under contract with the Health and Human
26 Services Commission, [~~Department of Aging and Disability Services~~
27 ~~or~~] the Department of State Health Services, a local intellectual

1 and developmental disability authority, or a local mental health
2 [~~or mental retardation~~] authority;

3 (10) the facility is operated as a juvenile justice
4 alternative education program;

5 (11) the facility:

6 (A) is not operated primarily as a correctional
7 or rehabilitation facility; and

8 (B) only houses persons or children described by
9 Section 244.001(1)(B) for a purpose related to treatment or
10 education; or

11 (12) the facility is a probation or parole office
12 located in a commercial use area.

13 SECTION 39. Section 331.010(b), Local Government Code, is
14 amended to read as follows:

15 (b) The governor and the Texas Board of Criminal Justice may
16 permit the use of state inmates [~~and defendants confined in state~~
17 ~~jail felony facilities~~] for the improvement and maintenance of
18 parks acquired under this chapter under agreements made by the
19 Parks and Wildlife Department and the municipality or county.

20 SECTION 40. Section 12.4061, Parks and Wildlife Code, is
21 amended to read as follows:

22 Sec. 12.4061. PARKS AND WILDLIFE CODE FOURTH DEGREE [~~STATE~~
23 ~~JAIL~~] FELONY. (a) An individual adjudged guilty of a Parks and
24 Wildlife Code [~~state jail~~] felony of the fourth degree shall be
25 punished by imprisonment in the Texas Department of Criminal
26 Justice [~~confinement in a state jail~~] for a term of not more than
27 two years or less than 180 days.

1 (b) In addition to imprisonment [~~confinement~~], an
2 individual adjudged guilty of a Parks and Wildlife Code [~~state~~
3 ~~jail~~] felony of the fourth degree may be punished by a fine of not
4 less than \$1,500 and not more than \$10,000.

5 (c) For purposes of this code, "Parks and Wildlife Code
6 state jail felony" means a Parks and Wildlife Code felony of the
7 fourth degree.

8 SECTION 41. Section 76.118(e-1), Parks and Wildlife Code,
9 is amended to read as follows:

10 (e-1) If it is shown at the trial of a defendant for a
11 violation of Section 76.116 that the defendant has been convicted
12 once within five years before the trial date of a violation of
13 Section 76.116, the defendant is guilty of a Class A Parks and
14 Wildlife Code misdemeanor [~~state jail felony~~].

15 SECTION 42. Section 12.04, Penal Code, is amended to read as
16 follows:

17 Sec. 12.04. CLASSIFICATION OF FELONIES. (a) Felonies are
18 classified according to the relative seriousness of the offense
19 into five categories:

- 20 (1) capital felonies;
- 21 (2) felonies of the first degree;
- 22 (3) felonies of the second degree;
- 23 (4) felonies of the third degree; and
- 24 (5) [~~state jail~~] felonies of the fourth degree.

25 (b) An offense designated a felony in this code without
26 specification as to category is a [~~state jail~~] felony of the fourth
27 degree.

1 (c) For purposes of this code and any other laws of this
2 state, "state jail felony" means a felony of the fourth degree.

3 (d) For purposes of enhancing a penalty under this code or
4 any other laws of this state:

5 (1) a person is considered to have been previously
6 convicted of a felony of the fourth degree if the person has a final
7 conviction for a state jail felony; and

8 (2) a person is considered to have previously received
9 a discharge and dismissal under Article 42A.111, Code of Criminal
10 Procedure, for a felony of the fourth degree if the person received
11 a discharge and dismissal under that article for a state jail
12 felony.

13 SECTION 43. Section 12.35, Penal Code, is amended to read as
14 follows:

15 Sec. 12.35. FOURTH DEGREE [~~STATE JAIL~~] FELONY PUNISHMENT.

16 (a) Except as provided by Subsection (c), an individual adjudged
17 guilty of a [~~state jail~~] felony of the fourth degree shall be
18 punished by imprisonment in the Texas Department of Criminal
19 Justice [~~confinement in a state jail~~] for any term of not more than
20 two years or less than 180 days.

21 (b) In addition to imprisonment [~~confinement~~], an
22 individual adjudged guilty of a [~~state jail~~] felony of the fourth
23 degree may be punished by a fine not to exceed \$10,000.

24 (c) An individual adjudged guilty of a [~~state jail~~] felony
25 of the fourth degree shall be punished for a third degree felony if
26 it is shown on the trial of the offense that:

27 (1) a deadly weapon as defined by Section 1.07 was used

1 or exhibited during the commission of the offense or during
2 immediate flight following the commission of the offense, and that
3 the individual used or exhibited the deadly weapon or was a party to
4 the offense and knew that a deadly weapon would be used or
5 exhibited; or

6 (2) the individual has previously been finally
7 convicted of any felony:

8 (A) under Section 20A.03 or 21.02 or listed in
9 Article 42A.054(a), Code of Criminal Procedure; or

10 (B) for which the judgment contains an
11 affirmative finding under Article 42A.054(c) or (d), Code of
12 Criminal Procedure.

13 SECTION 44. Sections 12.42(a), (b), and (d), Penal Code,
14 are amended to read as follows:

15 (a) Except as provided by Subsection (c)(2), if it is shown
16 on the trial of a felony of the third degree that the defendant has
17 previously been finally convicted of a felony other than a [~~state~~
18 ~~jail~~] felony of the fourth degree punishable under Section
19 12.35(a), on conviction the defendant shall be punished for a
20 felony of the second degree.

21 (b) Except as provided by Subsection (c)(2) or (c)(4), if it
22 is shown on the trial of a felony of the second degree that the
23 defendant has previously been finally convicted of a felony other
24 than a [~~state-jail~~] felony of the fourth degree punishable under
25 Section 12.35(a), on conviction the defendant shall be punished for
26 a felony of the first degree.

27 (d) Except as provided by Subsection (c)(2) or (c)(4), if it

1 is shown on the trial of a felony offense other than a [~~state jail~~]
2 felony of the fourth degree punishable under Section 12.35(a) that
3 the defendant has previously been finally convicted of two felony
4 offenses, and the second previous felony conviction is for an
5 offense that occurred subsequent to the first previous conviction
6 having become final, on conviction the defendant shall be punished
7 by imprisonment in the Texas Department of Criminal Justice for
8 life, or for any term of not more than 99 years or less than 25
9 years. A previous conviction for a [~~state jail~~] felony of the fourth
10 degree punishable under Section 12.35(a) may not be used for
11 enhancement purposes under this subsection.

12 SECTION 45. Sections 12.42(c)(1) and (5), Penal Code, are
13 amended to read as follows:

14 (1) If it is shown on the trial of a felony of the first
15 degree that the defendant has previously been finally convicted of
16 a felony other than a [~~state jail~~] felony of the fourth degree
17 punishable under Section 12.35(a), on conviction the defendant
18 shall be punished by imprisonment in the Texas Department of
19 Criminal Justice for life, or for any term of not more than 99 years
20 or less than 15 years. In addition to imprisonment, an individual
21 may be punished by a fine not to exceed \$10,000.

22 (5) A previous conviction for a [~~state jail~~] felony of
23 the fourth degree punishable under Section 12.35(a) may not be used
24 for enhancement purposes under Subdivision (2).

25 SECTION 46. Section 12.425, Penal Code, is amended to read
26 as follows:

27 Sec. 12.425. PENALTIES FOR REPEAT AND HABITUAL FELONY

1 OFFENDERS ON TRIAL FOR FOURTH DEGREE [~~STATE JAIL~~] FELONY. (a) If
2 it is shown on the trial of a [~~state jail~~] felony of the fourth
3 degree punishable under Section 12.35(a) that the defendant has
4 previously been finally convicted of two [~~state jail~~] felonies of
5 the fourth degree punishable under Section 12.35(a), on conviction
6 the defendant shall be punished for a felony of the third degree.

7 (b) If it is shown on the trial of a [~~state jail~~] felony of
8 the fourth degree punishable under Section 12.35(a) that the
9 defendant has previously been finally convicted of two felonies
10 other than a [~~state jail~~] felony of the fourth degree punishable
11 under Section 12.35(a), and the second previous felony conviction
12 is for an offense that occurred subsequent to the first previous
13 conviction having become final, on conviction the defendant shall
14 be punished for a felony of the second degree.

15 (c) If it is shown on the trial of a [~~state jail~~] felony of
16 the fourth degree for which punishment may be enhanced under
17 Section 12.35(c) that the defendant has previously been finally
18 convicted of a felony other than a [~~state jail~~] felony of the fourth
19 degree punishable under Section 12.35(a), on conviction the
20 defendant shall be punished for a felony of the second degree.

21 SECTION 47. Section 12.44, Penal Code, is amended to read as
22 follows:

23 Sec. 12.44. REDUCTION OF FOURTH DEGREE [~~STATE JAIL~~] FELONY
24 PUNISHMENT TO MISDEMEANOR PUNISHMENT. (a) A court may punish a
25 defendant who is convicted of a [~~state jail~~] felony of the fourth
26 degree by imposing the confinement permissible as punishment for a
27 Class A misdemeanor if, after considering the gravity and

1 circumstances of the felony committed and the history, character,
2 and rehabilitative needs of the defendant, the court finds that
3 such punishment would best serve the ends of justice.

4 (b) At the request of the prosecuting attorney, the court
5 may authorize the prosecuting attorney to prosecute a [~~state jail~~
6 felony of the fourth degree] as a Class A misdemeanor.

7 SECTION 48. Section 22.11(b), Penal Code, is amended to
8 read as follows:

9 (b) An offense under this section is a Class A misdemeanor
10 [~~felony of the third degree~~].

11 SECTION 49. Section 31.03(e), Penal Code, is amended to
12 read as follows:

13 (e) Except as provided by Subsection (f), an offense under
14 this section is:

15 (1) a Class C misdemeanor if the value of the property
16 stolen is less than \$100;

17 (2) a Class B misdemeanor if:

18 (A) the value of the property stolen is \$100 or
19 more but less than \$750;

20 (B) the value of the property stolen is less than
21 \$100 and the defendant has previously been convicted of any grade of
22 theft; or

23 (C) the property stolen is a driver's license,
24 commercial driver's license, or personal identification
25 certificate issued by this state or another state;

26 (3) a Class A misdemeanor if:

27 (A) the value of the property stolen is \$750 or

1 more but less than \$2,500; or

2 (B) the value of the property stolen is less than
3 \$750 and the defendant has been previously convicted two or more
4 times of any grade of theft;

5 (4) a [~~state jail~~] felony of the fourth degree if:

6 (A) the value of the property stolen is \$2,500 or
7 more but less than \$30,000, or the property is less than 10 head of
8 sheep, swine, or goats or any part thereof under the value of
9 \$30,000;

10 (B) regardless of value, the property is stolen
11 from the person of another or from a human corpse or grave,
12 including property that is a military grave marker;

13 (C) the property stolen is a firearm, as defined
14 by Section 46.01;

15 (D) [~~the value of the property stolen is less~~
16 ~~than \$2,500 and the defendant has been previously convicted two or~~
17 ~~more times of any grade of theft;~~

18 [~~(E)~~] the property stolen is an official ballot
19 or official carrier envelope for an election; or

20 (E) [~~(F)~~] the value of the property stolen is
21 less than \$20,000 and the property stolen is:

22 (i) aluminum;

23 (ii) bronze;

24 (iii) copper; or

25 (iv) brass;

26 (5) a felony of the third degree if the value of the
27 property stolen is \$30,000 or more but less than \$150,000, or the

1 property is:

2 (A) cattle, horses, or exotic livestock or exotic
3 fowl as defined by Section 142.001, Agriculture Code, stolen during
4 a single transaction and having an aggregate value of less than
5 \$150,000;

6 (B) 10 or more head of sheep, swine, or goats
7 stolen during a single transaction and having an aggregate value of
8 less than \$150,000; or

9 (C) a controlled substance, having a value of
10 less than \$150,000, if stolen from:

11 (i) a commercial building in which a
12 controlled substance is generally stored, including a pharmacy,
13 clinic, hospital, nursing facility, or warehouse; or

14 (ii) a vehicle owned or operated by a
15 wholesale distributor of prescription drugs;

16 (6) a felony of the second degree if:

17 (A) the value of the property stolen is \$150,000
18 or more but less than \$300,000; or

19 (B) the value of the property stolen is less than
20 \$300,000 and the property stolen is an automated teller machine or
21 the contents or components of an automated teller machine; or

22 (7) a felony of the first degree if the value of the
23 property stolen is \$300,000 or more.

24 SECTION 50. Sections 31.16(c) and (d), Penal Code, are
25 amended to read as follows:

26 (c) An offense under this section is:

27 (1) a Class C misdemeanor if the total value of the

1 merchandise involved in the activity is less than \$100;

2 (2) a Class B misdemeanor if the total value of the
3 merchandise involved in the activity is \$100 or more but less than
4 \$750;

5 (3) a Class A misdemeanor if the total value of the
6 merchandise involved in the activity is \$750 or more but less than
7 [~~\$2,500,~~

8 ~~[(4) a state jail felony if the total value of the~~
9 ~~merchandise involved in the activity is \$2,500 or more but less~~
10 ~~than] \$30,000;~~

11 (4) [~~(5)~~] a felony of the third degree if the total
12 value of the merchandise involved in the activity is \$30,000 or more
13 but less than \$150,000;

14 (5) [~~(6)~~] a felony of the second degree if the total
15 value of the merchandise involved in the activity is \$150,000 or
16 more but less than \$300,000; or

17 (6) [~~(7)~~] a felony of the first degree if the total
18 value of the merchandise involved in the activity is \$300,000 or
19 more.

20 (d) An offense described for purposes of punishment by
21 Subsections (c)(1)-(5) [~~(c)(1)-(6)~~] is increased to the next higher
22 category of offense if it is shown on the trial of the offense that:

23 (1) the person organized, supervised, financed, or
24 managed one or more other persons engaged in an activity described
25 by Subsection (b); or

26 (2) during the commission of the offense, a person
27 engaged in an activity described by Subsection (b) intentionally,

1 knowingly, or recklessly:

2 (A) caused a fire exit alarm to sound or
3 otherwise become activated;

4 (B) deactivated or otherwise prevented a fire
5 exit alarm or retail theft detector from sounding; or

6 (C) used a shielding or deactivation instrument
7 to prevent or attempt to prevent detection of the offense by a
8 retail theft detector.

9 SECTION 51. Section 32.32(c), Penal Code, is amended to
10 read as follows:

11 (c) An offense under this section is:

12 (1) a Class C misdemeanor if the value of the property
13 or the amount of credit is less than \$100;

14 (2) a Class B misdemeanor if the value of the property
15 or the amount of credit is \$100 or more but less than \$750;

16 (3) a Class A misdemeanor if the value of the property
17 or the amount of credit is \$750 or more but less than [~~\$2,500~~,

18 ~~[(4) a state jail felony if the value of the property
19 or the amount of credit is \$2,500 or more but less than]~~ \$30,000;

20 (4) [~~(5)~~] a felony of the third degree if the value of
21 the property or the amount of credit is \$30,000 or more but less
22 than \$150,000;

23 (5) [~~(6)~~] a felony of the second degree if the value of
24 the property or the amount of credit is \$150,000 or more but less
25 than \$300,000; or

26 (6) [~~(7)~~] a felony of the first degree if the value of
27 the property or the amount of credit is \$300,000 or more.

1 SECTION 52. Sections 43.02(c) and (c-1), Penal Code, are
2 amended to read as follows:

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

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

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

11 (c-1) An offense under Subsection (b) is a Class B
12 misdemeanor, except that the offense is:

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

16 (2) [~~a state jail felony if the actor has previously~~
17 ~~been convicted three or more times of an offense under Subsection~~
18 ~~(b); or~~

19 [~~(3)~~] a felony of the second degree if the person with
20 whom the actor agrees to engage in sexual conduct is:

21 (A) younger than 18 years of age, regardless of
22 whether the actor knows the age of the person at the time of the
23 offense;

24 (B) represented to the actor as being younger
25 than 18 years of age; or

26 (C) believed by the actor to be younger than 18
27 years of age.

1 SECTION 53. Section 43.23(b), Penal Code, is amended to
2 read as follows:

3 (b) Except as provided by Subsection (h), an offense under
4 Subsection (a) is a Class A misdemeanor [~~state jail felony~~].

5 SECTION 54. The following provisions are repealed:

6 (1) Articles 42.0199 and 42A.104(b), Code of Criminal
7 Procedure;

8 (2) Subchapter L, Chapter 42A, Code of Criminal
9 Procedure;

10 (3) Sections 491.001(a)(8), 493.0051, 497.097,
11 499.151(b), 509.006(d) and (e), 509.015, 509.017, and 511.017,
12 Government Code; and

13 (4) Chapter 507, Government Code.

14 SECTION 55. The changes in law made by this Act apply only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 governed by the law in effect on the date the offense was committed,
18 and the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense occurred
21 before that date.

22 SECTION 56. This Act takes effect September 1, 2019.