

**House Bill 1028**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Sections 12.50(b), (c), and (d), Penal Code, are amended to read as follows:

(b) The increase in punishment authorized by this section applies only to an offense under:

- (1) Section 22.01;
- (2) Section 28.02;
- (3) Section 29.02;
- (4) [~~3~~] Section 30.02;
- (5) Section 30.03;
- (6) Section 30.04; and

(7) [~~4~~] Section 31.03.

(c) ~~[If an offense listed under Subsection (b)(1) or (4) is punishable as a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days.]~~

If an offense listed under Subsection (b)(2), [~~(b)(3) or~~] (4), or (7) is punishable as a felony of the first degree, the punishment for that offense may not be increased under this section.

(d) It is a defense to a charge under Subsection (b)(7) [~~(b)(4)~~] that the conduct in question meets the elements of necessity outlined in Section 9.22.

No equivalent provision. *(But see SECTION 1 above.)*

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of

SENATE VERSION (CS)

SECTION 1. Sections 12.50(b) and (c), Penal Code, are amended to read as follows:

(b) The increase in punishment authorized by this section applies only to an offense under:

- (1) Section 22.01;
- (2) Section 28.02;
- (3) Section 29.02;
- (4) [~~3~~] Section 30.02;
- (5) Section 30.03;
- (6) Section 30.04;
- (7) Section 30.05; and
- (8) [~~4~~] Section 31.03.

(c) If an offense listed under Subsection (b)(1), (5), (6), (7), or (8) [~~(4)~~] is punishable as a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days.

If an offense listed under Subsection (b)(2), [~~(b)(3) or~~] (4), or (8) is punishable as a felony of the first degree, the punishment for that offense may not be increased under this section.

*(But see SECTION 2 below.)*

SECTION 2. Section 12.50(d), Penal Code, is repealed.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of

CONFERENCE

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HOUSE VERSION

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 purposes of this section, an offense was committed before the effective date of this Act if any element of the offense **was committed** before that date.

SECTION 3. This Act takes effect September 1, 2019.

SENATE VERSION (CS)

this Act is governed by the law in effect **when** the offense was committed, and the former law is continued in effect for that purpose. For 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.

SECTION 4. Same as House version.

CONFERENCE