

Amend **HB 2** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 42.037(w), Code of Criminal Procedure, is amended to read as follows:

(w) If a defendant is convicted of an offense under Section 42.0601, Penal Code, or an offense punishable under Section 42.06(b)(2), Penal Code, the court may order the defendant to make restitution to an entity for the reasonable costs of the emergency response by that entity resulting from the false report.

SECTION _____. Section 42.06(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if [unless] the false report is of an emergency involving [a public or private institution of higher education or involving a public primary or secondary school, public communications, public transportation, public water, gas, or power supply or other public service; or

(2) a felony of the third degree if the false report is of an emergency involving:

(A) a public or private institution of higher education; or

(B) a public or private primary or secondary school [in which event the offense is a state jail felony].

SECTION _____. Article 42.037, Code of Criminal Procedure, and Section 42.06, Penal Code, as amended by this Act, apply only to 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 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.