

Amend HB 800 (house committee printing) as follows:

(1) On page 1, lines 6 and 7, strike "Sections 12.50(b) and (c), Penal Code, are amended" and substitute "Section 12.50, Penal Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (d)".

(2) On page 1, between lines 7 and 8, insert the following:

(a) Subject to Subsections ~~[Subsection]~~ (c) and (d), the punishment for an offense described by Subsection (b) is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that the offense was committed in an area that was, at the time of the offense:

(1) subject to a declaration of a state of disaster made by:

(A) the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.);

(B) the governor under Section 418.014, Government Code; or

(C) the presiding officer of the governing body of a political subdivision under Section 418.108, Government Code; or

(2) subject to an emergency evacuation order.

(3) Strike page 1, line 24, through page 2, line 5, and substitute the following:

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

(d) Except as otherwise provided by this subsection, the minimum term of imprisonment for an offense listed under Subsection (b)(1), (2), or (3) for which punishment is increased under this section is 10 years. If an offense listed under Subsection (b)(1) or (2) is punishable as a felony of the first degree, the minimum term of imprisonment is increased to 15 years unless another provision of law applicable to the offense provides for a minimum term of imprisonment of 15 years or more.

(4) On page 2, line 6, strike "20.05(b), Penal Code, is

amended" and substitute "20.05, Penal Code, is amended by amending Subsection (b) and adding Subsection (b-1)".

(5) On page 2, line 8, strike "An" and substitute "Subject to Subsection (b-1), an [~~An~~]".

(6) On page 3, between lines 6 and 7, insert the following:

(b-1) If at the punishment stage of the trial or at the time of entering a plea agreement for an offense under this section punishable as a felony of the third degree, the attorney representing the state in the prosecution of the offense certifies to the court in writing that the actor has provided significant cooperation to the state or law enforcement, and describes the manner of cooperation, the minimum term of imprisonment is five years. The certification is confidential and shall be sealed by the court, except that the certification may be accessed by the office of the attorney representing the state, the attorney representing the defendant, and the court. For purposes of this subsection, "significant cooperation" includes:

(1) testifying in a trial on behalf of the state against other parties to the offense;

(2) providing relevant information regarding the case and other parties to the offense;

(3) providing information that furthers the investigation of the charged offense and any other parties involved; or

(4) providing information that aids law enforcement.

(7) Strike page 5, lines 19-23, and substitute "offense in the course of committing an offense under Section 20.05(a)(2).".

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

SECTION _____. Section 3.03, Penal Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) When the accused is found guilty of more than one offense arising out of the same criminal episode prosecuted in a single criminal action, a sentence for each offense for which the accused [~~he~~] has been found guilty shall be pronounced. Except as otherwise provided by this section [~~Subsection (b)~~], the sentences

shall run concurrently.

(c)(1) This subsection applies only to a single criminal action in which the accused is found guilty of:

(A) an offense under Section 20.05(a)(2) or an offense under Section 20.06 involving conduct constituting an offense under Section 20.05(a)(2); and

(B) an offense punishable under Section 22.01(b-1)(1), 28.10, 30.02(c-2), 30.04(d)(3)(B), 30.05(d)(4), or 38.04(b-1) that arises out of the same criminal episode as the offense described by Paragraph (A).

(2) The sentence for an offense described by Subdivision (1)(A) may run consecutively with each sentence for an offense described by Subdivision (1)(B).

(3) If the accused is found guilty of more than one offense described by Subdivision (1)(A), the sentences for those offenses must run concurrently with each other.

(d) Except as otherwise provided by this subsection, if in a single criminal action the accused is found guilty of more than one offense arising out of the same criminal episode, the sentences may run consecutively if each sentence is for a conviction of an offense for which a plea agreement was reached in a case in which the accused was charged with an offense described by Subsection (c)(1)(A) and an offense described by Subsection (c)(1)(B). If the accused is found guilty of more than one offense described by Subsection (c)(1)(A), the sentences for those offenses must run concurrently with each other.