

Amend HB 3553 (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.502 to read as follows:

Sec. 12.502. PENALTY IF OFFENSE COMMITTED ON PREMISES OF POSTSECONDARY EDUCATIONAL INSTITUTION. (a) In this section:

(1) "Postsecondary educational institution" means:

(A) an institution of higher education or a private or independent institution of higher education as defined by Section 61.003, Education Code; or

(B) a career school or college as defined by Section 132.001, Education Code.

(2) "Premises" means real property and all buildings and appurtenances pertaining to the real property.

(b) Except as provided by Subsection (c), if it is shown on the trial of an offense under Section 21.07, 21.08, 21.15, or 21.17 that the offense was committed in a location that was on the premises of a postsecondary educational institution, the category of punishment for the offense is increased to a higher category of offense as follows:

(1) a Class C misdemeanor is increased to a Class B misdemeanor;

(2) a Class B misdemeanor is increased to a Class A misdemeanor;

(3) a Class A misdemeanor is increased to a state jail felony; and

(4) a state jail felony is increased to a felony of the third degree.

(c) For an offense otherwise punishable under Subsection (b), if it is shown on the trial of the offense that the person has been previously convicted twice of an offense under Section 21.07, 21.08, 21.15, or 21.17 for which the punishment was increased under Subsection (b), the category of punishment for the offense is increased to a higher category of offense as follows:

(1) a Class C misdemeanor is increased to a Class A misdemeanor;

(2) a Class B misdemeanor is increased to a state jail felony;

(3) a Class A misdemeanor is increased to a felony of the third degree; and

(4) a state jail felony is increased to a felony of the second degree.

(d) If the punishment scheme for an offense under Section 21.07, 21.08, 21.15, or 21.17 contains a specific enhancement provision increasing punishment to a higher minimum term of punishment than the minimum term required by the applicable higher category of offense prescribed by Subsection (b) or (c), the specific enhancement provision controls over this section.

(e) A previous conviction may be used for purposes of enhancement under this section or under another provision of Subchapter D, Chapter 12, but not under both this section and the other provision.