

BILL ANALYSIS

Senate Research Center
88R14268 MEW-D

S.B. 1969
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised by certain public universities in Texas of an increase of sexual crimes occurring on and around campuses. S.B. 1969 increases the penalties associated with sexual crimes committed under the Chapter 12, Penal Code, that occur within 1,500 feet of a day-care center, school, or postsecondary educational institution. If it is an offender's first offense, the punishment for the offense will be increased to the next higher category. This means if the offense is a Class B misdemeanor then it is increased to a Class A misdemeanor. If an offender has been convicted twice previously under this statute then the punishment for the offense will be increased by the next highest category. This means that if the offense is a Class B misdemeanor then it is increased to a state jail felony.

As proposed, S.B. 1969 amends current law relating to increasing the criminal penalty for certain offenses committed on or near the premises of a day-care center, school, or postsecondary educational institution.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 12, Penal Code, by adding Section 12.502, as follows:

Sec. 12.502. PENALTY IF OFFENSE COMMITTED ON OR NEAR PREMISES OF DAY-CARE CENTER, SCHOOL, OR POSTSECONDARY EDUCATIONAL INSTITUTION. (a) Defines "day-care center," "postsecondary educational institution," "premises," and "school."

(b) Provides that if it is shown on the trial of an offense under Chapter 21 (Sexual Offenses) that the offense was committed in a location that was on the premises of or within 1,500 feet of the premises of a day-care center, school, or postsecondary educational institution, the category of punishment under that chapter for the offense, except as provided by Subsection (c), 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;
- (4) a state jail felony is increased to a felony of the third degree;
- (5) a felony of the third degree is increased to a felony of the second degree; and

(6) a felony of the second degree is increased to a felony of the first degree.

(c) Provides that 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 Chapter 21 for which the punishment was increased under Subsection (b), the category of punishment under that chapter 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;

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

(5) a felony of the third degree or second degree is increased to a felony of the first degree.

(d) Provides that if the punishment scheme for an offense under Chapter 21 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) Authorizes a previous conviction to be used for purposes of enhancement under this section or under another provision of Subchapter D (Exceptional Sentences), Chapter 12, but not under both this section and the other provision.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.