

By: Moody

H.B. No. 1402

A BILL TO BE ENTITLED

AN ACT

relating to the criminal penalties for certain criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 502.001(c), Business & Commerce Code, is amended to read as follows:

(c) A restaurant or bar owner shall display in a prominent place on the premises of the restaurant or bar a sign stating in letters at least one-half inch high: "UNDER SECTION 32.51, PENAL CODE, IT IS A [~~STATE JAIL~~] FELONY OF THE FOURTH DEGREE (PUNISHABLE BY IMPRISONMENT IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE [~~CONFINEMENT IN A STATE JAIL~~] FOR NOT MORE THAN TWO YEARS) TO OBTAIN, POSSESS, TRANSFER, OR USE A CUSTOMER'S DEBIT CARD OR CREDIT CARD NUMBER WITHOUT THE CUSTOMER'S CONSENT OR EFFECTIVE CONSENT."

SECTION 2. Section 101.029, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 101.029. LIABILITY FOR CERTAIN CONDUCT OF STATE PRISON INMATES. (a) The Texas Department of Criminal Justice is liable for property damage, personal injury, and death proximately caused by the wrongful act or omission or the negligence of an inmate [~~or state jail defendant~~] housed in a facility operated by the department if:

(1) the property damage, personal injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment;

1           (2) the inmate [~~or defendant~~] would be personally  
2 liable to the claimant for the property damage, personal injury, or  
3 death according to Texas law were the inmate [~~or defendant~~] a  
4 private person acting in similar circumstances; and

5           (3) the act, omission, or negligence was committed by  
6 the inmate [~~or defendant~~] acting in the course and scope of a task  
7 or activity that:

8           (A) the inmate [~~or defendant~~] performed at the  
9 request of an employee of the department; and

10           (B) the inmate [~~or defendant~~] performed under the  
11 control or supervision of the department.

12           (b) A claimant may not name the inmate [~~or state jail~~  
13 ~~defendant~~] whose act or omission gave rise to the claim as a  
14 codefendant in an action brought under this section.

15           (c) A judgment in an action or a settlement of a claim  
16 against the Texas Department of Criminal Justice under this section  
17 bars any action involving the same subject matter by the claimant  
18 against the inmate [~~or state jail defendant~~] whose act or omission  
19 gave rise to the claim. A judgment in an action or a settlement of a  
20 claim against an inmate [~~or state jail defendant~~] bars any action  
21 involving the same subject matter by the claimant against the Texas  
22 Department of Criminal Justice under this section.

23           (d) This section does not apply to property damage, personal  
24 injury, or death sustained by an inmate [~~or state jail defendant~~].

25           SECTION 3. Article [42A.056](#), Code of Criminal Procedure, is  
26 amended to read as follows:

27           Art. 42A.056. LIMITATION ON JURY-RECOMMENDED COMMUNITY

1 SUPERVISION. A defendant is not eligible for community supervision  
2 under Article 42A.055 if the defendant:

3 (1) is sentenced to a term of imprisonment that  
4 exceeds 10 years;

5 (2) ~~[is convicted of a state jail felony for which~~  
6 ~~suspension of the imposition of the sentence occurs automatically~~  
7 ~~under Article 42A.551,~~

8 ~~(3)]~~ is adjudged guilty of an offense under Section  
9 19.02, Penal Code;

10 (3) ~~(4)]~~ is convicted of an offense under Section  
11 21.11, 22.011, or 22.021, Penal Code, if the victim of the offense  
12 was younger than 14 years of age at the time the offense was  
13 committed;

14 (4) ~~(5)]~~ is convicted of an offense under Section  
15 20.04, Penal Code, if:

16 (A) the victim of the offense was younger than 14  
17 years of age at the time the offense was committed; and

18 (B) the actor committed the offense with the  
19 intent to violate or abuse the victim sexually;

20 (5) ~~(6)]~~ is convicted of an offense under Section  
21 20A.02, 20A.03, 43.04, 43.05, or 43.25, Penal Code;

22 (6) ~~(7)]~~ is convicted of an offense for which  
23 punishment is increased under Section 481.134(c), (d), (e), or (f),  
24 Health and Safety Code, if it is shown that the defendant has been  
25 previously convicted of an offense for which punishment was  
26 increased under any of those subsections; or

27 (7) ~~(8)]~~ is convicted of an offense under Section

1 481.1123, Health and Safety Code, if the offense is punishable  
2 under Subsection (d), (e), or (f) of that section.

3 SECTION 4. Articles 42A.515(a) and (c), Code of Criminal  
4 Procedure, are amended to read as follows:

5 (a) Except as provided by Subsection (e), on a defendant's  
6 conviction of a Class A or B misdemeanor under Section 43.02(a),  
7 Penal Code, the judge shall suspend imposition of the sentence and  
8 place the defendant on community supervision.

9 (c) A judge who places a defendant on community supervision  
10 under Subsection (a) [~~or (b)~~] shall require as a condition of  
11 community supervision that the defendant participate in a  
12 commercially sexually exploited persons court program established  
13 under Chapter 126, Government Code, if a program has been  
14 established for the county or municipality where the defendant  
15 resides. Sections 126.002(b) and (c), Government Code, do not apply  
16 with respect to a defendant required to participate in the court  
17 program under this subsection.

18 SECTION 5. Article 56A.552, Code of Criminal Procedure, is  
19 amended to read as follows:

20 Art. 56A.552. NOTIFICATION OF VICTIM. The department shall  
21 immediately notify the victim of an offense, the victim's guardian,  
22 or the victim's close relative if the victim is deceased, if the  
23 victim, victim's guardian, or victim's close relative has notified  
24 the department as provided by Article 56A.554, when the defendant:

25 (1) escapes from a facility operated by the department  
26 for the imprisonment of individuals convicted of felonies [~~other~~  
27 ~~than state jail felonies~~]; or

1           (2) is transferred from the custody of a facility  
2 described by Subdivision (1) to the custody of a peace officer under  
3 a writ of attachment or a bench warrant.

4           SECTION 6. Article 56A.553, Code of Criminal Procedure, is  
5 amended to read as follows:

6           Art. 56A.553. NOTIFICATION OF WITNESS. The department  
7 shall immediately notify a witness who testified against a  
8 defendant at the trial for the offense for which the defendant is  
9 imprisoned, the witness's guardian, or the witness's close  
10 relative, if the witness, witness's guardian, or witness's close  
11 relative has notified the department as provided by Article  
12 56A.554, when the defendant:

13           (1) escapes from a facility operated by the department  
14 for the imprisonment of individuals convicted of felonies [~~other~~  
15 ~~than state jail felonies~~]; or

16           (2) is transferred from the custody of a facility  
17 described by Subdivision (1) to the custody of a peace officer under  
18 a writ of attachment or a bench warrant.

19           SECTION 7. Article 58.106, Code of Criminal Procedure, is  
20 amended to read as follows:

21           Art. 58.106. DISCLOSURE OF INFORMATION OF CONFINED VICTIM.  
22 This subchapter does not prohibit the inspector general of the  
23 Texas Department of Criminal Justice from disclosing a victim's  
24 identifying information to an employee of the department or the  
25 department's ombudsperson if the victim is an inmate [~~or state jail~~  
26 ~~defendant~~] confined in a facility operated by or under contract  
27 with the department.

1 SECTION 8. Article 58.107(d), Code of Criminal Procedure,  
2 is amended to read as follows:

3 (d) It is an exception to the application of this article  
4 that:

5 (1) the person who discloses the name, address, or  
6 telephone number of a victim is the inspector general of the Texas  
7 Department of Criminal Justice;

8 (2) the victim is an inmate [~~or state jail defendant~~]  
9 confined in a facility operated by or under contract with the  
10 department; and

11 (3) the person to whom the disclosure is made is an  
12 employee of the department or the department's ombudsperson.

13 SECTION 9. Section 25.1332(a), Government Code, is amended  
14 to read as follows:

15 (a) In addition to the jurisdiction provided by Section  
16 25.0003 and other law, a county court at law in Kendall County has:

17 (1) concurrent jurisdiction with the district court in  
18 fourth degree [~~state jail~~], third degree, and second degree felony  
19 cases on assignment from a district judge presiding in Kendall  
20 County and acceptance of the assignment by the judge of the county  
21 court at law to:

- 22 (A) conduct arraignments;
- 23 (B) conduct pretrial hearings;
- 24 (C) accept guilty pleas and conduct sentencing;
- 25 (D) conduct jury trials and nonjury trials;
- 26 (E) conduct probation revocation hearings;
- 27 (F) conduct post-trial proceedings; and

- 1 (G) conduct family law cases and proceedings; and  
2 (2) jurisdiction in:  
3 (A) Class A and Class B misdemeanor cases;  
4 (B) probate proceedings;  
5 (C) disputes ancillary to probate, eminent  
6 domain, condemnation, or landlord and tenant matters relating to  
7 the adjudication and determination of land titles and trusts,  
8 whether testamentary, inter vivos, constructive, resulting, or any  
9 other class or type of trust, regardless of the amount in  
10 controversy or the remedy sought;  
11 (D) eminent domain; and  
12 (E) appeals from the justice and municipal  
13 courts.

14 SECTION 10. Sections 76.010(a), (c), (d), (e), and (f),  
15 Government Code, are amended to read as follows:

16 (a) In this section, "community [+  
17 [~~(1) "Community~~] corrections facility" has the  
18 meaning assigned by Section 509.001.

19 [~~(2) "State jail felony facility" means a facility  
20 operated or contracted for by the Texas Department of Criminal  
21 Justice under Subchapter A, Chapter 507, for the confinement of  
22 individuals convicted of state jail felonies.~~]

23 (c) The department may authorize expenditures of funds  
24 provided by the division to the department for the purposes of  
25 providing facilities, equipment, and utilities for community  
26 corrections facilities [~~or state jail felony facilities~~] if:

27 (1) the judges described by Section 76.002 recommend

1 the expenditures; and

2 (2) the division~~[, or the correctional institutions~~  
3 ~~division of the Texas Department of Criminal Justice in the case of~~  
4 ~~a state jail felony facility,~~] provides funds for the purpose of  
5 assisting in the establishment or improvement of the facilities.

6 (d) A department may acquire, hold title to, and own real  
7 property for the purpose of establishing a community corrections  
8 facility ~~[or a state jail felony facility]~~.

9 (e) A department, county, municipality, or a combination  
10 involving more than one of those entities may not use a facility or  
11 real property purchased, acquired, or improved with state funds  
12 unless the division~~[, or the correctional institutions division of~~  
13 ~~the Texas Department of Criminal Justice in the case of a state jail~~  
14 ~~felony facility,~~] first approves the use.

15 (f) The division ~~[or the correctional institutions division~~  
16 ~~of the Texas Department of Criminal Justice, in the case of a state~~  
17 ~~jail felony facility,~~] is entitled to reimbursement from an entity  
18 described by Subsection (e) of all state funds used by the entity  
19 without the approval required by Subsection (e).

20 SECTION 11. Section [411.172](#)(b), Government Code, is amended  
21 to read as follows:

22 (b) For the purposes of this section, an offense under the  
23 laws of this state, another state, or the United States is:

24 (1) except as provided by Subsection (b-1), a felony  
25 if the offense, at the time the offense is committed:

26 (A) is designated by a law of this state as a  
27 felony;



1 (B) contains all the elements of an offense  
2 designated by a law of this state as a felony; or

3 (C) is punishable by confinement for one year or  
4 more in a penitentiary; and

5 (2) a Class A misdemeanor if the offense is not a  
6 felony and confinement in a jail [~~other than a state jail felony~~  
7 ~~facility~~] is affixed as a possible punishment.

8 SECTION 12. Section 493.002(a), Government Code, is amended  
9 to read as follows:

10 (a) The following divisions are within the department:

11 (1) the community justice assistance division;

12 (2) the institutional division;

13 (3) the pardons and paroles division;

14 (4) [~~the state jail division,~~

15 [~~5~~] the internal audit division; and

16 (5) [~~6~~] the programs and services division.

17 SECTION 13. Section 493.0021(a), Government Code, is  
18 amended to read as follows:

19 (a) Notwithstanding Sections 493.002, 493.003, 493.004,  
20 493.005, [~~493.0051,~~] 493.0052, [~~as added by Chapter 1360, Acts of~~  
21 ~~the 75th Legislature, Regular Session, 1997,~~] and 493.0053  
22 [~~493.0052, as added by Chapter 490, Acts of the 75th Legislature,~~  
23 ~~Regular Session, 1997,~~], the executive director, with the approval  
24 of the board, may:

25 (1) create divisions in addition to those listed in  
26 Section 493.002 and assign to the newly created divisions any  
27 duties and powers imposed on or granted to an existing division or

1 to the department generally;

2 (2) eliminate any division listed in Section 493.002  
3 or created under this section and assign any duties or powers  
4 previously assigned to the eliminated division to another division  
5 listed in Section 493.002 or created under this section; or

6 (3) eliminate all divisions listed in Section 493.002  
7 or created under this section and reorganize the distribution of  
8 powers and duties granted to or imposed on a division in any manner  
9 the executive director determines is best for the proper  
10 administration of the department.

11 SECTION 14. Chapter 493, Government Code, is amended by  
12 adding Section 493.0095 to read as follows:

13 Sec. 493.0095. USE OF FORMER STATE JAIL FELONY FACILITIES.  
14 Notwithstanding any other law, the department may use a state jail  
15 felony facility established under former Chapter 507 for any  
16 purpose the department determines appropriate, including the  
17 confinement of inmates serving a sentence for a felony of the fourth  
18 degree.

19 SECTION 15. Section 493.015(b), Government Code, is amended  
20 to read as follows:

21 (b) The department shall identify those inmates who are  
22 imprisoned in the institutional division or confined in a substance  
23 abuse treatment facility[~~, a state jail felony facility,~~] or a  
24 county jail awaiting transfer to the institutional division and for  
25 whom the department is unable to reasonably ascertain whether or  
26 not the person is an illegal criminal alien.

27 SECTION 16. Section 493.033(a), Government Code, is amended

1 to read as follows:

2 (a) The department shall adopt a policy to increase the  
3 availability of formal and informal peer support services,  
4 including certified peer specialist services, to a person confined  
5 in a facility operated by or under contract with the department,  
6 including a [~~state jail felony facility,~~] substance abuse felony  
7 punishment facility and [~~or~~] intermediate sanction facility.

8 SECTION 17. Section 493.034, Government Code, is amended to  
9 read as follows:

10 Sec. 493.034. EDUCATIONAL AND VOCATIONAL TRAINING PILOT  
11 PROGRAM. (a) The department shall establish a pilot program to  
12 provide educational and vocational training, employment, and  
13 reentry services to [~~+~~

14 [~~(1) defendants placed on community supervision under~~  
15 ~~Article 42A.562, Code of Criminal Procedure, and~~

16 [~~(2)~~] inmates released on parole who are required to  
17 participate in the program as a condition of parole imposed under  
18 Section 508.1455.

19 (b) The department, in consultation with interested  
20 parties, shall determine the eligibility criteria for an [~~a~~  
21 ~~defendant or~~] inmate to participate in the pilot program, including  
22 requiring the [~~defendant or~~] inmate to arrange for suitable housing  
23 while participating in the program.

24 (c) The department, in consultation with interested  
25 parties, shall identify at least two and not more than four sites in  
26 this state in which the pilot program will operate. In identifying  
27 the sites, the department shall consider locating the program in

1 various regions throughout the state, including locations having a  
2 variety of population sizes, provided that the department shall  
3 select sites based on where the program will have the greatest  
4 likelihood of success and regardless of geographic region or  
5 population size. ~~[The department shall also give consideration to  
6 whether a risk and needs assessment is generally conducted before  
7 sentencing defendants in a particular location and to the degree to  
8 which local judges show support for the establishment of the  
9 program in a particular location.]~~

10 (d) The department shall issue a request for proposals from  
11 public or private entities to provide services through the pilot  
12 program. The department shall select one or more qualified  
13 applicants to provide services through the program to eligible  
14 ~~[defendants and]~~ inmates.

15 (e) The pilot program consists of approximately 180 days of  
16 employment-related services and support and must include:

17 (1) an initial period during which the ~~[defendant or]~~  
18 inmate will:

19 (A) receive training and education related to the  
20 ~~[defendant's or]~~ inmate's vocational goals; and

21 (B) be employed by the provider;

22 (2) job placement services designed to provide  
23 employment for the ~~[defendant or]~~ inmate after the period described  
24 by Subdivision (1);

25 (3) assistance in obtaining a high school diploma or  
26 industry certification for applicable ~~[defendants and]~~ inmates;

27 (4) life-skills training, including information about

1 budgeting and money management; and

2 (5) counseling and mental health services.

3 (f) The department shall limit the number of [~~defendants~~  
4 ~~and~~] inmates who may participate in the pilot program to not more  
5 than 45 individuals per quarter per program location.

6 (g) The department shall pay providers not less than \$40 per  
7 day for each participant.

8 SECTION 18. Section 496.007, Government Code, is amended to  
9 read as follows:

10 Sec. 496.007. LOCATION OF NEW FACILITIES. In determining  
11 the location of a facility to be built, the department, in  
12 evaluating the advantages and disadvantages of the proposed  
13 location, shall consider whether the proposed location is:

14 (1) close enough to a county with 100,000 or more  
15 inhabitants to provide access to services and other resources  
16 provided in such a county;

17 (2) cost-effective with respect to its proximity to  
18 other facilities of the department;

19 (3) close to an area that would facilitate release of  
20 inmates [~~or persons confined in state jail felony facilities~~] to  
21 their area of residence; and

22 (4) close to an area that provides adequate  
23 educational opportunities and medical care.

24 SECTION 19. Section 497.010(d), Government Code, is amended  
25 to read as follows:

26 (d) It is an exception to the application of this section  
27 that the actor was an inmate [~~or state jail defendant~~] confined in a

1 facility operated by or under contract with the department who sold  
2 or offered to sell an art or craft in the manner authorized under  
3 Section 501.013(b).

4 SECTION 20. Section 497.094(b), Government Code, is amended  
5 to read as follows:

6 (b) The department and the Texas Workforce Investment  
7 Council by rule shall adopt a memorandum of understanding that  
8 establishes the respective responsibility of those entities to  
9 provide through local workforce development boards job training and  
10 employment assistance to persons formerly sentenced to the  
11 institutional division [~~or the state jail division~~] and information  
12 on services available to employers or potential employers of those  
13 persons. The department shall coordinate the development of the  
14 memorandum of understanding.

15 SECTION 21. Section 501.015(f), Government Code, is amended  
16 to read as follows:

17 (f) Subsection (a)(3) does not apply to an inmate [~~who on  
18 discharge or release on parole, mandatory supervision, or  
19 conditional pardon is transferred from the custody of the  
20 institutional division to a state jail felony facility or~~] who is  
21 subject to a felony detainer and is released to the custody of  
22 another jurisdiction.

23 SECTION 22. Section 501.054(g), Government Code, is amended  
24 to read as follows:

25 (g) The department shall maintain the confidentiality of  
26 test results of an inmate indicating HIV infection at all times,  
27 including after the inmate's discharge [~~, release from a state~~

1 ~~jail,~~] or release on parole or mandatory supervision. The  
2 department may not honor the request of an agency of the state or  
3 any person who requests a test result as a condition of housing or  
4 supervising the inmate while the inmate is on community supervision  
5 or parole or mandatory supervision, unless honoring the request  
6 would improve the ability of the inmate to obtain essential health  
7 and social services.

8 SECTION 23. Section 501.091, Government Code, as added by  
9 Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular  
10 Session, 2009, is reenacted and amended to read as follows:

11 Sec. 501.091. DEFINITIONS. In this subchapter:

12 (1) "Correctional facility" means a facility operated  
13 by or under contract with the department.

14 (2) "Offender" means an inmate ~~[or state jail~~  
15 ~~defendant]~~ confined in a correctional facility.

16 SECTION 24. Section 501.171(2), Government Code, is amended  
17 to read as follows:

18 (2) "Inmate" means an inmate ~~[or state jail defendant]~~  
19 confined in a facility operated by or under contract with the  
20 department.

21 SECTION 25. Section 1232.114(b), Government Code, is  
22 amended to read as follows:

23 (b) This section does not apply to a minor renovation,  
24 repair, or construction project at a facility operated by the Texas  
25 Department of Criminal Justice for the imprisonment of individuals  
26 convicted of felonies ~~[other than state jail felonies]~~, as defined  
27 by the department in cooperation with the commission. Instead of

1 submitting a project analysis, the department may substitute the  
2 master plan required to be submitted by Section 1401.121 if the  
3 master plan contains information substantially equivalent to the  
4 information required to be in a project analysis under Sections  
5 2166.151-2166.155.

6 SECTION 26. Section 2166.003(b), Government Code, is  
7 amended to read as follows:

8 (b) Only Sections 2166.151, 2166.152, 2166.153, 2166.154,  
9 2166.155, 2166.251, and 2166.252 and Subchapter H apply to a  
10 construction project undertaken by or for the Texas Department of  
11 Criminal Justice for the imprisonment of individuals convicted of  
12 felonies [~~other than state jail felonies~~].

13 SECTION 27. Section 2303.402(c), Government Code, is  
14 amended to read as follows:

15 (c) For the purposes of this section, an economically  
16 disadvantaged individual is an individual who:

17 (1) was unemployed for at least three months before  
18 obtaining employment with the qualified business;

19 (2) receives public assistance benefits, including  
20 welfare payments or food stamps, based on need and intended to  
21 alleviate poverty;

22 (3) is a low-income individual, as defined by Section  
23 101, Workforce Investment Act of 1998 (29 U.S.C. Section 2801(25));

24 (4) is an individual with a disability, as defined  
25 by 29 U.S.C. Section 705(20)(A);

26 (5) is an inmate, as defined by Section 498.001;

27 (6) is entering the workplace after being confined in



1 a facility operated by or under contract with the Texas Department  
2 of Criminal Justice for the imprisonment of individuals convicted  
3 of felonies [~~other than state jail felonies~~];

4 (7) has been released by the Texas Juvenile Justice  
5 Department and is on parole, if state law provides for such a person  
6 to be on parole;

7 (8) meets the current low income or moderate income  
8 limits developed under Section 8, United States Housing Act of 1937  
9 (42 U.S.C. Section 1437f et seq.); or

10 (9) was under the permanent managing conservatorship  
11 of the Department of Family and Protective Services on the day  
12 preceding the individual's 18th birthday.

13 SECTION 28. Section 481.115(b), Health and Safety Code, is  
14 amended to read as follows:

15 (b) An offense under Subsection (a) is a Class A misdemeanor  
16 [~~state jail felony~~] if the amount of the controlled substance  
17 possessed is, by aggregate weight, including adulterants or  
18 dilutants, less than one gram.

19 SECTION 29. Section 481.1151(b), Health and Safety Code, is  
20 amended to read as follows:

21 (b) An offense under this section is:

22 (1) a Class A misdemeanor [~~state jail felony~~] if the  
23 number of abuse units of the controlled substance is fewer than 20;

24 (2) a felony of the third degree if the number of abuse  
25 units of the controlled substance is 20 or more but fewer than 80;

26 (3) a felony of the second degree if the number of  
27 abuse units of the controlled substance is 80 or more but fewer than

1 4,000;

2 (4) a felony of the first degree if the number of abuse  
3 units of the controlled substance is 4,000 or more but fewer than  
4 8,000; and

5 (5) punishable by imprisonment in the Texas Department  
6 of Criminal Justice for life or for a term of not more than 99 years  
7 or less than 15 years and a fine not to exceed \$250,000, if the  
8 number of abuse units of the controlled substance is 8,000 or more.

9 SECTION 30. Section 481.116(b), Health and Safety Code, is  
10 amended to read as follows:

11 (b) An offense under Subsection (a) is a Class A misdemeanor  
12 [~~state jail felony~~] if the amount of the controlled substance  
13 possessed is, by aggregate weight, including adulterants or  
14 dilutants, less than one gram.

15 SECTION 31. Section 481.1161(b), Health and Safety Code, is  
16 amended to read as follows:

17 (b) An offense under this section is:

18 (1) a Class B misdemeanor if the amount of the  
19 controlled substance possessed is, by aggregate weight, including  
20 adulterants or dilutants, four [~~two~~] ounces or less;

21 (2) [~~a Class A misdemeanor if the amount of the~~  
22 ~~controlled substance possessed is, by aggregate weight, including~~  
23 ~~adulterants or dilutants, four ounces or less but more than two~~  
24 ~~ounces,~~

25 [~~(3)~~] a Class A misdemeanor [~~state jail felony~~] if the  
26 amount of the controlled substance possessed is, by aggregate  
27 weight, including adulterants or dilutants, five pounds or less but

1 more than four ounces;

2           (3) [~~(4)~~] a felony of the third degree if the amount of  
3 the controlled substance possessed is, by aggregate weight,  
4 including adulterants or dilutants, 50 pounds or less but more than  
5 5 pounds;

6           (4) [~~(5)~~] a felony of the second degree if the amount  
7 of the controlled substance possessed is, by aggregate weight,  
8 including adulterants or dilutants, 2,000 pounds or less but more  
9 than 50 pounds; and

10           (5) [~~(6)~~] punishable by imprisonment in the Texas  
11 Department of Criminal Justice for life or for a term of not more  
12 than 99 years or less than 5 years, and a fine not to exceed \$50,000,  
13 if the amount of the controlled substance possessed is, by  
14 aggregate weight, including adulterants or dilutants, more than  
15 2,000 pounds.

16           SECTION 32. Section [481.121\(b\)](#), Health and Safety Code, is  
17 amended to read as follows:

18           (b) An offense under Subsection (a) is:

19           (1) a Class B misdemeanor if the amount of marihuana  
20 possessed is four [~~two~~] ounces or less;

21           (2) [~~a Class A misdemeanor if the amount of marihuana~~  
22 ~~possessed is four ounces or less but more than two ounces,~~

23           [~~(3)~~] a Class A misdemeanor [~~state jail felony~~] if the  
24 amount of marihuana possessed is five pounds or less but more than  
25 four ounces;

26           (3) [~~(4)~~] a felony of the third degree if the amount of  
27 marihuana possessed is 50 pounds or less but more than 5 pounds;

1           (4) [~~(5)~~] a felony of the second degree if the amount  
2 of marihuana possessed is 2,000 pounds or less but more than 50  
3 pounds; and

4           (5) [~~(6)~~] punishable by imprisonment in the Texas  
5 Department of Criminal Justice for life or for a term of not more  
6 than 99 years or less than 5 years, and a fine not to exceed \$50,000,  
7 if the amount of marihuana possessed is more than 2,000 pounds.

8           SECTION 33. Section 481.126(a), Health and Safety Code, is  
9 amended to read as follows:

10           (a) A person commits an offense if the person:

11               (1) barter property or expends funds the person knows  
12 are derived from the commission of an offense under this chapter  
13 punishable by imprisonment in the Texas Department of Criminal  
14 Justice for life;

15               (2) barter property or expends funds the person knows  
16 are derived from the commission of an offense under Section  
17 481.121(a) that is punishable under Section 481.121(b)(4)  
18 [~~481.121(b)(5)~~];

19               (3) barter property or finances or invests funds the  
20 person knows or believes are intended to further the commission of  
21 an offense for which the punishment is described by Subdivision  
22 (1); or

23               (4) barter property or finances or invests funds the  
24 person knows or believes are intended to further the commission of  
25 an offense under Section 481.121(a) that is punishable under  
26 Section 481.121(b)(4) [~~481.121(b)(5)~~].

27           SECTION 34. Section 481.129(g), Health and Safety Code, is

1 amended to read as follows:

2 (g) An offense under Subsection (c)(2) is:

3 (1) a Class A misdemeanor [~~state jail felony~~] if the  
4 defendant possesses:

5 (A) a prescription form; or

6 (B) a prescription for a controlled substance  
7 listed in Schedule II or III; and

8 (2) a Class B misdemeanor if the defendant possesses a  
9 prescription for a controlled substance listed in Schedule IV or V.

10 SECTION 35. Section 481.134(c), Health and Safety Code, as  
11 amended by Chapters 584 (S.B. 768) and 807 (H.B. 1540), Acts of the  
12 87th Legislature, Regular Session, 2021, is reenacted and amended  
13 to read as follows:

14 (c) The minimum term of confinement or imprisonment for an  
15 offense otherwise punishable under Section 481.112(c), (d), (e), or  
16 (f), 481.1121(b)(2), (3), or (4), 481.1123(c), (d), (e), or (f),  
17 481.113(c), (d), or (e), 481.114(c), (d), or (e), 481.115(c)-(f),  
18 481.1151(b)(2), (3), (4), or (5), 481.116(c), (d), or (e),  
19 481.1161(b)(3), (4), or (5) [~~481.1161(b)(4), (5), or (6)~~],  
20 481.117(c), (d), or (e), 481.118(c), (d), or (e), 481.120(b)(4),  
21 (5), or (6), or 481.121(b)(3), (4), or (5) [~~481.121(b)(4), (5), or~~  
22 ~~(6)~~] is increased by five years and the maximum fine for the offense  
23 is doubled if it is shown on the trial of the offense that the  
24 offense was committed:

25 (1) in, on, or within 1,000 feet of the premises of a  
26 school, the premises of a public or private youth center, or a  
27 playground;

- 1           (2) on a school bus; or
- 2           (3) by any unauthorized person 18 years of age or
- 3 older, in, on, or within 1,000 feet of premises owned, rented, or
- 4 leased by a general residential operation operating as a
- 5 residential treatment center.

6           SECTION 36. Sections 481.134(d) and (e), Health and Safety

7 Code, are amended to read as follows:

8           (d) An offense otherwise punishable under Section

9 481.112(b), 481.1121(b)(1), 481.113(b), 481.114(b), or

10 [~~481.115(b), 481.1151(b)(1), 481.116(b), 481.1161(b)(3),~~]

11 481.120(b)(3) [~~, or 481.121(b)(3)~~] is a felony of the third degree

12 if it is shown on the trial of the offense that the offense was

13 committed:

14           (1) in, on, or within 1,000 feet of any real property

15 that is owned, rented, or leased to a school or school board, the

16 premises of a public or private youth center, or a playground;

17           (2) on a school bus; or

18           (3) by any unauthorized person 18 years of age or

19 older, in, on, or within 1,000 feet of premises owned, rented, or

20 leased by a general residential operation operating as a

21 residential treatment center.

22           (e) An offense otherwise punishable under Section

23 481.115(b), 481.1151(b)(1), 481.116(b), 481.117(b), 481.119(a),

24 481.120(b)(2), or 481.121(b)(2) is a [~~state jail~~] felony of the

25 fourth degree if it is shown on the trial of the offense that the

26 offense was committed:

27           (1) in, on, or within 1,000 feet of any real property

1 that is owned, rented, or leased to a school or school board, the  
2 premises of a public or private youth center, or a playground;

3 (2) on a school bus; or

4 (3) by any unauthorized person 18 years of age or  
5 older, in, on, or within 1,000 feet of premises owned, rented, or  
6 leased by a general residential operation operating as a  
7 residential treatment center.

8 SECTION 37. Section 614.0032(a), Health and Safety Code, is  
9 amended to read as follows:

10 (a) The office shall~~+~~

11 [~~(1)~~] perform duties imposed on the office by Section  
12 508.146, Government Code~~+, and~~

13 [~~(2) periodically identify state jail felony~~  
14 ~~defendants suitable for release under Article 42A.561, Code of~~  
15 ~~Criminal Procedure, and perform other duties imposed on the office~~  
16 ~~by that article].~~

17 SECTION 38. Section 306.007(b), Labor Code, is amended to  
18 read as follows:

19 (b) The commission shall adopt a memorandum of  
20 understanding with each of the following agencies that establishes  
21 the respective responsibilities of the commission and the agencies  
22 in providing information described by Subsection (a) to persons  
23 formerly sentenced to the institutional division [~~or the state jail~~  
24 ~~division]~~ of the Texas Department of Criminal Justice, to employers  
25 or potential employers of those persons, and to local workforce  
26 development boards:

27 (1) the Department of State Health Services;

1           (2) the Texas Department of Housing and Community  
2 Affairs;

3           (3) the Texas Veterans Commission; and

4           (4) the Health and Human Services Commission.

5           SECTION 39. Section 244.006, Local Government Code, is  
6 amended to read as follows:

7           Sec. 244.006. EXEMPTIONS. This subchapter does not apply  
8 to the operation of a correctional or rehabilitation facility at a  
9 location subject to this subchapter if:

10           (1) on September 1, 1997, the correctional or  
11 rehabilitation facility was in operation, under construction,  
12 under contract for operation or construction, or planned for  
13 construction at the location on land owned or leased by an agency or  
14 political subdivision of the state and designated for use as a  
15 correctional or rehabilitation facility;

16           (2) the correctional or rehabilitation facility was in  
17 operation or under construction before the establishment of a  
18 residential area the location of which makes the facility subject  
19 to this subchapter;

20           (3) the correctional or rehabilitation facility is a  
21 temporary correctional or rehabilitation facility that will be  
22 operated at the location for less than one year;

23           (4) the correctional or rehabilitation facility is  
24 required to obtain a special use permit or a conditional use permit  
25 from the municipality in which the facility is located before  
26 beginning operation;

27           (5) the correctional or rehabilitation facility is an



1 expansion of a facility operated by the correctional institutions  
2 division of the Texas Department of Criminal Justice for the  
3 imprisonment of individuals convicted of felonies [~~other than state~~  
4 ~~jail felonies~~] or by the Texas Juvenile Justice Department;

5 (6) the correctional or rehabilitation facility is a  
6 county jail or a pre-adjudication or post-adjudication juvenile  
7 detention facility operated by a county or county juvenile board;

8 (7) the facility is:

9 (A) a juvenile probation office located at, and  
10 operated in conjunction with, a juvenile justice alternative  
11 education center; and

12 (B) used exclusively by students attending the  
13 juvenile justice alternative education center;

14 (8) the facility is a public or private institution of  
15 higher education or vocational training to which admission is open  
16 to the general public;

17 (9) the facility is operated primarily as a treatment  
18 facility for juveniles under contract with the Health and Human  
19 Services Commission, [~~Department of Aging and Disability Services~~  
20 ~~or~~] the Department of State Health Services, a local intellectual  
21 and developmental disability authority, or a local mental health  
22 [~~or mental retardation~~] authority;

23 (10) the facility is operated as a juvenile justice  
24 alternative education program;

25 (11) the facility:

26 (A) is not operated primarily as a correctional  
27 or rehabilitation facility; and

1 (B) only houses persons or children described by  
2 Section 244.001(1)(B) for a purpose related to treatment or  
3 education; or

4 (12) the facility is a probation or parole office  
5 located in a commercial use area.

6 SECTION 40. Section 331.010(b), Local Government Code, is  
7 amended to read as follows:

8 (b) The governor and the Texas Board of Criminal Justice may  
9 permit the use of state inmates [~~and defendants confined in state~~  
10 ~~jail felony facilities~~] for the improvement and maintenance of  
11 parks acquired under this chapter under agreements made by the  
12 Parks and Wildlife Department and the municipality or county.

13 SECTION 41. Section 12.4061, Parks and Wildlife Code, is  
14 amended to read as follows:

15 Sec. 12.4061. PARKS AND WILDLIFE CODE FOURTH DEGREE [~~STATE~~  
16 ~~JAIL~~] FELONY. (a) An individual adjudged guilty of a Parks and  
17 Wildlife Code [~~state jail~~] felony of the fourth degree shall be  
18 punished by imprisonment in the Texas Department of Criminal  
19 Justice [~~confinement in a state jail~~] for a term of not more than  
20 two years or less than 180 days.

21 (b) In addition to imprisonment [~~confinement~~], an  
22 individual adjudged guilty of a Parks and Wildlife Code [~~state~~  
23 ~~jail~~] felony of the fourth degree may be punished by a fine of not  
24 less than \$1,500 and not more than \$10,000.

25 (c) For purposes of this code, "Parks and Wildlife Code  
26 state jail felony" means a Parks and Wildlife Code felony of the  
27 fourth degree.

1 SECTION 42. Section 76.118(e-1), Parks and Wildlife Code,  
2 is amended to read as follows:

3 (e-1) If it is shown at the trial of a defendant for a  
4 violation of Section 76.116 that the defendant has been convicted  
5 once within five years before the trial date of a violation of  
6 Section 76.116, the defendant is guilty of a Class A Parks and  
7 Wildlife Code misdemeanor [~~state jail felony~~].

8 SECTION 43. Section 12.04, Penal Code, is amended to read as  
9 follows:

10 Sec. 12.04. CLASSIFICATION OF FELONIES. (a) Felonies are  
11 classified according to the relative seriousness of the offense  
12 into five categories:

- 13 (1) capital felonies;
- 14 (2) felonies of the first degree;
- 15 (3) felonies of the second degree;
- 16 (4) felonies of the third degree; and
- 17 (5) [~~state jail~~] felonies of the fourth degree.

18 (b) An offense designated a felony in this code without  
19 specification as to category is a [~~state jail~~] felony of the fourth  
20 degree.

21 (c) For purposes of this code and any other laws of this  
22 state, "state jail felony" means a felony of the fourth degree.

23 (d) For purposes of enhancing a penalty under this code or  
24 any other laws of this state:

- 25 (1) a person is considered to have been previously  
26 convicted of a felony of the fourth degree if the person has a final  
27 conviction for a state jail felony; and

1           (2) a person is considered to have previously received  
2 a dismissal and discharge under Article 42A.111, Code of Criminal  
3 Procedure, for a felony of the fourth degree if the person received  
4 a dismissal and discharge under that article for a state jail  
5 felony.

6           SECTION 44. Section 12.35, Penal Code, is amended to read as  
7 follows:

8           Sec. 12.35. FOURTH DEGREE [~~STATE-JAIL~~] FELONY PUNISHMENT.

9           (a) Except as provided by Subsection (c), an individual adjudged  
10 guilty of a [~~state-jail~~] felony of the fourth degree shall be  
11 punished by imprisonment in the Texas Department of Criminal  
12 Justice [~~confinement in a state jail~~] for any term of not more than  
13 two years or less than 180 days.

14           (b) In addition to imprisonment [~~confinement~~], an  
15 individual adjudged guilty of a [~~state-jail~~] felony of the fourth  
16 degree may be punished by a fine not to exceed \$10,000.

17           (c) An individual adjudged guilty of a [~~state-jail~~] felony  
18 of the fourth degree shall be punished for a third degree felony if  
19 it is shown on the trial of the offense that:

20           (1) a deadly weapon as defined by Section 1.07 was used  
21 or exhibited during the commission of the offense or during  
22 immediate flight following the commission of the offense, and that  
23 the individual used or exhibited the deadly weapon or was a party to  
24 the offense and knew that a deadly weapon would be used or  
25 exhibited; or

26           (2) the individual has previously been finally  
27 convicted of any felony:

1 (A) under Section 20A.03 or 21.02 or listed in  
2 Article 42A.054(a), Code of Criminal Procedure; or

3 (B) for which the judgment contains an  
4 affirmative finding under Article 42A.054(c) or (d), Code of  
5 Criminal Procedure.

6 SECTION 45. Sections 12.42(a), (b), and (d), Penal Code,  
7 are amended to read as follows:

8 (a) Except as provided by Subsection (c)(2), if it is shown  
9 on the trial of a felony of the third degree that the defendant has  
10 previously been finally convicted of a felony other than a [~~state~~  
11 ~~jail~~] felony of the fourth degree punishable under Section  
12 12.35(a), on conviction the defendant shall be punished for a  
13 felony of the second degree.

14 (b) Except as provided by Subsection (c)(2) or (c)(4), if it  
15 is shown on the trial of a felony of the second degree that the  
16 defendant has previously been finally convicted of a felony other  
17 than a [~~state jail~~] felony of the fourth degree punishable under  
18 Section 12.35(a), on conviction the defendant shall be punished for  
19 a felony of the first degree.

20 (d) Except as provided by Subsection (c)(2) or (c)(4), if it  
21 is shown on the trial of a felony offense other than a [~~state jail~~]  
22 felony of the fourth degree punishable under Section 12.35(a) that  
23 the defendant has previously been finally convicted of two felony  
24 offenses, and the second previous felony conviction is for an  
25 offense that occurred subsequent to the first previous conviction  
26 having become final, on conviction the defendant shall be punished  
27 by imprisonment in the Texas Department of Criminal Justice for

1 life, or for any term of not more than 99 years or less than 25  
2 years. A previous conviction for a [~~state jail~~] felony of the fourth  
3 degree punishable under Section 12.35(a) may not be used for  
4 enhancement purposes under this subsection.

5 SECTION 46. Sections 12.42(c)(1) and (5), Penal Code, are  
6 amended to read as follows:

7 (1) If it is shown on the trial of a felony of the first  
8 degree that the defendant has previously been finally convicted of  
9 a felony other than a [~~state jail~~] felony of the fourth degree  
10 punishable under Section 12.35(a), on conviction the defendant  
11 shall be punished by imprisonment in the Texas Department of  
12 Criminal Justice for life, or for any term of not more than 99 years  
13 or less than 15 years. In addition to imprisonment, an individual  
14 may be punished by a fine not to exceed \$10,000.

15 (5) A previous conviction for a [~~state jail~~] felony of  
16 the fourth degree punishable under Section 12.35(a) may not be used  
17 for enhancement purposes under Subdivision (2).

18 SECTION 47. Section 12.425, Penal Code, is amended to read  
19 as follows:

20 Sec. 12.425. PENALTIES FOR REPEAT AND HABITUAL FELONY  
21 OFFENDERS ON TRIAL FOR FOURTH DEGREE [~~STATE JAIL~~] FELONY. (a) If  
22 it is shown on the trial of a [~~state jail~~] felony of the fourth  
23 degree punishable under Section 12.35(a) that the defendant has  
24 previously been finally convicted of two [~~state jail~~] felonies of  
25 the fourth degree punishable under Section 12.35(a), on conviction  
26 the defendant shall be punished for a felony of the third degree.

27 (b) If it is shown on the trial of a [~~state jail~~] felony of

1 the fourth degree punishable under Section 12.35(a) that the  
2 defendant has previously been finally convicted of two felonies  
3 other than a [~~state-jail~~] felony of the fourth degree punishable  
4 under Section 12.35(a), and the second previous felony conviction  
5 is for an offense that occurred subsequent to the first previous  
6 conviction having become final, on conviction the defendant shall  
7 be punished for a felony of the second degree.

8 (c) If it is shown on the trial of a [~~state-jail~~] felony of  
9 the fourth degree for which punishment may be enhanced under  
10 Section 12.35(c) that the defendant has previously been finally  
11 convicted of a felony other than a [~~state-jail~~] felony of the fourth  
12 degree punishable under Section 12.35(a), on conviction the  
13 defendant shall be punished for a felony of the second degree.

14 SECTION 48. Section 12.44, Penal Code, is amended to read as  
15 follows:

16 Sec. 12.44. REDUCTION OF FOURTH DEGREE [~~STATE-JAIL~~] FELONY  
17 PUNISHMENT TO MISDEMEANOR PUNISHMENT. (a) A court may punish a  
18 defendant who is convicted of a [~~state-jail~~] felony of the fourth  
19 degree by imposing the confinement permissible as punishment for a  
20 Class A misdemeanor if, after considering the gravity and  
21 circumstances of the felony committed and the history, character,  
22 and rehabilitative needs of the defendant, the court finds that  
23 such punishment would best serve the ends of justice.

24 (b) At the request of the prosecuting attorney, the court  
25 may authorize the prosecuting attorney to prosecute a [~~state-jail~~]  
26 felony of the fourth degree as a Class A misdemeanor.

27 SECTION 49. Section 22.11(b), Penal Code, is amended to

1 read as follows:

2 (b) An offense under this section is a Class A misdemeanor  
3 [~~felony of the third degree~~].

4 SECTION 50. Section 31.03(e), Penal Code, is amended to  
5 read as follows:

6 (e) Except as provided by Subsection (f), an offense under  
7 this section is:

8 (1) a Class C misdemeanor if the value of the property  
9 stolen is less than \$100;

10 (2) a Class B misdemeanor if:

11 (A) the value of the property stolen is \$100 or  
12 more but less than \$750;

13 (B) the value of the property stolen is less than  
14 \$100 and the defendant has previously been convicted of any grade of  
15 theft; or

16 (C) the property stolen is a driver's license,  
17 commercial driver's license, or personal identification  
18 certificate issued by this state or another state;

19 (3) a Class A misdemeanor if:

20 (A) the value of the property stolen is \$750 or  
21 more but less than \$2,500; or

22 (B) the value of the property stolen is less than  
23 \$750 and the defendant has been previously convicted two or more  
24 times of any grade of theft;

25 (4) a [~~state jail~~] felony of the fourth degree if:

26 (A) the value of the property stolen is \$2,500 or  
27 more but less than \$30,000, or the property is less than 10 head of



1 sheep, swine, or goats or any part thereof under the value of  
2 \$30,000;

3 (B) regardless of value, the property is stolen  
4 from the person of another or from a human corpse or grave,  
5 including property that is a military grave marker;

6 (C) the property stolen is a firearm, as defined  
7 by Section 46.01;

8 (D) ~~[the value of the property stolen is less~~  
9 ~~than \$2,500 and the defendant has been previously convicted two or~~  
10 ~~more times of any grade of theft,~~

11 ~~[(E)]~~ the property stolen is an official ballot  
12 or official carrier envelope for an election; or

13 (E) ~~[(E)]~~ the value of the property stolen is  
14 less than \$20,000 and the property stolen is:

15 (i) aluminum;

16 (ii) bronze;

17 (iii) copper; or

18 (iv) brass;

19 (5) a felony of the third degree if the value of the  
20 property stolen is \$30,000 or more but less than \$150,000, or the  
21 property is:

22 (A) cattle, horses, or exotic livestock or exotic  
23 fowl as defined by Section 142.001, Agriculture Code, stolen during  
24 a single transaction and having an aggregate value of less than  
25 \$150,000;

26 (B) 10 or more head of sheep, swine, or goats  
27 stolen during a single transaction and having an aggregate value of

1 less than \$150,000; or

2 (C) a controlled substance, having a value of  
3 less than \$150,000, if stolen from:

4 (i) a commercial building in which a  
5 controlled substance is generally stored, including a pharmacy,  
6 clinic, hospital, nursing facility, or warehouse; or

7 (ii) a vehicle owned or operated by a  
8 wholesale distributor of prescription drugs;

9 (6) a felony of the second degree if:

10 (A) the value of the property stolen is \$150,000  
11 or more but less than \$300,000; or

12 (B) the value of the property stolen is less than  
13 \$300,000 and the property stolen is an automated teller machine or  
14 the contents or components of an automated teller machine; or

15 (7) a felony of the first degree if the value of the  
16 property stolen is \$300,000 or more.

17 SECTION 51. Sections 31.16(c) and (d), Penal Code, are  
18 amended to read as follows:

19 (c) An offense under this section is:

20 (1) a Class C misdemeanor if the total value of the  
21 merchandise involved in the activity is less than \$100;

22 (2) a Class B misdemeanor if the total value of the  
23 merchandise involved in the activity is \$100 or more but less than  
24 \$750;

25 (3) a Class A misdemeanor if the total value of the  
26 merchandise involved in the activity is \$750 or more but less than

27 [~~\$2,500,~~

1           ~~[(4) a state jail felony if the total value of the~~  
2 ~~merchandise involved in the activity is \$2,500 or more but less~~  
3 ~~than] \$30,000;~~

4           (4) ~~[(5)]~~ a felony of the third degree if the total  
5 value of the merchandise involved in the activity is \$30,000 or more  
6 but less than \$150,000;

7           (5) ~~[(6)]~~ a felony of the second degree if the total  
8 value of the merchandise involved in the activity is \$150,000 or  
9 more but less than \$300,000; or

10          (6) ~~[(7)]~~ a felony of the first degree if the total  
11 value of the merchandise involved in the activity is \$300,000 or  
12 more.

13          (d) An offense described for purposes of punishment by  
14 Subsections (c)(1)-(5) ~~[(c)(1)-(6)]~~ is increased to the next higher  
15 category of offense if it is shown on the trial of the offense that:

16           (1) the person organized, supervised, financed, or  
17 managed one or more other persons engaged in an activity described  
18 by Subsection (b); or

19           (2) during the commission of the offense, a person  
20 engaged in an activity described by Subsection (b) intentionally,  
21 knowingly, or recklessly:

22                   (A) caused a fire exit alarm to sound or  
23 otherwise become activated;

24                   (B) deactivated or otherwise prevented a fire  
25 exit alarm or retail theft detector from sounding; or

26                   (C) used a shielding or deactivation instrument  
27 to prevent or attempt to prevent detection of the offense by a

1 retail theft detector.

2 SECTION 52. Section 32.32(c), Penal Code, is amended to  
3 read as follows:

4 (c) An offense under this section is:

5 (1) a Class C misdemeanor if the value of the property  
6 or the amount of credit is less than \$100;

7 (2) a Class B misdemeanor if the value of the property  
8 or the amount of credit is \$100 or more but less than \$750;

9 (3) a Class A misdemeanor if the value of the property  
10 or the amount of credit is \$750 or more but less than ~~[\$2,500,~~

11 ~~[(4) a state jail felony if the value of the property~~  
12 ~~or the amount of credit is \$2,500 or more but less than] \$30,000;~~

13 (4) ~~[(5)]~~ a felony of the third degree if the value of  
14 the property or the amount of credit is \$30,000 or more but less  
15 than \$150,000;

16 (5) ~~[(6)]~~ a felony of the second degree if the value of  
17 the property or the amount of credit is \$150,000 or more but less  
18 than \$300,000; or

19 (6) ~~[(7)]~~ a felony of the first degree if the value of  
20 the property or the amount of credit is \$300,000 or more.

21 SECTION 53. Section 43.02(c), Penal Code, is amended to  
22 read as follows:

23 (c) An offense under Subsection (a) is a Class B  
24 misdemeanor, except that the offense is ~~[+~~

25 ~~[(1)]~~ a Class A misdemeanor if the actor has previously  
26 been convicted ~~[one or two times]~~ of an offense under Subsection

27 (a) ~~[, or~~

1           ~~[(2) a state jail felony if the actor has previously~~  
2 ~~been convicted three or more times of an offense under Subsection~~  
3 ~~(a)].~~

4           SECTION 54. Section 43.23(b), Penal Code, is amended to  
5 read as follows:

6           (b) Except as provided by Subsection (h), an offense under  
7 Subsection (a) is a Class A misdemeanor ~~[state jail felony]~~.

8           SECTION 55. The following provisions are repealed:

9           (1) Article 42.0199, Code of Criminal Procedure;

10           (2) Articles 42A.104(b) and 42A.515(b), Code of  
11 Criminal Procedure;

12           (3) Subchapter L, Chapter 42A, Code of Criminal  
13 Procedure;

14           (4) Sections 72.036, 493.0051, 497.097, 509.015,  
15 509.017, and 511.017, Government Code;

16           (5) Section 491.001(a)(8), Government Code;

17           (6) Sections 509.006(d) and (e), Government Code; and

18           (7) Chapter 507, Government Code.

19           SECTION 56. The changes in law made by this Act apply only  
20 to an offense committed on or after the effective date of this Act.  
21 An offense committed before the effective date of this Act is  
22 governed by the law in effect on the date the offense was committed,  
23 and the former law is continued in effect for that purpose. For  
24 purposes of this section, an offense was committed before the  
25 effective date of this Act if any element of the offense occurred  
26 before that date.

27           SECTION 57. This Act takes effect September 1, 2023.