

AN ACT

relating to increasing the criminal penalty for certain offenses if committed at certain locations.

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

SECTION 1. 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;

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

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

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

7 (c) For an offense otherwise punishable under Subsection
8 (b), if it is shown on the trial of the offense that the person has
9 been previously convicted twice of an offense under Section 21.07,
10 21.08, 21.15, or 21.17 for which the punishment was increased under
11 Subsection (b), the category of punishment for the offense is
12 increased to a higher category of offense as follows:

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

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

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

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

21 (d) If the punishment scheme for an offense under Section
22 21.07, 21.08, 21.15, or 21.17 contains a specific enhancement
23 provision increasing punishment to a higher minimum term of
24 punishment than the minimum term required by the applicable higher
25 category of offense prescribed by Subsection (b) or (c), the
26 specific enhancement provision controls over this section.

27 (e) A previous conviction may be used for purposes of

1 enhancement under this section or under another provision of
2 Subchapter D, Chapter 12, but not under both this section and the
3 other provision.

4 SECTION 2. Section 20A.02(b-1), Penal Code, is amended to
5 read as follows:

6 (b-1) An offense under this section is a felony of the first
7 degree punishable by imprisonment in the Texas Department of
8 Criminal Justice for life or for a term of not more than 99 years or
9 less than 25 years if it is shown on the trial of the offense that
10 the actor committed the offense in a location that was:

11 (1) on the premises of or within 1,000 feet of the
12 premises of:

13 (A) a school; or

14 (B) an institution of higher education or private
15 or independent institution of higher education, as defined by
16 Section 61.003, Education Code; or

17 (2) on premises or within 1,000 feet of premises
18 where:

19 (A) an official school function was taking place;

20 or

21 (B) an event sponsored or sanctioned by the
22 University Interscholastic League was taking place.

23 SECTION 3. The change in law made by this Act applies only
24 to an offense committed on or after the effective date of this Act.
25 An offense committed before the effective date of this Act is
26 governed by the law in effect on the date the offense was committed,
27 and the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

4 SECTION 4. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3553 was passed by the House on May 4, 2023, by the following vote: Yeas 145, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3553 on May 25, 2023, by the following vote: Yeas 141, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3553 was passed by the Senate, with amendments, on May 18, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor