

By: Bettencourt

S.B. No. 1969

A BILL TO BE ENTITLED

AN ACT

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.

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 OR NEAR PREMISES OF DAY-CARE CENTER, SCHOOL, OR POSTSECONDARY EDUCATIONAL INSTITUTION. (a) In this section:

(1) "Day-care center" has the meaning assigned by Section 42.002, Human Resources Code.

(2) "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.

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

(4) "School" means a public or private elementary or secondary school.

(b) Except as provided by Subsection (c), if it is shown on the trial of an offense under Chapter 21 that the offense was

1 committed in a location that was on the premises of or within 1,500
2 feet of the premises of a day-care center, school, or postsecondary
3 educational institution, the category of punishment under that
4 chapter for the offense is increased to a higher category of offense
5 as follows:

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

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

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

12 (4) a state jail felony is increased to a felony of the
13 third degree;

14 (5) a felony of the third degree is increased to a
15 felony of the second degree; and

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

18 (c) For an offense otherwise punishable under Subsection
19 (b), if it is shown on the trial of the offense that the person has
20 been previously convicted twice of an offense under Chapter 21 for
21 which the punishment was increased under Subsection (b), the
22 category of punishment under that chapter for the offense is
23 increased to a higher category of offense as follows:

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

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

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

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

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

7 (d) If the punishment scheme for an offense under Chapter 21
8 contains a specific enhancement provision increasing punishment to
9 a higher minimum term of punishment than the minimum term required
10 by the applicable higher category of offense prescribed by
11 Subsection (b) or (c), the specific enhancement provision controls
12 over this section.

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

17 SECTION 2. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect on the date the offense was committed,
21 and the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense occurred
24 before that date.

25 SECTION 3. This Act takes effect September 1, 2023.