| **House Bill 55**  Senate Amendments  Section-by-Section Analysis | | |
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| HOUSE VERSION | SENATE VERSION (CS) | CONFERENCE |
| SECTION 1. Section 22.012, Penal Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:  (b) An offense under this section is a Class A misdemeanor, except that the offense is:  (1) a state jail felony if it is shown on the trial of the offense that:  (A) the defendant has been previously convicted of an offense under this section, other than an offense punishable under Paragraph (B);  (B) the defendant is a health care services provider or a mental health services provider and the act is:  (i) committed during the course of providing a treatment or service to the victim; and  (ii) beyond the scope of generally accepted practices for the treatment or service; or  (C) the defendant provided an alcoholic beverage to the other person with the intent to commit the act and the other person was an employee, intern, or was otherwise supervised in a professional capacity by the defendant; or  (2) a felony of the third degree if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section that is punishable under Subdivision (1)(B).  (d) In this section, "health care services provider" and "mental health services provider" have the meanings assigned by Section 22.011. | SECTION 1. Section 22.012, Penal Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:  (b) An offense under this section is a Class A misdemeanor, except that the offense is:  (1) a state jail felony if it is shown on the trial of the offense that:  (A) the defendant has been previously convicted of an offense under this section, other than an offense punishable under Paragraph (B); or  (B) the defendant is a health care services provider or a mental health services provider and the act is:  (i) committed during the course of providing a treatment or service to the victim; and  (ii) beyond the scope of generally accepted practices for the treatment or service; or  (2) a felony of the third degree if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section that is punishable under Subdivision (1)(B).  (d) In this section, "health care services provider" and "mental health services provider" have the meanings assigned by Section 22.011. |  |
| SECTION 2. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date. | SECTION 2. Same as House version. |  |
| SECTION 3. This Act takes effect September 1, 2023. | SECTION 3. Same as House version. |  |