

**House Bill 3553**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION \_\_. 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;

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

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

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

(c) 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 Section 21.07, 21.08, 21.15, or 21.17 for which the punishment was increased under Subsection (b), the category of punishment

**House Bill 3553**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

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; and

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

(d) If the punishment scheme for an offense under Section 21.07, 21.08, 21.15, or 21.17 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) A previous conviction may be used for purposes of enhancement under this section or under another provision of Subchapter D, Chapter 12, but not under both this section and the other provision. [FA1]

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

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

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

(A) a school; or

(B) an institution of higher education or private or

SECTION 1. Same as House version.

**House Bill 3553**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

independent institution of higher education, as defined by Section 61.003, Education Code; or

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

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

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

SECTION 2. The change in law made by this Act applies 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 3. This Act takes effect September 1, 2023.

SENATE VERSION (IE)

SECTION 2. Same as House version.

SECTION 3. Same as House version.

CONFERENCE