

Amend SB 3 on third reading in added Section 443.252, Health and Safety Code, as follows:

(1) Strike Subsections (a) and (d) of that section.

(2) Strike Subsections (e), (f), (h), and (i) of that section and substitute the following:

(e) An offense under this section is a Class C misdemeanor, except that if it is shown on the trial of the offense that at the time of the offense the actor has been previously convicted of an offense under this section two or more times, the offense is a misdemeanor punishable by:

(1) a fine of not less than \$250 and not more than \$2,000;

(2) confinement in jail for a term not to exceed 180 days; or

(3) both the fine and the confinement.

(f) The court shall order:

(1) a person placed on deferred disposition for or convicted of an offense under this section to:

(A) perform community service for:

(i) not less than 8 or more than 12 hours if the person has not been previously convicted of an offense under this section; or

(ii) not less than 20 or more than 40 hours if the person has been previously convicted of an offense under this section; and

(B) successfully complete a substance misuse education program under Section 521.374(a)(1), Transportation Code, that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code; and

(2) the Department of Public Safety to suspend the driver's license or permit of a person convicted of an offense under this section or, if the person does not have a driver's license or permit, to deny the issuance of a driver's license or permit for:

(A) 30 days, if the person has not been previously convicted of an offense under this section;

(B) 60 days, if the person has been previously convicted once of an offense under this section; or

(C) 180 days, if the person has been previously convicted twice or more of an offense under this section.

(h) A driver's license suspension under Subsection (f)(2) takes effect on the 11th day after the date the person is convicted.

(i) A person who has been previously convicted of an offense under this section two or more times is not eligible to receive deferred disposition or deferred adjudication for an offense under this section.

(3) Reletter the subsections of that section and cross-references to those subsections accordingly.