

1-1 By: A. Johnson of Harris, Metcalf, Bonnen H.B. No. 1403
1-2 (Senate Sponsor - Huffman)
1-3 (In the Senate - Received from the House April 20, 2021;
1-4 May 3, 2021, read first time and referred to Committee on Criminal
1-5 Justice; May 13, 2021, reported favorably by the following vote:
1-6 Yeas 7, Nays 0; May 13, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			
1-15	<u>X</u>			

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the imposition of consecutive sentences for certain
1-19 offenses arising out of the same criminal episode.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 3.03(b), Penal Code, is amended to read
1-22 as follows:

1-23 (b) If the accused is found guilty of more than one offense
1-24 arising out of the same criminal episode, the sentences may run
1-25 concurrently or consecutively if each sentence is for a conviction
1-26 of:

1-27 (1) an offense:

1-28 (A) under Section 49.07 or 49.08, regardless of
1-29 whether the accused is convicted of violations of the same section
1-30 more than once or is convicted of violations of both sections; or

1-31 (B) for which a plea agreement was reached in a
1-32 case in which the accused was charged with more than one offense
1-33 listed in Paragraph (A), regardless of whether the accused is
1-34 charged with violations of the same section more than once or is
1-35 charged with violations of both sections;

1-36 (2) an offense:

1-37 (A) under Section 33.021 or an offense under
1-38 Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed
1-39 against a victim younger than 17 years of age at the time of the
1-40 commission of the offense regardless of whether the accused is
1-41 convicted of violations of the same section more than once or is
1-42 convicted of violations of more than one section; or

1-43 (B) for which a plea agreement was reached in a
1-44 case in which the accused was charged with more than one offense
1-45 listed in Paragraph (A) committed against a victim younger than 17
1-46 years of age at the time of the commission of the offense regardless
1-47 of whether the accused is charged with violations of the same
1-48 section more than once or is charged with violations of more than
1-49 one section;

1-50 (3) an offense:

1-51 (A) under Section 21.15 or 43.26, regardless of
1-52 whether the accused is convicted of violations of the same section
1-53 more than once or is convicted of violations of both sections; or

1-54 (B) for which a plea agreement was reached in a
1-55 case in which the accused was charged with more than one offense
1-56 listed in Paragraph (A), regardless of whether the accused is
1-57 charged with violations of the same section more than once or is
1-58 charged with violations of both sections;

1-59 (4) an offense for which the judgment in the case
1-60 contains an affirmative finding under Article 42.0197, Code of
1-61 Criminal Procedure;

2-1 (5) an offense:
 2-2 (A) under Section 20A.02, 20A.03, or 43.05,
 2-3 regardless of whether the accused is convicted of violations of the
 2-4 same section more than once or is convicted of violations of more
 2-5 than one section; or
 2-6 (B) for which a plea agreement was reached in a
 2-7 case in which the accused was charged with more than one offense
 2-8 listed in Paragraph (A), regardless of whether the accused is
 2-9 charged with violations of the same section more than once or is
 2-10 charged with violations of more than one section; [~~or~~]

2-11 (6) an offense:
 2-12 (A) under Section 22.04(a)(1) or (2) or Section
 2-13 22.04(a-1)(1) or (2) that is punishable as a felony of the first
 2-14 degree, regardless of whether the accused is convicted of
 2-15 violations of the same section more than once or is convicted of
 2-16 violations of more than one section; or

2-17 (B) for which a plea agreement was reached in a
 2-18 case in which the accused was charged with more than one offense
 2-19 listed in Paragraph (A) and punishable as described by that
 2-20 paragraph, regardless of whether the accused is charged with
 2-21 violations of the same section more than once or is charged with
 2-22 violations of more than one section; or

2-23 (7) any combination of offenses listed in Subdivisions
 2-24 (1)-(6).

2-25 SECTION 2. The change in law made by this Act applies only
 2-26 to an offense committed on or after the effective date of this Act.
 2-27 An offense committed before the effective date of this Act is
 2-28 governed by the law in effect on the date the offense was committed,
 2-29 and the former law is continued in effect for that purpose. For
 2-30 purposes of this section, an offense was committed before the
 2-31 effective date of this Act if any element of the offense occurred
 2-32 before that date.

2-33 SECTION 3. This Act takes effect September 1, 2021.

2-34 * * * * *