

1-1 By: Flores S.B. No. 1099  
1-2 (In the Senate - Filed February 4, 2025; February 24, 2025,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 10, 2025, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 1; April 10, 2025,  
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Flores	X			
1-10	Parker	X			
1-11	Hagenbuch	X			
1-12	Hinojosa of Hidalgo	X			
1-13	Huffman	X			
1-14	King			X	
1-15	Miles		X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1099 By: Parker

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to increasing the criminal penalty for certain offenses  
1-20 committed by an illegal alien.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 42, Code of Criminal Procedure, is  
1-23 amended by adding Article 42.01992 to read as follows:

1-24 Art. 42.01992. FINDING THAT OFFENSE WAS COMMITTED BY  
1-25 ILLEGAL ALIEN. (a) In this article, "illegal alien" means an alien  
1-26 who:

1-27 (1) before the date of the commission of the offense:

1-28 (A) entered the United States without inspection  
1-29 or at any time or any place other than as designated by the United  
1-30 States attorney general; or

1-31 (B) was admitted as a nonimmigrant and failed to  
1-32 maintain the nonimmigrant status under which the alien was admitted  
1-33 or to which it was changed under Section 248, Immigration and  
1-34 Nationality Act (8 U.S.C. Section 1258), or to comply with the  
1-35 conditions of the alien's status; and

1-36 (2) did not attain and maintain legal status before  
1-37 the date of the commission of the offense.

1-38 (b) In the trial of an offense listed in Article 42A.054(a),  
1-39 the judge shall make an affirmative finding of fact and enter the  
1-40 affirmative finding in the judgment of the case if at the guilt or  
1-41 innocence phase of the trial, the judge or the jury, whichever is  
1-42 the trier of fact, determines beyond a reasonable doubt that the  
1-43 defendant was an illegal alien at the time of the offense.

1-44 SECTION 2. Subchapter D, Chapter 12, Penal Code, is amended  
1-45 by adding Section 12.503 to read as follows:

1-46 Sec. 12.503. PENALTY IF OFFENSE COMMITTED BY ILLEGAL ALIEN.

1-47 (a) Subject to Subsection (b), if an affirmative finding under  
1-48 Article 42.01992, Code of Criminal Procedure, is made in the trial  
1-49 of a felony offense other than a capital felony, the punishment for  
1-50 the offense is increased to the punishment prescribed for the next  
1-51 highest category of offense.

1-52 (b) If an offense described by Subsection (a) is punishable  
1-53 as a felony of the first degree, the minimum term of imprisonment  
1-54 for the offense is increased to 15 years unless another provision of  
1-55 law applicable to the offense provides for a minimum term of  
1-56 imprisonment of 15 years or more.

1-57 SECTION 3. The change in law made by this Act applies only  
1-58 to an offense committed on or after the effective date of this Act.  
1-59 An offense committed before the effective date of this Act is  
1-60 governed by the law in effect on the date the offense was committed,

2-1 and the former law is continued in effect for that purpose. For  
2-2 purposes of this section, an offense was committed before the  
2-3 effective date of this Act if any element of the offense occurred  
2-4 before that date.

2-5 SECTION 4. This Act takes effect September 1, 2025.

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