

By: A. Johnson of Harris

H.B. No. 1402

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a criminal offense committed against a person because
3 of bias or prejudice on the basis of sexual orientation or gender
4 identity.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 42.014(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) In the trial of an offense under Title 5, Penal Code, or
9 Section 28.02, 28.03, or 28.08, Penal Code, the judge shall make an
10 affirmative finding of fact and enter the affirmative finding in
11 the judgment of the case if at the guilt or innocence phase of the
12 trial, the judge or the jury, whichever is the trier of fact,
13 determines beyond a reasonable doubt that the defendant
14 intentionally selected the person against whom the offense was
15 committed, or intentionally selected the person's property that was
16 damaged or affected as a result of the offense, because of the
17 defendant's bias or prejudice against a group identified by race,
18 color, disability, religion, national origin or ancestry, age,
19 gender, ~~or~~ sexual orientation, or gender identity ~~[preference]~~ or
20 by status as a peace officer or judge.

21 SECTION 2. Article 42.014(c), Code of Criminal Procedure,
22 is repealed.

23 SECTION 3. The change in law made by this Act applies only
24 to an offense committed on or after the effective date of this Act.

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

7 SECTION 4. This Act takes effect September 1, 2021.