

By: A. Johnson of Harris, Metcalf, Bonnen

H.B. No. 1403

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the imposition of consecutive sentences for certain  
3 offenses arising out of the same criminal episode.

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

5 SECTION 1. Section 3.03(b), Penal Code, is amended to read  
6 as follows:

7 (b) If the accused is found guilty of more than one offense  
8 arising out of the same criminal episode, the sentences may run  
9 concurrently or consecutively if each sentence is for a conviction  
10 of:

11 (1) an offense:

12 (A) under Section 49.07 or 49.08, regardless of  
13 whether the accused is convicted of violations of the same section  
14 more than once or is convicted of violations of both sections; or

15 (B) for which a plea agreement was reached in a  
16 case in which the accused was charged with more than one offense  
17 listed in Paragraph (A), regardless of whether the accused is  
18 charged with violations of the same section more than once or is  
19 charged with violations of both sections;

20 (2) an offense:

21 (A) under Section 33.021 or an offense under  
22 Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed  
23 against a victim younger than 17 years of age at the time of the  
24 commission of the offense regardless of whether the accused is

1 convicted of violations of the same section more than once or is  
2 convicted of violations of more than one section; or

3 (B) for which a plea agreement was reached in a  
4 case in which the accused was charged with more than one offense  
5 listed in Paragraph (A) committed against a victim younger than 17  
6 years of age at the time of the commission of the offense regardless  
7 of whether the accused is charged with violations of the same  
8 section more than once or is charged with violations of more than  
9 one section;

10 (3) an offense:

11 (A) under Section [21.15](#) or [43.26](#), regardless of  
12 whether the accused is convicted of violations of the same section  
13 more than once or is convicted of violations of both sections; or

14 (B) for which a plea agreement was reached in a  
15 case in which the accused was charged with more than one offense  
16 listed in Paragraph (A), regardless of whether the accused is  
17 charged with violations of the same section more than once or is  
18 charged with violations of both sections;

19 (4) an offense for which the judgment in the case  
20 contains an affirmative finding under Article [42.0197](#), Code of  
21 Criminal Procedure;

22 (5) an offense:

23 (A) under Section [20A.02](#), [20A.03](#), or [43.05](#),  
24 regardless of whether the accused is convicted of violations of the  
25 same section more than once or is convicted of violations of more  
26 than one section; or

27 (B) for which a plea agreement was reached in a

1 case in which the accused was charged with more than one offense  
2 listed in Paragraph (A), regardless of whether the accused is  
3 charged with violations of the same section more than once or is  
4 charged with violations of more than one section; ~~or~~

5 (6) an offense:

6 (A) under Section 22.04(a)(1) or (2) or Section  
7 22.04(a-1)(1) or (2) that is punishable as a felony of the first  
8 degree, regardless of whether the accused is convicted of  
9 violations of the same section more than once or is convicted of  
10 violations of more than one section; or

11 (B) for which a plea agreement was reached in a  
12 case in which the accused was charged with more than one offense  
13 listed in Paragraph (A) and punishable as described by that  
14 paragraph, regardless of whether the accused is charged with  
15 violations of the same section more than once or is charged with  
16 violations of more than one section; or

17 (7) any combination of offenses listed in Subdivisions  
18 (1)-(6).

19 SECTION 2. The change in law made by this Act applies only  
20 to an offense committed on or after the effective date of this Act.  
21 An offense committed before the effective date of this Act is  
22 governed by the law in effect on the date the offense was committed,  
23 and the former law is continued in effect for that purpose. For  
24 purposes of this section, an offense was committed before the  
25 effective date of this Act if any element of the offense occurred  
26 before that date.

27 SECTION 3. This Act takes effect September 1, 2021.