

By: Gervin-Hawkins

H.B. No. 802

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the imposition of consecutive sentences for more than  
3 one criminal offense of injury to a child, elderly individual, or  
4 disabled individual arising out of the same criminal episode.

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

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

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

12 (1) an offense:

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

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

21 (2) an offense:

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

1 commission of the offense regardless of whether the accused is  
2 convicted of violations of the same section more than once or is  
3 convicted of violations of more than one section; or

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

11 (3) an offense:

12 (A) under Section [21.15](#) or [43.26](#), 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 (4) an offense for which the judgment in the case  
21 contains an affirmative finding under Article [42.0197](#), Code of  
22 Criminal Procedure;

23 (5) an offense:

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

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

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

12 [~~(B)~~] for which a plea agreement was reached in a  
13 case in which the accused was charged with more than one offense  
14 under Section 22.04 [~~listed in Paragraph (A) and punishable as~~  
15 ~~described by that paragraph, regardless of whether the accused is~~  
16 ~~charged with violations of the same section more than once or is~~  
17 ~~charged with violations of more than one section]; or~~

18 (7) any combination of offenses listed in Subdivisions  
19 (1)-(6).

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

1 SECTION 3. This Act takes effect September 1, 2023.