

1-1 By: Holland, et al. (Senate Sponsor - Huffman) H.B. No. 4843  
 1-2 (In the Senate - Received from the House May 8, 2023;  
 1-3 May 11, 2023, read first time and referred to Committee on State  
 1-4 Affairs; May 21, 2023, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
 1-6 May 21, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19			X	

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 4843 By: Hughes

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to increasing the minimum term of imprisonment and  
 1-24 changing the eligibility for community supervision and parole for  
 1-25 certain felony offenses in which a firearm is used or exhibited, to  
 1-26 certain consequences on conviction of certain of those offenses,  
 1-27 and to increasing the criminal penalty for the offense of unlawful  
 1-28 possession of a firearm by a person convicted of a felony.

1-29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-30 SECTION 1. Subchapter D, Chapter 12, Penal Code, is amended  
 1-31 by adding Section 12.502 to read as follows:

1-32 Sec. 12.502. PENALTY FOR CERTAIN FELONY OFFENSES COMMITTED  
 1-33 WITH FIREARM. (a) The minimum term of imprisonment for a first,  
 1-34 second, or third degree felony listed in Article 42A.054(a), Code  
 1-35 of Criminal Procedure, is increased to 10 years if an affirmative  
 1-36 finding has been entered in the judgment in the case under Article  
 1-37 42A.054(d), Code of Criminal Procedure.

1-38 (b) Subsection (a) does not apply to a felony offense for  
 1-39 which the punishment otherwise required by law includes a minimum  
 1-40 term of imprisonment that exceeds 10 years.

1-41 SECTION 2. Section 46.04(e), Penal Code, is amended to read  
 1-42 as follows:

1-43 (e) An offense under Subsection (a) is a felony of the  
 1-44 second [~~third~~] degree. An offense under Subsection (a-1), (b), or  
 1-45 (c) is a Class A misdemeanor.

1-46 SECTION 3. Article 42.08, Code of Criminal Procedure, is  
 1-47 amended by adding Subsection (b-1) to read as follows:

1-48 (b-1) A judge sentencing a defendant convicted of an offense  
 1-49 that was committed while on community supervision granted under  
 1-50 Article 42A.055 and for which the minimum term of imprisonment was  
 1-51 increased under Section 12.502, Penal Code, shall order the  
 1-52 sentence for the offense to commence immediately on completion of  
 1-53 the sentence for the offense for which the defendant was placed on  
 1-54 community supervision.

1-55 SECTION 4. Article 42A.055, Code of Criminal Procedure, is  
 1-56 amended by adding Subsection (c-1) to read as follows:

1-57 (c-1) If the jury recommends to the judge that the judge  
 1-58 place the defendant on community supervision for an offense for  
 1-59 which the minimum term of imprisonment for the offense is increased  
 1-60 under Section 12.502, Penal Code, the judge shall place the

2-1 defendant on community supervision for a period of 10 years.

2-2 SECTION 5. Article 42A.102(b), Code of Criminal Procedure,  
2-3 is amended to read as follows:

2-4 (b) In all other cases, the judge may grant deferred  
2-5 adjudication community supervision unless:

2-6 (1) the defendant is charged with an offense:

2-7 (A) under Section 20A.02, 20A.03, 49.045, 49.05,  
2-8 49.065, 49.07, or 49.08, Penal Code;

2-9 (B) under Section 49.04 or 49.06, Penal Code,  
2-10 and, at the time of the offense:

2-11 (i) the defendant held a commercial  
2-12 driver's license or a commercial learner's permit; or

2-13 (ii) the defendant's alcohol concentration,  
2-14 as defined by Section 49.01, Penal Code, was 0.15 or more;

2-15 (C) for which punishment may be increased under  
2-16 Section 49.09, Penal Code;

2-17 (D) for which punishment may be increased under  
2-18 Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it  
2-19 is shown that the defendant has been previously convicted of an  
2-20 offense for which punishment was increased under any one of those  
2-21 subsections; ~~or~~

2-22 (E) that is punishable as a first, second, or  
2-23 third degree felony listed in Article 42A.054(a), if the judge  
2-24 finds that a firearm was used or exhibited during the commission of  
2-25 the offense or during the immediate flight from the commission of  
2-26 the offense; or

2-27 (F) under Section 481.1123, Health and Safety  
2-28 Code, that is punishable under Subsection (d), (e), or (f) of that  
2-29 section;

2-30 (2) the defendant:

2-31 (A) is charged with an offense under Section  
2-32 21.11, 22.011, 22.021, 43.04, or 43.05, Penal Code, regardless of  
2-33 the age of the victim, or a felony described by Article 42A.453(b),  
2-34 other than a felony described by Subdivision (1)(A) or (3)(B) of  
2-35 this subsection; and

2-36 (B) has previously been placed on community  
2-37 supervision for an offense under Paragraph (A);

2-38 (3) the defendant is charged with an offense under:

2-39 (A) Section 21.02, Penal Code; or

2-40 (B) Section 22.021, Penal Code, that is  
2-41 punishable under Subsection (f) of that section or under Section  
2-42 12.42(c)(3) or (4), Penal Code; or

2-43 (4) the defendant is charged with an offense under  
2-44 Section 19.02, Penal Code, except that the judge may grant deferred  
2-45 adjudication community supervision on determining that the  
2-46 defendant did not cause the death of the deceased, did not intend to  
2-47 kill the deceased or another, and did not anticipate that a human  
2-48 life would be taken.

2-49 SECTION 6. Section 508.145(d)(2), Government Code, is  
2-50 amended to read as follows:

2-51 (2) An inmate described by Subdivision (1) is not  
2-52 eligible for release on parole until the inmate's actual calendar  
2-53 time served, without consideration of good conduct time, equals  
2-54 one-half of the sentence or 30 calendar years, whichever is less,  
2-55 but in no event is the inmate eligible for release on parole in less  
2-56 than:

2-57 (A) 10 calendar years, for an inmate serving a  
2-58 sentence for an offense for which the minimum term of imprisonment  
2-59 was increased under Section 12.502, Penal Code; or

2-60 (B) two calendar years, for an inmate serving a  
2-61 sentence for any other offense to which this subsection applies.

2-62 SECTION 7. The change in law made by this Act applies only  
2-63 to an offense committed on or after the effective date of this Act.  
2-64 An offense committed before the effective date of this Act is  
2-65 governed by the law in effect on the date the offense was committed,  
2-66 and the former law is continued in effect for that purpose. For  
2-67 purposes of this section, an offense was committed before the  
2-68 effective date of this Act if any element of the offense occurred  
2-69 before that date.

3-1 SECTION 8. This Act takes effect September 1, 2023.

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