

By: Hull

H.B. No. 1422

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the rights of victims of sexual assault and other sex  
3 offenses, the offense of continuous sexual abuse, and the  
4 prosecution and punishment of certain sex offenses; creating a  
5 criminal offense; increasing criminal penalties.

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

7 SECTION 1. Section [420.0735](#), Government Code, is amended by  
8 adding Subsection (g) to read as follows:

9 (g) The reason or purpose for the release of evidence  
10 described by Subsection (d)(2) may be limited to permit only the  
11 acts of forensic DNA testing and DNA profile comparison in the  
12 manner provided by Section 420.0736, regardless of whether a report  
13 of the applicable offense is made to a law enforcement agency.

14 SECTION 2. Subchapter D, Chapter [420](#), Government Code, is  
15 amended by adding Section 420.0736 to read as follows:

16 Sec. 420.0736. LIMITED CONSENT FOR DNA TESTING AND  
17 COMPARISON OF CERTAIN EVIDENCE. (a) To encourage the reporting of  
18 sexual assaults or other sex offenses that would otherwise remain  
19 unreported and notwithstanding Sections [420.0431](#) and [420.0432](#), a  
20 survivor or other person authorized to consent to the release of  
21 evidence contained in an evidence collection kit under Section  
22 [420.0735](#) may choose to limit the scope of the consent under that  
23 section to permit only the following acts undertaken in relation to  
24 the collected evidence, without regard to whether a report of the

1 offense is made to a law enforcement agency:

2 (1) the performance of forensic DNA testing on  
3 biological evidence contained in the evidence collection kit; and

4 (2) the comparison of a DNA profile obtained from the  
5 biological evidence with DNA profiles maintained in:

6 (A) state databases, including the DNA database  
7 system maintained under Subchapter G, Chapter 411, if the amount  
8 and quality of the analyzed sample meet the requirements of the  
9 state database system comparison policies; and

10 (B) the CODIS DNA database established by the  
11 Federal Bureau of Investigation, if the amount and quality of the  
12 analyzed sample meet the requirements of the bureau's CODIS  
13 comparison policies.

14 (b) The department by rule shall adopt a form to enable a  
15 survivor or other authorized person to provide the limited consent  
16 described by this section. The form must include the following  
17 statement: "IT IS NOT NECESSARY TO REPORT AN OFFENSE TO A LAW  
18 ENFORCEMENT AGENCY IN ORDER TO OBTAIN FORENSIC DNA TESTING AND DNA  
19 PROFILE COMPARISON OF BIOLOGICAL EVIDENCE COLLECTED DURING YOUR  
20 FORENSIC MEDICAL EXAMINATION. HOWEVER, IF YOU AUTHORIZE DNA  
21 TESTING AND COMPARISON OF THE BIOLOGICAL EVIDENCE COLLECTED DURING  
22 YOUR EXAMINATION, ANY RESULTS OF THE DNA TESTING AND COMPARISON MAY  
23 BE SUBJECT TO USE IN A CRIMINAL INVESTIGATION OR TRIAL REGARDLESS OF  
24 WHETHER YOU CHOOSE TO FILE A REPORT IN YOUR CASE."

25 (c) The department shall provide to the survivor or other  
26 authorized person giving limited consent under Subsection (a)  
27 notice regarding whether any matches are identified between the DNA

1 profile submitted to the department and DNA profiles contained in  
2 the databases described by Subsection (a). The department may not  
3 notify any other entity of the results of the DNA testing or  
4 comparison and may not use those results for any reason or purpose  
5 other than as permitted by this section, unless the department  
6 first obtains additional written consent from the person for that  
7 reason or purpose under Section 420.0735.

8 SECTION 3. Section 3.03(b), Penal Code, is amended to read  
9 as follows:

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

14 (1) an offense:

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

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

23 (2) an offense:

24 (A) under Section 33.021 or an offense under  
25 Section 21.02, 21.11, [~~22.011, 22.021,~~] 25.02, or 43.25 committed  
26 against a victim younger than 17 years of age at the time of the  
27 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 (2-a) an offense:

11 (A) under Section 22.011 or 22.021, regardless of  
12 whether the accused is convicted of violations of the same section  
13 more than once or is convicted of violations of more than one  
14 section; 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 more than one section;

20 (3) an offense:

21 (A) under Section 21.15 or 43.26, regardless of  
22 whether the accused is convicted of violations of the same section  
23 more than once or is convicted of violations of both sections; or

24 (B) for which a plea agreement was reached in a  
25 case in which the accused was charged with more than one offense  
26 listed in Paragraph (A), regardless of whether the accused is  
27 charged with violations of the same section more than once or is

1 charged with violations of both sections;

2 (4) an offense for which the judgment in the case  
3 contains an affirmative finding under Article 42.0197, Code of  
4 Criminal Procedure;

5 (5) an offense:

6 (A) under Section 20A.02, 20A.03, or 43.05,  
7 regardless of whether the accused is convicted of violations of the  
8 same section more than once or is convicted of violations of more  
9 than one section; or

10 (B) for which a plea agreement was reached in a  
11 case in which the accused was charged with more than one offense  
12 listed in Paragraph (A), regardless of whether the accused is  
13 charged with violations of the same section more than once or is  
14 charged with violations of more than one section;

15 (6) an offense:

16 (A) under Section 22.04(a)(1) or (2) or Section  
17 22.04(a-1)(1) or (2) that is punishable as a felony of the first  
18 degree, regardless of whether the accused is convicted of  
19 violations of the same section more than once or is convicted of  
20 violations of more than one section; or

21 (B) for which a plea agreement was reached in a  
22 case in which the accused was charged with more than one offense  
23 listed in Paragraph (A) and punishable as described by that  
24 paragraph, regardless of whether the accused is charged with  
25 violations of the same section more than once or is charged with  
26 violations of more than one section; or

27 (7) any combination of offenses listed in Subdivisions

1 (1)-(6).

2 SECTION 4. Section 12.42(c)(3), Penal Code, is amended to  
3 read as follows:

4 (3) Notwithstanding Subdivision (1) or (2), a  
5 defendant shall be punished for a capital felony if it is shown on  
6 the trial of an offense under Section 22.021 otherwise punishable  
7 under Subsection (f) of that section that the defendant has  
8 previously been finally convicted of:

9 (A) an offense under Section 22.021 that was  
10 committed against a victim described by Section 22.021(f) [~~Section~~  
11 ~~22.021(f)(1) or was committed against a victim described by Section~~  
12 ~~22.021(f)(2) and in a manner described by Section 22.021(a)(2)(A)];~~

13 or

14 (B) an offense that was committed under the laws  
15 of another state that:

16 (i) contains elements that are  
17 substantially similar to the elements of an offense under Section  
18 22.021; and

19 (ii) was committed against a victim  
20 described by Section 22.021(f) [~~Section 22.021(f)(1) or was~~  
21 ~~committed against a victim described by Section 22.021(f)(2) and in~~  
22 ~~a manner substantially similar to a manner described by Section~~  
23 ~~22.021(a)(2)(A)].~~

24 SECTION 5. Sections 12.502(b), (c), and (d), Penal Code,  
25 are amended to read as follows:

26 (b) Except as provided by Subsection (c), if it is shown on  
27 the trial of an offense under Section 21.07, 21.08, or 21.15 [~~or~~

1 ~~21.17~~] that the offense was committed in a location that was on the  
2 premises of a postsecondary educational institution, the category  
3 of punishment for the offense is increased to a higher category of  
4 offense as follows:

5           (1) a Class C misdemeanor is increased to a Class B  
6 misdemeanor;

7           (2) a Class B misdemeanor is increased to a Class A  
8 misdemeanor;

9           (3) a Class A misdemeanor is increased to a state jail  
10 felony; and

11           (4) a state jail felony is increased to a felony of the  
12 third degree.

13           (c) For an offense otherwise punishable under Subsection  
14 (b), if it is shown on the trial of the offense that the person has  
15 been previously convicted twice of an offense under Section 21.07,  
16 21.08, or 21.15 [~~, or 21.17~~] for which the punishment was increased  
17 under Subsection (b), the category of punishment for the offense is  
18 increased to a higher category of offense as follows:

19           (1) a Class C misdemeanor is increased to a Class A  
20 misdemeanor;

21           (2) a Class B misdemeanor is increased to a state jail  
22 felony;

23           (3) a Class A misdemeanor is increased to a felony of  
24 the third degree; and

25           (4) a state jail felony is increased to a felony of the  
26 second degree.

27           (d) If the punishment scheme for an offense under Section

1 21.07, 21.08, or 21.15 [~~, or 21.17~~] contains a specific enhancement  
2 provision increasing punishment to a higher minimum term of  
3 punishment than the minimum term required by the applicable higher  
4 category of offense prescribed by Subsection (b) or (c), the  
5 specific enhancement provision controls over this section.

6 SECTION 6. Chapter 21, Penal Code, is amended by adding  
7 Section 21.03 to read as follows:

8 Sec. 21.03. CONTINUOUS SEXUAL ABUSE. (a) A person commits  
9 an offense if:

10 (1) during a period that is 30 or more days in  
11 duration, the person commits three or more acts of sexual abuse,  
12 regardless of whether the acts of sexual abuse are committed  
13 against one or more victims; and

14 (2) at the time of the commission of each of the acts  
15 of sexual abuse, the actor is 17 years of age or older and the victim  
16 is:

17 (A) described by Section 21.02(b)(2); or

18 (B) any other person regardless of age or  
19 disability, other than a victim who is:

20 (i) 14 years of age or older;

21 (ii) younger than 17 years of age; and

22 (iii) not more than three years younger  
23 than the actor.

24 (b) For purposes of this section, "act of sexual abuse"  
25 means any act that is a violation of one or more of the following  
26 penal laws:

27 (1) aggravated kidnapping under Section 20.04(a)(4),



1 if the actor committed the offense with the intent to violate or  
2 abuse the victim sexually;

3 (2) indecency with a child under Section 21.11(a)(1),  
4 if the actor committed the offense in a manner other than by  
5 touching, including touching through clothing, the breast of a  
6 child;

7 (3) sexual assault under Section 22.011;

8 (4) aggravated sexual assault under Section 22.021;

9 (5) burglary under Section 30.02, if the offense is  
10 punishable under Subsection (d) of that section and the actor  
11 committed the offense with the intent to commit an offense listed in  
12 Subdivisions (1)-(4);

13 (6) sexual performance by a child under Section 43.25;

14 (7) trafficking of persons under Section  
15 20A.02(a)(3), (4), (7), or (8); and

16 (8) compelling prostitution under Section 43.05.

17 (c) If a jury is the trier of fact, members of the jury are  
18 not required to agree unanimously on which specific acts of sexual  
19 abuse were committed by the defendant or the exact date when those  
20 acts were committed. The jury must agree unanimously that the  
21 defendant, during a period that is 30 or more days in duration,  
22 committed three or more acts of sexual abuse.

23 (d) A defendant may not be convicted in the same criminal  
24 action of an offense listed under Subsection (b) the victim of which  
25 is the same victim as a victim of the offense under Subsection (a)  
26 unless the offense listed in Subsection (b):

27 (1) is charged in the alternative;

1           (2) occurred outside the period in which the offense  
2 alleged under Subsection (a) was committed; or

3           (3) is considered by the trier of fact to be a lesser  
4 included offense of the offense alleged under Subsection (a).

5           (e) A defendant may not be charged with more than one count  
6 under Subsection (a) if all of the specific acts of sexual abuse  
7 that are alleged to have been committed are alleged to have been  
8 committed against a single victim.

9           (f) With respect to a prosecution under this section  
10 involving only one or more victims younger than 17 years of age, it  
11 is an affirmative defense to prosecution under this section that  
12 the actor:

13                 (1) was not more than five years older than:

14                         (A) the victim of the offense, if the offense is  
15 alleged to have been committed against only one victim; or

16                         (B) the youngest victim of the offense, if the  
17 offense is alleged to have been committed against more than one  
18 victim;

19                 (2) did not use duress, force, or a threat against a  
20 victim at the time of the commission of any of the acts of sexual  
21 abuse alleged as an element of the offense; and

22                 (3) at the time of the commission of any of the acts of  
23 sexual abuse alleged as an element of the offense:

24                         (A) was not required under Chapter 62, Code of  
25 Criminal Procedure, to register for life as a sex offender; or

26                         (B) was not a person who under Chapter 62 had a  
27 reportable conviction or adjudication for an offense under this

1 section or an act of sexual abuse as described by Subsection (c).

2 (g) An offense under this section is a felony of the first  
3 degree, punishable by imprisonment in the Texas Department of  
4 Criminal Justice for life, or for any term of not more than 99 years  
5 or less than 25 years.

6 (h) If conduct constituting an offense under this section  
7 also constitutes an offense under Section 21.02, the actor may be  
8 prosecuted under either section, but not both.

9 SECTION 7. Section 21.17, Penal Code, is amended by  
10 amending Subsections (b), (c), and (d) and adding Subsection (f) to  
11 read as follows:

12 (b) Except as provided by Subsection (c) or (d), an offense  
13 under this section is a Class A [~~C~~] misdemeanor.

14 (c) An offense under this section is a state jail felony  
15 [~~Class B misdemeanor~~] if it is shown on the trial of the offense  
16 that:

17 (1) the actor has previously been convicted [~~two or~~  
18 ~~more times~~] of an offense under this section;

19 (2) the victim was a child younger than 18 years of age  
20 at the time of the offense; or

21 (3) the offense was committed in a location that was on  
22 the premises of a postsecondary educational institution.

23 (d) An offense under this section is a [~~state jail~~] felony  
24 of the third degree if it is shown on the trial of the offense that:

25 (1) the victim was a child younger than 18 [~~14~~] years  
26 of age at the time of the offense; and

27 (2) the actor has previously been convicted of an

1 offense punishable under Subsection (c)(2).

2 (f) In this section, "postsecondary educational  
3 institution" and "premises" have the meanings assigned by Section  
4 12.502.

5 SECTION 8. Section 22.021(f), Penal Code, is amended to  
6 read as follows:

7 (f) The minimum term of imprisonment for an offense under  
8 this section is increased to 25 years if[+]

9 ~~[(1) the victim of the offense is younger than six~~  
10 ~~years of age at the time the offense is committed; or~~

11 ~~[(2)] the victim of the offense is younger than 14~~  
12 ~~years of age at the time the offense is committed [and the actor~~  
13 ~~commits the offense in a manner described by Subsection (a)(2)(A)].~~

14 SECTION 9. Not later than December 1, 2025, the Department  
15 of Public Safety of the State of Texas shall adopt the form required  
16 by Section 420.0736, Government Code, as added by this Act.

17 SECTION 10. The changes in law made by this Act apply only  
18 to an offense committed on or after the effective date of this Act.  
19 An offense committed before the effective date of this Act is  
20 governed by the law in effect on the date the offense was committed,  
21 and the former law is continued in effect for that purpose. For  
22 purposes of this section, an offense was committed before the  
23 effective date of this Act if any element of the offense occurred  
24 before that date.

25 SECTION 11. This Act takes effect September 1, 2025.