

By: Dukes

H.B. No. 1043

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for certain defendants convicted of  
indecenty with a child.

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

SECTION 1. Section 12.42(c)(2), Penal Code, is amended to  
read as follows:

(2) A defendant shall be punished by imprisonment in  
the institutional division for life if:

(A) the defendant is convicted of an offense:

(i) under Section 21.11, 22.011, or 22.021  
~~[or 22.011]~~, Penal Code;

(ii) under Section 20.04(a)(4), Penal Code,  
if the defendant committed the offense with the intent to violate or  
abuse the victim sexually; or

(iii) under Section 30.02, Penal Code,  
punishable under Subsection (d) of that section, if the defendant  
committed the offense with the intent to commit a felony described  
by Subparagraph (i) or (ii) or a felony under Section 21.11 or  
22.011, Penal Code; and

(B) the defendant has been previously convicted  
of an offense:

(i) under Section 43.25 or 43.26, Penal  
Code;

(ii) under Section 21.11, 22.011, 22.021,

1 or 25.02, Penal Code;

2 (iii) under Section 20.04(a)(4), Penal  
3 Code, if the defendant committed the offense with the intent to  
4 violate or abuse the victim sexually;

5 (iv) under Section 30.02, Penal Code,  
6 punishable under Subsection (d) of that section, if the defendant  
7 committed the offense with the intent to commit a felony described  
8 by Subparagraph (ii) or (iii); or

9 (v) under the laws of another state  
10 containing elements that are substantially similar to the elements  
11 of an offense listed in Subparagraph (i), (ii), (iii), or (iv).

12 SECTION 2. (a) The change in law made by this Act applies  
13 only to an offense committed on or after the effective date of this  
14 Act. For purposes of this section, an offense is committed before  
15 the effective date of this Act if any element of the offense occurs  
16 before the effective date.

17 (b) An offense committed before the effective date of this  
18 Act is covered by the law in effect when the offense was committed,  
19 and the former law is continued in effect for that purpose.

20 SECTION 3. This Act takes effect September 1, 2003.