

By: Gattis

H.B. No. 904

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sentencing of defendants convicted of multiple
3 counts of intoxication assault, improper photography or visual
4 recording, or possession or promotion of child pornography.

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 [~~under Section 49.08~~];
21 [~~or~~]

22 (2) an offense:

23 (A) under Section 21.11, 22.011, 22.021, 25.02,
24 or 43.25 committed against a victim younger than 17 years of age at

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

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 SECTION 2. The change in law made by this Act applies only
21 to an offense committed on or after September 1, 2005. An offense
22 committed before September 1, 2005, is covered by the law in effect
23 when the offense was committed, and the former law is continued in
24 effect for that purpose. For the purposes of this section, an
25 offense was committed before September 1, 2005, if any element of
26 the offense was committed before that date.

27 SECTION 3. This Act takes effect September 1, 2005.