

By: Coleman

H.B. No. 1289

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an offense committed against a person because of bias or
3 prejudice on the basis of gender identity or expression.

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

5 SECTION 1. Article 42.014(a), Code of Criminal Procedure,
6 is amended to read as follows:

7 (a) In the trial of an offense under Title 5, Penal Code, or
8 Section 28.02, 28.03, or 28.08, Penal Code, the judge shall make an
9 affirmative finding of fact and enter the affirmative finding in
10 the judgment of the case if at the guilt or innocence phase of the
11 trial, the judge or the jury, whichever is the trier of fact,
12 determines beyond a reasonable doubt that the defendant
13 intentionally selected the person against whom the offense was
14 committed or intentionally selected property damaged or affected as
15 a result of the offense because of the defendant's bias or prejudice
16 against a group identified by race, color, disability, religion,
17 national origin or ancestry, age, gender, [~~or~~] sexual preference,
18 or gender identity or expression.

19 SECTION 2. The change in law made by this Act applies only
20 to an offense committed on or after September 1, 2007. An offense
21 committed before September 1, 2007, is governed by the law in effect
22 when the offense was committed, and the former law is continued in
23 effect for that purpose. For purposes of this section, an offense
24 was committed before September 1, 2007, if any element of the

1 offense occurred before that date.

2 SECTION 3. This Act takes effect September 1, 2007.