

BILL ANALYSIS

H.B. 1590
By: Rose
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Penal Code currently allows for the stacking of penalties for a select group of enumerated offenses if the accused is found guilty of more than one offense arising out of the same criminal episode. In those specific instances, the sentences may run concurrently or consecutively. The law does not, however, allow for the stacking of penalties for first degree felony offenses of injury to a child, an elderly individual, or a disabled individual, in which the victim is seriously injured.

H.B. 1590 gives judges the option to run sentences concurrently or consecutively for cases involving the commission of more than one first degree felony offense of injury to a child, elderly individual, or disabled individual arising out of the same episode.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1590 amends the Penal Code to authorize sentences for convictions of more than one offense arising out of the same criminal episode to run concurrently or consecutively if each sentence is for: a conviction of the offense of injury to a child, elderly individual, or disabled individual in which the offender caused serious bodily injury or serious mental deficiency, impairment, or injury, that is punishable as a felony of the first degree, regardless of whether the accused is convicted of violating the same element of the offense more than once or is convicted of violating different elements of the offense; or for a conviction of an offense for which a plea agreement was reached in a case in which the accused was charged with more than one offense of injury to a child, elderly individual, or disabled individual as described above and as punishable as above regardless of whether the accused is charged with violating the same element of the offense more than once or is charged with violating different elements of that offense.

EFFECTIVE DATE

September 1, 2009.