

By: Rose, Moody

H.B. No. 1590

A BILL TO BE ENTITLED

AN ACT

relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.

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

SECTION 1. Section 3.03(b), Penal Code, is amended to read as follows:

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

(1) an offense:

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

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

(2) an offense:

(A) under Section 33.021 or an offense under Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed against a victim younger than 17 years of age at the time of the

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

20 (4) an offense:

21 (A) under Section 22.04(a)(1) or (2) or Section  
22 22.04(a-1)(1) or (2) that is punishable as a felony of the first  
23 degree, regardless of whether the accused is convicted of  
24 violations of the same section more than once or is convicted of  
25 violations of more than one section; or

26 (B) for which a plea agreement was reached in a  
27 case in which the accused was charged with more than one offense

1 listed in Paragraph (A) and punishable as described by that  
2 paragraph, regardless of whether the accused is charged with  
3 violations of the same section more than once or is charged with  
4 violations of more than one section.

5         SECTION 2. The change in law made by this Act applies only  
6 to an offense committed on or after the effective date of this Act.  
7 An offense committed before the effective date of this Act is  
8 governed by the law in effect at the time the offense was committed,  
9 and the former law is continued in effect for that purpose. For  
10 purposes of this section, an offense was committed before the  
11 effective date of this Act if any element of the offense occurred  
12 before that date.

13         SECTION 3. This Act takes effect September 1, 2009.