

BILL ANALYSIS

C.S.H.B. 3
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been reported that sexual assault and aggravated sexual assault are among the crimes with the highest recidivism rates. Interested parties believe that repeat offenders of these crimes should be subject to a prison sentence of life without parole because of the heinous nature of these crimes and the high recidivism rates.

C.S.H.B. 3 addresses this concern by including these repeat offenders within the applicability of provisions relating to the imposition of a sentence of life without parole on certain defendants who commit certain sexual offenses.

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

C.S.H.B. 3 amends the Penal Code to make the requirement that a defendant be punished by imprisonment in the Texas Department of Criminal Justice (TDCJ) for life without parole if it is shown on the trial of a continuous sexual abuse of a young child or children offense that the defendant has previously been finally convicted of continuous sexual abuse of a young child or children or an offense committed under the laws of another state containing elements that are substantially similar to the elements of such an offense apply also to a defendant on the trial of a sexual assault or aggravated sexual assault offense. The bill includes sexual assault, aggravated sexual assault, or an offense committed under the laws of another state containing elements that are substantially similar to those offenses, in addition to the continuous sexual abuse of a young child or children, as offenses that require a defendant who has been previously convicted of such offenses to be punished by imprisonment for life without parole.

C.S.H.B. 3 provides an exception to the previously described punishment requirement by prohibiting the punishment of life without parole for a defendant whose punishment results from any conviction of a sexual assault offense for which an affirmative finding was entered in the judgment of the case that the defendant was younger than 19 years of age and the victim was at least 13 years of age and the conviction is based solely on the ages of the defendant and the victim or intended victim at the time of the offense. The bill makes conforming changes.

C.S.H.B. 3 amends the Code of Criminal Procedure in a provision relating to deferred adjudication community supervision to make a conforming change.

C.S.H.B. 3 amends the Government Code in a provision relating to eligibility for parole to make a conforming change.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3 contains provisions not included in the original prohibiting a defendant convicted of a certain sexual offense from being punished by imprisonment for life without parole as a result of any conviction of a sexual assault offense for which a certain affirmative finding regarding an age-based offense was entered in the judgment in the case and making a conforming change to reflect that prohibition as an exception. The substitute differs from the original in nonsubstantive ways.