

1-1 By: Price, et al. (Senate Sponsor - Huffman) H.B. No. 1601
1-2 (In the Senate - Received from the House April 26, 2011;
1-3 April 29, 2011, read first time and referred to Committee on
1-4 Criminal Justice; May 21, 2011, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; May 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to consecutive sentences for certain offenses involving
1-9 injury to a child, an elderly individual, or a disabled individual
1-10 and arising out of the same criminal episode.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 3.03(b), Penal Code, is amended to read
1-13 as follows:

1-14 (b) If the accused is found guilty of more than one offense
1-15 arising out of the same criminal episode, the sentences may run
1-16 concurrently or consecutively if each sentence is for a conviction
1-17 of:

1-18 (1) an offense:

1-19 (A) under Section 49.07 or 49.08, regardless of
1-20 whether the accused is convicted of violations of the same section
1-21 more than once or is convicted of violations of both sections; or

1-22 (B) for which a plea agreement was reached in a
1-23 case in which the accused was charged with more than one offense
1-24 listed in Paragraph (A), regardless of whether the accused is
1-25 charged with violations of the same section more than once or is
1-26 charged with violations of both sections;

1-27 (2) an offense:

1-28 (A) under Section 33.021 or an offense under
1-29 Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed
1-30 against a victim younger than 17 years of age at the time of the
1-31 commission of the offense regardless of whether the accused is
1-32 convicted of violations of the same section more than once or is
1-33 convicted of violations of more than one section; or

1-34 (B) for which a plea agreement was reached in a
1-35 case in which the accused was charged with more than one offense
1-36 listed in Paragraph (A) committed against a victim younger than 17
1-37 years of age at the time of the commission of the offense regardless
1-38 of whether the accused is charged with violations of the same
1-39 section more than once or is charged with violations of more than
1-40 one section;

1-41 (3) an offense:

1-42 (A) under Section 21.15 or 43.26, regardless of
1-43 whether the accused is convicted of violations of the same section
1-44 more than once or is convicted of violations of both sections; or

1-45 (B) for which a plea agreement was reached in a
1-46 case in which the accused was charged with more than one offense
1-47 listed in Paragraph (A), regardless of whether the accused is
1-48 charged with violations of the same section more than once or is
1-49 charged with violations of both sections; ~~[or]~~

1-50 (4) an offense for which the judgment in the case
1-51 contains an affirmative finding under Article 42.0197, Code of
1-52 Criminal Procedure; or

1-53 (5) an offense:

1-54 (A) under Section 22.04(a)(1) or (2) or Section
1-55 22.04(a-1)(1) or (2) that is punishable as a felony of the first
1-56 degree, regardless of whether the accused is convicted of
1-57 violations of the same section more than once or is convicted of
1-58 violations of more than one section; or

1-59 (B) for which a plea agreement was reached in a
1-60 case in which the accused was charged with more than one offense
1-61 listed in Paragraph (A) and punishable as described by that
1-62 paragraph, regardless of whether the accused is charged with
1-63 violations of the same section more than once or is charged with
1-64 violations of more than one section.

2-1 SECTION 2. The change in law made by this Act applies only
2-2 to an offense committed on or after the effective date of this Act.
2-3 An offense committed before the effective date of this Act is
2-4 governed by the law in effect at the time the offense was committed,
2-5 and the former law is continued in effect for that purpose. For
2-6 purposes of this section, an offense was committed before the
2-7 effective date of this Act if any element of the offense occurred
2-8 before that date.

2-9 SECTION 3. This Act takes effect September 1, 2011.

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