

1-1 By: Price, et al. (Senate Sponsor - Huffman) H.B. No. 220
1-2 (In the Senate - Received from the House April 22, 2013;
1-3 April 24, 2013, read first time and referred to Committee on
1-4 Criminal Justice; May 9, 2013, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 9, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Whitmire</u>	<u>X</u>		
1-9	<u>Huffman</u>	<u>X</u>		
1-10	<u>Carona</u>	<u>X</u>		
1-11	<u>Hinojosa</u>	<u>X</u>		
1-12	<u>Patrick</u>	<u>X</u>		
1-13	<u>Rodriguez</u>	<u>X</u>		
1-14	<u>Schwertner</u>	<u>X</u>		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to consecutive sentences for certain offenses involving
1-18 injury to a child, an elderly individual, or a disabled individual
1-19 and arising out of the same criminal episode.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 3.03(b), Penal Code, is amended to read
1-22 as follows:

1-23 (b) If the accused is found guilty of more than one offense
1-24 arising out of the same criminal episode, the sentences may run
1-25 concurrently or consecutively if each sentence is for a conviction
1-26 of:

1-27 (1) an offense:

1-28 (A) under Section 49.07 or 49.08, regardless of
1-29 whether the accused is convicted of violations of the same section
1-30 more than once or is convicted of violations of both sections; or

1-31 (B) for which a plea agreement was reached in a
1-32 case in which the accused was charged with more than one offense
1-33 listed in Paragraph (A), regardless of whether the accused is
1-34 charged with violations of the same section more than once or is
1-35 charged with violations of both sections;

1-36 (2) an offense:

1-37 (A) under Section 33.021 or an offense under
1-38 Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed
1-39 against a victim younger than 17 years of age at the time of the
1-40 commission of the offense regardless of whether the accused is
1-41 convicted of violations of the same section more than once or is
1-42 convicted of violations of more than one section; or

1-43 (B) for which a plea agreement was reached in a
1-44 case in which the accused was charged with more than one offense
1-45 listed in Paragraph (A) committed against a victim younger than 17
1-46 years of age at the time of the commission of the offense regardless
1-47 of whether the accused is charged with violations of the same
1-48 section more than once or is charged with violations of more than
1-49 one section;

1-50 (3) an offense:

1-51 (A) under Section 21.15 or 43.26, regardless of
1-52 whether the accused is convicted of violations of the same section
1-53 more than once or is convicted of violations of both sections; or

1-54 (B) for which a plea agreement was reached in a
1-55 case in which the accused was charged with more than one offense
1-56 listed in Paragraph (A), regardless of whether the accused is
1-57 charged with violations of the same section more than once or is
1-58 charged with violations of both sections;

1-59 (4) an offense for which the judgment in the case
1-60 contains an affirmative finding under Article 42.0197, Code of
1-61 Criminal Procedure; [~~or~~]

2-1 (5) an offense:
2-2 (A) under Section 20A.02 or 43.05, regardless of
2-3 whether the accused is convicted of violations of the same section
2-4 more than once or is convicted of violations of both sections; or

2-5 (B) for which a plea agreement was reached in a
2-6 case in which the accused was charged with more than one offense
2-7 listed in Paragraph (A), regardless of whether the accused is
2-8 charged with violations of the same section more than once or is
2-9 charged with violations of both sections; or

2-10 (6) an offense:

2-11 (A) under Section 22.04(a)(1) or (2) or Section
2-12 22.04(a-1)(1) or (2) that is punishable as a felony of the first
2-13 degree, regardless of whether the accused is convicted of
2-14 violations of the same section more than once or is convicted of
2-15 violations of more than one section; or

2-16 (B) for which a plea agreement was reached in a
2-17 case in which the accused was charged with more than one offense
2-18 listed in Paragraph (A) and punishable as described by that
2-19 paragraph, regardless of whether the accused is charged with
2-20 violations of the same section more than once or is charged with
2-21 violations of more than one section.

2-22 SECTION 2. The change in law made by this Act applies only
2-23 to an offense committed on or after the effective date of this Act.
2-24 An offense committed before the effective date of this Act is
2-25 governed by the law in effect at the time the offense was committed,
2-26 and the former law is continued in effect for that purpose. For
2-27 purposes of this section, an offense was committed before the
2-28 effective date of this Act if any element of the offense occurred
2-29 before that date.

2-30 SECTION 3. This Act takes effect September 1, 2013.

2-31 * * * * *