

By: Branch

H.B. No. 1748

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for defendants who commit certain aggravated sexual assaults.

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

SECTION 1. Sections 22.021(e) and (f), Penal Code, are amended to read as follows:

(e) An offense under this section is a felony of the first degree, except as provided by Subsection (f).

(f) (1) An offense under this section is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than [The minimum term of imprisonment for an offense under this section is increased to] 25 years, if at the time of the offense the defendant is younger than 17 years of age and:

(A) [(1)] the victim of the offense is younger than six years of age [at the time the offense is committed]; or

(B) [(2)] the victim of the offense is six years of age or older but younger than 14 years of age [at the time the offense is committed] and the actor commits the offense in a manner described by Subsection (a)(2)(A).

(2) An offense under this section is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life without parole, if at the time of the offense the defendant is 17 years of age or older and:

1 (A) the victim of the offense is younger than six
2 years of age;

3 (B) the victim of the offense is six years of age
4 or older but younger than 14 years of age and suffered bodily injury
5 as a result of the offense; or

6 (C) the victim of the offense is 14 years of age
7 or older but younger than 17 years of age and suffered serious
8 bodily injury as a result of the offense.

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

17 SECTION 3. This Act takes effect September 1, 2013.