

By: Hall

S.B. No. 108

A BILL TO BE ENTITLED

AN ACT

1
2 relating to increasing the punishment for certain felony offenses
3 committed by a person who is unlawfully present in the United
4 States.

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

6 SECTION 1. Article 42.01, Code of Criminal Procedure, is
7 amended by adding Section 12 to read as follows:

8 Sec. 12. In addition to the information described by
9 Section 1, the judgment must reflect affirmative findings entered
10 pursuant to Article 42.0151.

11 SECTION 2. Chapter 42, Code of Criminal Procedure, is
12 amended by adding Article 42.0151 to read as follows:

13 Art. 42.0151. FINDING REGARDING DEFENDANT'S IMMIGRATION
14 STATUS. In the trial of an offense punishable as a felony, other
15 than a capital felony, the judge shall make an affirmative finding
16 of fact and enter the affirmative finding in the judgment in the
17 case if the judge determines that, at the time of the offense, the
18 defendant was not a citizen or national of the United States and was
19 not lawfully present in the United States.

20 SECTION 3. Subchapter D, Chapter 12, Penal Code, is amended
21 by adding Section 12.501 to read as follows:

22 Sec. 12.501. PENALTY IF OFFENSE COMMITTED BY DEFENDANT
23 UNLAWFULLY PRESENT. If the court makes an affirmative finding
24 under Article 42.0151, Code of Criminal Procedure, in the trial of

1 an offense punishable as a felony, other than a first degree felony,
2 the punishment for the offense is increased to the punishment
3 prescribed for the next highest category of offense. If the offense
4 is a first degree felony, the defendant shall be punished by
5 imprisonment in the Texas Department of Criminal Justice for life
6 without parole.

7 SECTION 4. The change in law made by this Act applies only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 governed by the law in effect on the date the offense was committed,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense was committed before the
13 effective date of this Act if any element of the offense occurred
14 before that date.

15 SECTION 5. This Act takes effect September 1, 2017.