

By: Estes

S.B. No. 1054

A BILL TO BE ENTITLED

AN ACT

1
2 relating to increasing the punishment for certain offenses
3 committed by a person who is unlawfully present in the United
4 States; changing eligibility for parole and mandatory supervision.

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. (a) In this article, "violent offense" has the meaning
15 assigned by Article 17.032.

16 (b) In the trial of a violent offense, the judge shall make
17 an affirmative finding of fact and enter the affirmative finding in
18 the judgment in the case if the judge determines that, at the time
19 of the offense, the defendant was not a citizen or national of the
20 United States and was not lawfully present in the United States.

21 SECTION 3. Subchapter E, Chapter 508, Government Code, is
22 amended by adding Section 508.1495 to read as follows:

23 Sec. 508.1495. RELEASE OF INMATE PENDING DEPORTATION. (a)
24 This section applies only to an inmate serving a sentence for a

1 violent offense, as defined by Article 17.032, Code of Criminal
2 Procedure:

3 (1) that was punished as a felony of the first degree,
4 other than an offense for which the punishment was enhanced under
5 Section 12.501, Penal Code; and

6 (2) for which an affirmative finding was entered in
7 the judgment pursuant to Article 42.0151, Code of Criminal
8 Procedure.

9 (b) Notwithstanding any other law, a parole panel may not
10 release on parole or to mandatory supervision an inmate to whom this
11 section applies unless:

12 (1) the parole panel determines that on release the
13 inmate would be deported to another country; and

14 (2) the inmate will be released only into the custody
15 of federal immigration authorities pending deportation.

16 SECTION 4. Subchapter D, Chapter 12, Penal Code, is amended
17 by adding Section 12.501 to read as follows:

18 Sec. 12.501. PENALTY IF OFFENSE COMMITTED BY DEFENDANT
19 UNLAWFULLY PRESENT. (a) In this section, "violent offense" has the
20 meaning assigned by Article 17.032, Code of Criminal Procedure.

21 (b) If the court makes an affirmative finding under Article
22 42.0151, Code of Criminal Procedure, in the trial of a violent
23 offense, other than an offense punishable as a felony of the first
24 degree, the punishment for the offense is increased to the
25 punishment prescribed for the next highest category of offense.

26 SECTION 5. The change in law made by this Act applies only
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is
2 governed by the law in effect on the date the offense was committed,
3 and the former law is continued in effect for that purpose. For
4 purposes of this section, an offense was committed before the
5 effective date of this Act if any element of the offense occurred
6 before that date.

7 SECTION 6. This Act takes effect September 1, 2017.