

By: Morales Shaw

H.B. No. 4254

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a criminal offense committed against a person because
3 of bias or prejudice on the basis of gender identity or expression.

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

5 SECTION 1. This Act may be cited as the Monica Roberts Act.

6 SECTION 2. Articles 42.014(a) and (c), Code of Criminal
7 Procedure, are amended to read as follows:

8 (a) In the trial of an offense under Title 5, Penal Code, or
9 Section 28.02, 28.03, or 28.08, Penal Code, the judge shall make an
10 affirmative finding of fact and enter the affirmative finding in
11 the judgment of the case if at the guilt or innocence phase of the
12 trial, the judge or the jury, whichever is the trier of fact,
13 determines beyond a reasonable doubt that the defendant
14 intentionally selected the person against whom the offense was
15 committed, or intentionally selected the person's property that was
16 damaged or affected as a result of the offense, because of the
17 defendant's bias or prejudice against a group identified by race,
18 color, disability, religion, national origin or ancestry, age,
19 gender, ~~or~~ sexual preference, or gender identity or expression or
20 by status as a peace officer or judge.

21 (c) In this article:

22 (1) "Gender identity or expression" means having or
23 being perceived as having a gender-related identity, appearance,
24 expression, or behavior, regardless of whether that identity,

1 appearance, expression, or behavior is different from that commonly
2 associated with the person's actual or perceived sex. The term
3 includes being or being perceived as being transgender.

4 (2) "Sexual [~~,"sexual]~~ preference" has the following
5 meaning only: a preference for heterosexuality, homosexuality, or
6 bisexuality.

7 SECTION 3. 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 4. This Act takes effect September 1, 2021.