

By: Huffman

S.B. No. 854

A BILL TO BE ENTITLED

AN ACT

relating to the imposition of consecutive sentences for certain offenses arising out of the same criminal episode.

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

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

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

(1) an offense:

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

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

(2) an offense:

(A) under Section 33.021 or an offense under Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is

1 convicted of violations of the same section more than once or is
2 convicted of violations of more than one section; or

3 (B) for which a plea agreement was reached in a
4 case in which the accused was charged with more than one offense
5 listed in Paragraph (A) committed against a victim younger than 17
6 years of age at the time of the commission of the offense regardless
7 of whether the accused is charged with violations of the same
8 section more than once or is charged with violations of more than
9 one section;

10 (3) an offense:

11 (A) under Section [21.15](#) or [43.26](#), regardless of
12 whether the accused is convicted of violations of the same section
13 more than once or is convicted of violations of both sections; or

14 (B) for which a plea agreement was reached in a
15 case in which the accused was charged with more than one offense
16 listed in Paragraph (A), regardless of whether the accused is
17 charged with violations of the same section more than once or is
18 charged with violations of both sections;

19 (4) an offense for which the judgment in the case
20 contains an affirmative finding under Article [42.0197](#), Code of
21 Criminal Procedure;

22 (5) an offense:

23 (A) under Section [20A.02](#), [20A.03](#), or [43.05](#),
24 regardless of whether the accused is convicted of violations of the
25 same section more than once or is convicted of violations of more
26 than one section; or

27 (B) for which a plea agreement was reached in a

1 case in which the accused was charged with more than one offense
2 listed in Paragraph (A), regardless of whether the accused is
3 charged with violations of the same section more than once or is
4 charged with violations of more than one section; ~~or~~

5 (6) an offense:

6 (A) under Section 22.04(a)(1) or (2) or Section
7 22.04(a-1)(1) or (2) that is punishable as a felony of the first
8 degree, regardless of whether the accused is convicted of
9 violations of the same section more than once or is convicted of
10 violations of more than one section; or

11 (B) for which a plea agreement was reached in a
12 case in which the accused was charged with more than one offense
13 listed in Paragraph (A) and punishable as described by that
14 paragraph, regardless of whether the accused is charged with
15 violations of the same section more than once or is charged with
16 violations of more than one section; or

17 (7) any combination of offenses listed in Subdivisions
18 (1)-(6), including any combination of offenses charged in a case
19 resulting in a plea agreement.

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

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