

By: Harless

H.B. No. 1975

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to increasing the criminal penalties for certain repeat  
3 sex offenders and to the admissibility of evidence of certain  
4 extraneous offenses or acts in the prosecution of certain sexual  
5 and assaultive offenses.

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

7 SECTION 1. Section 12.42(c), Penal Code, is amended by  
8 adding Subdivision (2-a) and amending Subdivision (4) to read as  
9 follows:

10 (2-a) A defendant shall be punished by imprisonment in  
11 the Texas Department of Criminal Justice for life if the defendant  
12 is convicted in the same trial of more than one offense under  
13 Section 22.011 or 22.021 or of more than one count of the same  
14 offense under either of those sections.

15 (4) Notwithstanding Subdivision (1) or (2), and except  
16 as provided by Subdivision (3) for the trial of an offense under  
17 Section 22.021 as described by that subdivision, a defendant shall  
18 be punished by imprisonment in the Texas Department of Criminal  
19 Justice for life without parole if it is shown on the trial of the  
20 applicable offense that:

21 (A) for an offense under Section 20A.03 or ~~of~~ a  
22 sexually violent offense~~]~~ committed by the defendant on or after  
23 the defendant's 18th birthday, ~~that~~ the defendant has previously  
24 been finally convicted of:

1                    (i) [~~(A)~~] an offense under Section 20A.03  
2 or [~~of~~] a sexually violent offense; or

3                    (ii) [~~(B)~~] an offense that was committed  
4 under the laws of another state and that contains elements that are  
5 substantially similar to the elements of an offense under Section  
6 20A.03 or [~~of~~] a sexually violent offense; or

7                    (B) for an offense under Section 22.011 or  
8 22.021:

9                    (i) the defendant has previously been  
10 finally convicted of two offenses under Section 22.011 or 22.021;  
11 and

12                    (ii) the second previous conviction is for  
13 an offense that occurred subsequent to the first previous  
14 conviction having become final.

15                    SECTION 2. Section 1, Article 38.37, Code of Criminal  
16 Procedure, is amended to read as follows:

17                    Sec. 1. (a) Subsection (b) applies to a proceeding in the  
18 prosecution of a defendant for an offense, or an attempt or  
19 conspiracy to commit an offense, under the following provisions of  
20 the Penal Code:

21                    (1) if committed against a person of any [~~child under~~  
22 ~~17 years of~~] age:

23                    (A) Chapter 21 (Sexual Offenses);

24                    (B) Chapter 22 (Assaultive Offenses); or

25                    (C) Section 25.02 (Prohibited Sexual Conduct);

26 or

27                    (2) if committed against a person younger than 18

1 years of age:

2 (A) Section 43.25 (Sexual Performance by a  
3 Child);

4 (B) Section 20A.02(a)(7) or (8); or

5 (C) Section 43.05(a)(2) (Compelling  
6 Prostitution).

7 (b) Notwithstanding Rules 404 and 405, Texas Rules of  
8 Evidence, evidence of other crimes, wrongs, or acts committed by  
9 the defendant against the [~~child who is the~~] victim of the alleged  
10 offense shall be admitted for its bearing on relevant matters,  
11 including:

12 (1) the state of mind of the defendant and the victim  
13 [~~child~~]; and

14 (2) the previous and subsequent relationship between  
15 the defendant and the victim [~~child~~].

16 SECTION 3. (a) Section 12.42, Penal Code, as amended by this  
17 Act, applies only to an offense committed on or after the effective  
18 date of this Act. An offense committed before the effective date of  
19 this Act is governed by the law in effect on the date the offense was  
20 committed, and the former law is continued in effect for that  
21 purpose. For purposes of this subsection, an offense was committed  
22 before the effective date of this Act if any element of the offense  
23 occurred before that date.

24 (b) Section 1, Article 38.37, Code of Criminal Procedure, as  
25 amended by this Act, applies to the admissibility of evidence in a  
26 criminal proceeding that commences on or after the effective date  
27 of this Act. The admissibility of evidence in a criminal proceeding

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1 that commences before the effective date of this Act is governed by  
2 the law in effect on the date the proceeding commenced, and the  
3 former law is continued in effect for that purpose.

4 SECTION 4. This Act takes effect September 1, 2023.