

BILL ANALYSIS

Senate Research Center

H.B. 1422
By: Hull (Huffman)
Criminal Justice
5/21/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1422 allows sexual assault survivors to choose to have the Department of Public Safety test sexual assault examination kits for foreign DNA material without immediately filing a report with law enforcement—empowering more survivors to come forward when they are ready. The bill creates a first-degree felony offense for continuous sexual abuse of an adult. It also adds this new offense to the list of crimes ineligible for probation. It establishes a 25-year minimum sentence for aggravated sexual assault of a child under the age of 10, standardizing the age bracket with similar offenses. It gives judges the discretion to stack sentences for sexual assault charges, a power currently limited to offenses against minors. The bill also increases penalties for voyeurism, elevating the offense from a Class C to a Class A misdemeanor and further enhancing it for repeat offenses and those involving child victims. These reforms aim to support survivors while strengthening the prosecution of serious sexual offenders.

H.B. 1422 amends current law relating to the rights of victims of sexual assault and other sex offenses, the offense of continuous sexual abuse, and the prosecution, punishment, and collateral consequences of certain sex offenses, creates a criminal offense, increases criminal penalties, and changes the eligibility for community supervision, mandatory supervision, and parole for persons convicted of certain sex offenses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 6 (Section 420.0736, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42A.054(a), Code of Criminal Procedure, to provide that Article 42A.053 (Judge-Ordered Community Supervision) does not apply to a defendant adjudged guilty of an offense under certain provisions of the Penal Code, including Section 21.03 (Continuous Sexual Abuse), Penal Code, and Section 30.02 (Burglary), Penal Code, if certain criteria is met, including if the actor committed the offense with the intent to commit a felony under certain sections of the Penal Code, including Section 21.03.

SECTION 2. Amends Article 42A.102(b), Code of Criminal Procedure, to authorize the judge, in all other cases, to grant deferred adjudication community supervision unless the defendant meets certain criteria, including if the defendant is charged with an offense under certain sections of the Penal Code, including Section 21.03, Penal Code, and to make nonsubstantive changes.

SECTION 3. Amends Article 56A.306(a), Code of Criminal Procedure, as follows:

- (a) Requires the Department of Public Safety of the State of Texas (DPS), consistent with Chapter 420 (Sexual Assault Prevention and Crisis Services), Government Code, to develop certain procedures for the transfer, preservation, and testing of evidence collected during a forensic medical examination for a sexual assault that was not reported to a law enforcement agency, including procedures for the notification of the survivor, rather than victim, of the offense through the statewide electronic tracking system before a planned destruction of evidence under this article and forensic DNA testing performed

in accordance with the limited consent of a survivor or other authorized person, as described by Section 420.0736, Government Code. Makes nonsubstantive changes.

SECTION 4. Amends Articles 62.001(5) and (6), Code of Criminal Procedure, to redefine "reportable conviction or adjudication."

SECTION 5. Amends Section 420.0735, Government Code, by adding Subsection (g), as follows:

(g) Provides that the reason or purpose for the release of evidence described by Subsection (d)(2) (relating to requiring that the written consent specify the reason or purpose for the release) may be limited to permit only the acts of forensic DNA testing by DPS in the manner provided by Section 420.0736, regardless of whether a report of the applicable offense is made to a law enforcement agency.

SECTION 6. Amends Subchapter D, Chapter 420, Government Code, by adding Section 420.0736, as follows:

Sec. 420.0736. LIMITED CONSENT FOR DNA TESTING OF CERTAIN EVIDENCE.

(a) Authorizes a survivor or other person authorized to consent to the release of evidence contained in an evidence collection kit under Section 420.0735 (Consent for Release of Certain Evidence), to encourage the reporting of sexual assaults or other sex offenses that would otherwise remain unreported and notwithstanding Sections 420.0431 (Duties Following Database DNA Match) and 420.0432 (Survivor Notification Concerning Database DNA Match), to choose to limit the scope of the consent under that section to only permit, without regard to whether a report of the offense is made to a law enforcement agency, the performance of forensic DNA testing by DPS on biological evidence contained in the evidence collection kit.

(b) Requires DPS by rule to adopt a form to enable a survivor or other authorized person to provide the limited consent described by this section. Sets forth the language required to be included on the form.

(c) Requires DPS to provide to the survivor or other authorized person who provides limited consent to forensic DNA testing, as described by Subsection (a), the results of the forensic DNA testing through the statewide electronic tracking system established under Section 420.034 (Statewide Electronic Tracking System). Prohibits DPS from notifying any other entity of the results of the forensic DNA testing and from using those results for any other reason or purpose, unless DPS first obtains additional written consent from the person for that reason or purpose under Section 420.0735.

(d) Requires DPS to provide to the survivor or other authorized person who provides limited consent to forensic DNA testing, as described by Subsection (a), information regarding how to report an offense to a law enforcement agency in order to have the results of the forensic DNA testing compared to DNA profiles maintained in DNA databases and used in a criminal investigation or trial.

SECTION 7. Amends Section 499.027(b), Government Code, to provide that an inmate is not eligible under Subchapter B (Population Management) to be considered for release to intensive supervision parole if the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense listed in certain sections of the Penal Code, including Section 21.03, and to make nonsubstantive changes.

SECTION 8. Amends Section 508.145(a), Government Code, to provide that an inmate is not eligible for release on parole if the inmate is under sentence of death, serving a sentence of life imprisonment without parole, or serving a sentence for certain offenses under the Penal Code, including Section 21.03, and to make nonsubstantive changes.

SECTION 9. Amends Section 508.149(a), Government Code, to prohibit an inmate from being released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of a certain offense or felony, including an offense under Section 21.03, Penal Code, and to make nonsubstantive changes.

SECTION 10. Amends Section 508.151(a), Government Code, to authorize a parole panel, for the purpose of diverting inmates to halfway houses under Section 508.118 (Halfway Houses), after reviewing all available pertinent information, to designate a presumptive parole date for an inmate who meets certain criteria, including having never been convicted of an offense under Section 21.03, Penal Code.

SECTION 11. Amends Section 508.189(a), Government Code, to require a parole panel to require as a condition of parole or mandatory supervision that a releasee convicted of an offense under certain sections of the Penal Code, including Section 21.03, to pay to the pardons and paroles division a parole supervision fee of \$5 each month during the period of parole supervision.

SECTION 12. Amends Section 3.03(b), Penal Code, as follows:

(b) Authorizes the sentences, if the accused is found guilty of more than one offense arising out of the same criminal episode, to run concurrently or consecutively if each sentence is for a conviction of a certain offense, including an offense under Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault), regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section or 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) (relating to an offense under Sections 22.011 or 22.021), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section.

Deletes existing text authorizing the sentences, if the accused is found guilty of more than one offense arising out of the same criminal episode, to run concurrently or consecutively if each sentence is for a conviction of an offense under Sections 22.011 and 22.21 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 convicted of violations of the same section more than once or is convicted of violations of more than one section.

SECTION 13. Amends Section 12.35(c), Penal Code, to require an individual adjudged guilty of a state jail felony to be punished for a third degree felony if it is shown on the trial of the offense that certain criteria is met, including if the individual has previously been finally convicted of a certain felony, including under Section 21.03, Penal Code.

SECTION 14. Amends Section 12.42(c)(2), Penal Code, to require a defendant, notwithstanding Subdivision (1) (relating to requiring a defendant, who has previously been finally convicted of a certain felony, on conviction, to be punished by imprisonment), to be punished by imprisonment in the Texas Department of Criminal Justice for life if the defendant meets certain criteria, including the defendant being previously convicted of a certain offense, including an offense under Section 21.03, Penal Code.

SECTION 15. Amends Sections 12.502(b), (c), and (d), Penal Code, as follows:

(b) Deletes existing text providing that, except as provided by Subsection (c), if it is shown on the trial of an offense under Section 21.17 (Voyeurism), that the offense was committed in a location that was on the premises of a postsecondary educational institution, the category of punishment for the offense is increased to a certain higher category of offense. Makes a nonsubstantive change.

(c) Makes conforming and nonsubstantive changes to this subsection.

(d) Makes conforming and nonsubstantive changes to this subsection.

SECTION 16. Amends Section 15.031(b), Penal Code, as follows:

(b) Provides that a person commits an offense if, with intent that an offense under certain provisions of the Penal Code, including Section 21.03, be committed, the person by any means requests, commands, or attempts to induce a minor or another whom the person believes to be a minor to engage in specific conduct that, under the circumstances surrounding the actor's conduct as the actor believes them to be, would constitute an offense under one of those sections or would make the minor or other believed by the person to be a minor a party to the commission of an offense under one of those sections.

SECTION 17. Amends Section 15.032(b), Penal Code, to provide that an offense under Section 15.032 (Child Grooming) is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under certain provisions of the Penal Code, including Section 21.03, and to make nonsubstantive changes.

SECTION 18. Amends Chapter 21, Penal Code, by adding Section 21.03, as follows:

Sec. 21.03. CONTINUOUS SEXUAL ABUSE. (a) Provides that a person commits an offense if during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse against two or more victims and at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older.

(b) Defines "act of sexual abuse."

(c) Provides that, if a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific acts of sexual abuse were committed by the defendant or the exact date when those acts were committed. Requires the jury to agree unanimously that the defendant, during a period that is 30 or more days in duration, committed two or more acts of sexual abuse against two or more victims.

(d) Prohibits a defendant from being convicted in the same criminal action of an offense listed under Subsection (b) the victim of which is the same victim as a victim of the offense under Subsection (a) unless the offense listed in Subsection (b) is charged in the alternative, occurred outside the period in which the offense alleged under Subsection (a) was committed, or is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a).

(e) Prohibits a defendant from being charged with more than one count under Subsection (a) if all of the specific acts of sexual abuse that are alleged to have been committed are alleged to have been committed against only two victims.

(f) Provides that, with respect to a prosecution under this section involving only two or more victims younger than 17 years of age, it is an affirmative defense to prosecution under this section that the actor meets certain criteria.

(g) Provides that an offense under this section is a felony of the first degree.

SECTION 19. Amends Section 21.17, Penal Code, by amending Subsections (b), (c), and (d) and adding Subsection (f), as follows:

(b) Provides that, except as provided by Subsection (c) or (d), an offense under this section is a Class A misdemeanor, rather than a Class C misdemeanor.

(c) Provides that an offense under this section is a state jail felony, rather than a Class B misdemeanor, if it is shown on the trial of the offense that:

(1) the actor has previously been convicted of an offense, rather than convicted two or more times of an offense, under this section;

(2) the victim was a child younger than 18 years of age at the time of the offense;
or

(3) the offense was committed in a location that was on the premises of a postsecondary educational institution.

(d) Provides that an offense under this section is a felony, rather than a state jail felony, of the third degree if it is shown on the trial of the offense that the victim was a child younger than 18, rather than 14, years of age at the time of the offense and the actor has previously been convicted of an offense punishable under Subsection (c)(2).

(f) Defines "postsecondary educational institution" and "premises."

SECTION 20. Amends Section 21.18(b), Penal Code, to provide that a person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit an offense under certain provisions of the Penal Code, including Section 21.03, to obtain, in return for not committing the threatened offense or in connection with the threatened offense, certain benefits.

SECTION 21. Amends Section 22.021(f), Penal Code, to provide that the minimum term of imprisonment for an offense under this section is increased to 25 years if the victim of the offense meets certain criteria, including being younger than 10 years of age, rather than six years of age, at the time the offense is committed.

SECTION 22. Requires DPS, not later than December 1, 2025, to adopt the form required by Section 420.0736, Government Code, as added by this Act.

SECTION 23. (a) Makes application of this Act, except as provided by Subsection (b) of this section, prospective.

(b) Makes application of Article 56A.306 (Procedures for Transfer and Preservation of Evidence), Code of Criminal Procedure, and Section 420.0735, Government Code, as amended by this Act, and Section 420.0736, Government Code, as added by this Act, prospective to December 1, 2025.

SECTION 24. Effective date: September 1, 2025.