

BILL ANALYSIS

S.B. 1099
By: Flores
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that the crisis at the Texas border has caused increases in crime, that citizens and noncitizens often face the same punishments for equal crimes, that criminal offenses committed by illegal aliens can be deterred by ensuring that the legal consequences and penalties for offenses committed by illegal aliens are more severe than they currently are, and that the state's stance on maintaining public safety and legal order is reflected in the effort to provide such deterrence as provided by S.B. 1099.

S.B. 1099 seeks to add a new article to the Code of Criminal Procedure and a new Penal Code provision to ensure that if a defendant is found to be an illegal or unauthorized alien at the time of committing a felony offense, the punishment is elevated to the next highest category of offense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1099 amends the Code of Criminal Procedure and Penal Code to increase the criminal penalty for certain offenses committed by an illegal alien. The bill defines "illegal alien" for purposes of its Code of Criminal Procedure provision as an alien who, as follows:

- before the date of the commission of the offense:
 - entered the United States without inspection or at any time or any place other than as designated by the United States attorney general; or
 - was admitted as a nonimmigrant and failed to maintain the nonimmigrant status under which the alien was admitted or to which it was changed under the Immigration and Nationality Act or to comply with the conditions of the alien's status; and
- did not attain and maintain legal status before the date of the commission of the offense.

S.B. 1099 requires a judge, in the trial of an offense ineligible for judge-ordered community supervision, to make an affirmative finding of fact and enter the affirmative finding in the judgment of the case if at the guilt or innocence phase of the trial, the judge or the jury, whichever is the trier of fact, determines beyond a reasonable doubt that the defendant was an illegal alien at the time of the offense.

S.B. 1099 amends the Penal Code to increase the penalty for a felony offense other than a capital felony to the next higher category of offense if the affirmative finding under the bill's Code of Criminal Procedure provision that the defendant was an illegal alien at the time of the offense is made in the trial of the offense. If an offense where such an affirmative finding is made is punishable as a first degree felony, the bill increases the mandatory minimum term of imprisonment from 5 years, as provided generally for first degree felonies, to 15 years unless another provision of law applicable to the offense provides for a minimum term of imprisonment of 15 years or more.

S.B. 1099 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.