

By: Leach

H.B. No. 3165

A BILL TO BE ENTITLED

1 AN ACT

2 relating to increasing the criminal penalty for the offense of  
3 sexual assault of a child and changing the eligibility for parole of  
4 certain persons convicted of that offense.

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

6 SECTION 1. Section 508.145(a), Government Code, is amended  
7 to read as follows:

8 (a) An inmate is not eligible for release on parole if the  
9 inmate is under sentence of death, serving a sentence of life  
10 imprisonment without parole, or serving a sentence for any of the  
11 following offenses under the Penal Code:

12 (1) Section 20A.03, if the offense is based partly or  
13 wholly on conduct constituting an offense under Section  
14 20A.02(a)(5), (6), (7), or (8);

15 (2) Section 21.02;

16 (3) Section 22.011, if the offense is punishable under  
17 Subsection (f)(1)(B) of that section;

18 (4) Section 22.021, if the offense is punishable under  
19 Subsection (f) of that section; or

20 (5) [~~4~~] Section 51.03 or 51.04.

21 SECTION 2. Section 22.011(f), Penal Code, is amended to  
22 read as follows:

23 (f) An offense under this section is a felony of the second  
24 degree, except that an offense under this section is:

1 (1) a felony of the first degree if [~~the victim was~~]:

2 (A) the victim was:

3 (i) a person whom the actor was prohibited  
4 from marrying or purporting to marry or with whom the actor was  
5 prohibited from living under the appearance of being married under  
6 Section 25.01; or

7 (ii) [~~(B)~~] a person with whom the actor was  
8 prohibited from engaging in sexual intercourse or deviate sexual  
9 intercourse under Section 25.02; or

10 (B) the offense was committed under Subsection  
11 (a)(2); or

12 (2) a state jail felony if the offense is committed  
13 under Subsection (a)(1) and the actor has not received express  
14 consent as described by Subsection (b)(12).

15 SECTION 3. The changes in law made by this Act apply only to  
16 an offense committed on or after the effective date of this Act. An  
17 offense committed before the effective date of this Act is governed  
18 by the law in effect on the date the offense was committed, and the  
19 former law is continued in effect for that purpose. For purposes of  
20 this section, an offense was committed before the effective date of  
21 this Act if any element of the offense occurred before that date.

22 SECTION 4. This Act takes effect September 1, 2025.