

By: Morgan

H.B. No. 3790

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for certain offenses committed by an alien.

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

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.01992 to read as follows:

Art. 42.01992. FINDING THAT OFFENSE WAS COMMITTED BY ALIEN.

(a) In this article, "alien" has the meaning assigned by Section 51.01, Penal Code.

(b) In the trial of an offense, other than a traffic offense that is punishable by fine only, the judge shall 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 alien at the time of the offense.

SECTION 2. Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.503 to read as follows:

Sec. 12.503. PENALTY IF OFFENSE COMMITTED BY ALIEN. (a) Subject to Subsections (b) and (c), if an affirmative finding under Article 42.01992, Code of Criminal Procedure, is made in the trial of an offense other than a capital felony, the punishment for the offense is increased to the punishment prescribed for the next highest category of offense.

1 (b) If an offense described by Subsection (a) is punishable
2 as a felony of the first degree, the minimum term of imprisonment
3 for the offense is increased to 7 years unless another provision of
4 law applicable to the offense provides for a minimum term of
5 imprisonment of 7 years or more.

6 (c) If an offense described by Subsection (a) is punishable
7 as a Class A misdemeanor, the minimum term of confinement for the
8 offense is increased to 180 days unless another provision of law
9 applicable to the offense provides for a minimum term of
10 confinement of 180 days or more.

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

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