

By: Flores, Schwertner

S.B. No. 1099

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for certain offenses committed by an illegal 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 ILLEGAL ALIEN. (a) In this article, "illegal alien" means an alien who:

(1) before the date of the commission of the offense:

(A) entered the United States without inspection or at any time or any place other than as designated by the United States attorney general; or

(B) 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 Section 248, Immigration and Nationality Act (8 U.S.C. Section 1258), or to comply with the conditions of the alien's status; and

(2) did not attain and maintain legal status before the date of the commission of the offense.

(b) In the trial of an offense listed in Article 42A.054(a), 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

1 the trier of fact, determines beyond a reasonable doubt that the
2 defendant was an illegal alien at the time of the offense.

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

5 Sec. 12.503. PENALTY IF OFFENSE COMMITTED BY ILLEGAL ALIEN.

6 (a) Subject to Subsection (b), if an affirmative finding under
7 Article 42.01992, Code of Criminal Procedure, is made in the trial
8 of a felony offense other than a capital felony, the punishment for
9 the offense is increased to the punishment prescribed for the next
10 highest category of offense.

11 (b) If an offense described by Subsection (a) is punishable
12 as a felony of the first degree, the minimum term of imprisonment
13 for the offense is increased to 15 years unless another provision of
14 law applicable to the offense provides for a minimum term of
15 imprisonment of 15 years or more.

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

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