

## **BILL ANALYSIS**

Senate Research Center  
83R1222 MAW-D

H.B. 220  
By: Price et al. (Huffman)  
Criminal Justice  
5/3/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current statute provides for the stacking of penalties for certain enumerated offenses if the accused is found guilty of more than one offense arising out of the same criminal episode. In those specific instances, the sentences for each offense may run concurrently or consecutively.

Current law does not provide for the stacking of penalties for first degree felony offenses of injury to a child, an elderly individual, or a disabled individual. H.B. 220 seeks to provide judges the ability to impose upon defendants who have been found guilty of instances of abuse stacked sentences for such first degree felony offenses committed in the same criminal episode.

H.B. 220 amends current law relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. 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:

(1)-(5) Makes no change to these subdivisions; or

(6) an offense:

(A) under Section 22.04(a)(1) (relating to providing that a person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child, elderly individual, or disabled individual serious bodily injury) or (2) (relating to providing that a person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child, elderly individual, or disabled individual serious mental deficiency, impairment, or injury) or Section 22.04(a-1)(1) (relating to providing that a person commits an offense if the person is an owner, operator, or employee of a group home, nursing facility, assisted living facility, intermediate care facility for persons with mental retardation, or other institutional care facility and the person intentionally, knowingly, recklessly, or with criminal negligence by omission causes to a child, elderly individual, or disabled individual who is a resident of that group home or facility serious bodily injury) or (2) (relating to providing that a person commits an offense if the person is an owner, operator, or

employee of a group home, nursing facility, assisted living facility, intermediate care facility for persons with mental retardation, or other institutional care facility and the person intentionally, knowingly, recklessly, or with criminal negligence by omission causes to a child, elderly individual, or disabled individual who is a resident of that group home or facility serious mental deficiency, impairment, or injury) that is punishable as a felony of the first degree, 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

(B) 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) and punishable as described by that paragraph, 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.

SECTION 2. Provides that the change in law made by this Act applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2013.