

- SUBJECT:** Consecutive sentences for offenses against children, elderly, or disabled
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Gallego, Fletcher, Miklos, Moody, Pierson, Riddle, Vaught, Vo
0 nays
3 absent — Christian, Hodge, Kent
- WITNESSES:** For — Sherri Tibbe; (*Registered, but did not testify*: Marc Chavez, Lubbock County District Attorney's Office; Katrina Daniels, Bexar County District Attorney's Office; Kevin Petroff, Harris County District Attorney's Office)

Against — Matthew Simpson, American Civil Liberties Union of Texas; (*Registered, but did not testify*: Kristin Etter, Texas Criminal Defense Lawyers Association)
- BACKGROUND:** Under Penal Code, sec. 3.03, sentences for convictions of most offenses arising from the same criminal episode and prosecuted in a single action must run concurrently. Sentences for convictions or plea agreements for the following offenses may run concurrently or consecutively:
- intoxication assault or manslaughter;
 - online solicitation of a minor;
 - continuous sexual abuse of a child;
 - indecency with a child;
 - sexual assault or aggravated sexual assault;
 - incest; or
 - sexual performance of a child
- DIGEST:** HB 1590 would amend Penal Code, sec. 3.03 to allow concurrent or consecutive sentences for convictions or plea agreements for the offense of serious bodily injury, or serious mental deficiency, impairment, or injury to a child, elderly person, or disabled person, that was punishable as a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000).

The bill would apply only to offenses committed on or after the bill's effective date of September 1, 2009.

**SUPPORTERS
SAY:**

By adding to the list of offenses for which sentences can be stacked, HB 1590 would recognize the heinous nature of causing serious injury to a child, elderly or disabled person, a crime as serious, if not more, as the crimes already on the list.

The bill would give judges a useful tool to help ensure that individuals who commit these crimes remain in prison. Stacking sentences would remain permissive, not mandatory.

With concurrent sentencing for offenses arising out of the same criminal episode, the offender is only punished once despite having committed multiple offenses. HB 1590 would allow the offender to be punished for each crime, without separate trials that would be a drain on victims and on court resources.

**OPPONENTS
SAY:**

Stacking sentences would not be an effective deterrent. The cost of keeping people imprisoned would divert resources away from other important efforts, such as criminal investigations and the probation and parole systems.