

By: Smith, Guillen

H.B. No. 375

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the offense of continuous sexual
3 abuse of young child or disabled individual; creating a criminal
4 offense.

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

6 ARTICLE I. OFFENSE

7 SECTION 1.01. The heading to Section 21.02, Penal Code, is
8 amended to read as follows:

9 Sec. 21.02. CONTINUOUS SEXUAL ABUSE OF YOUNG CHILD OR
10 DISABLED INDIVIDUAL [~~CHILDREN~~].

11 SECTION 1.02. Sections 21.02(a), (b), (c), and (g), Penal
12 Code, are amended to read as follows:

13 (a) In this section:

14 (1) "Child" [~~"child"~~] has the meaning assigned by
15 Section 22.011(c).

16 (2) "Disabled individual" has the meaning assigned by
17 Section 22.021(b).

18 (b) A person commits an offense if:

19 (1) during a period that is 30 or more days in
20 duration, the person commits two or more acts of sexual abuse,
21 regardless of whether the acts of sexual abuse are committed
22 against one or more victims; and

23 (2) at the time of the commission of each of the acts
24 of sexual abuse, the actor is 17 years of age or older and the victim

1 is:

2 (A) a child younger than 14 years of age,
3 regardless of whether the actor knows the age of the victim at the
4 time of the offense; or

5 (B) a disabled individual.

6 (c) For purposes of this section, "act of sexual abuse"
7 means any act that is a violation of one or more of the following
8 penal laws:

9 (1) aggravated kidnapping under Section 20.04(a)(4),
10 if the actor committed the offense with the intent to violate or
11 abuse the victim sexually;

12 (2) indecency with a child under Section 21.11(a)(1),
13 if the actor committed the offense in a manner other than by
14 touching, including touching through clothing, the breast of a
15 child;

16 (3) sexual assault under Section 22.011;

17 (4) aggravated sexual assault under Section 22.021;

18 (5) burglary under Section 30.02, if the offense is
19 punishable under Subsection (d) of that section and the actor
20 committed the offense with the intent to commit an offense listed in
21 Subdivisions (1)-(4);

22 (6) sexual performance by a child under Section 43.25;

23 (7) trafficking of persons under Section
24 20A.02(a)(3), (4), (7), [~~20A.02(a)(7)~~] or (8); and

25 (8) compelling prostitution under Section 43.05
26 [~~43.05(a)(2)~~].

27 (g) With respect to a prosecution under this section

1 involving only one or more victims described by Subsection
2 (b)(2)(A), it [~~It~~] is an affirmative defense to prosecution under
3 this section that the actor:

4 (1) was not more than five years older than:

5 (A) the victim of the offense, if the offense is
6 alleged to have been committed against only one victim; or

7 (B) the youngest victim of the offense, if the
8 offense is alleged to have been committed against more than one
9 victim;

10 (2) did not use duress, force, or a threat against a
11 victim at the time of the commission of any of the acts of sexual
12 abuse alleged as an element of the offense; and

13 (3) at the time of the commission of any of the acts of
14 sexual abuse alleged as an element of the offense:

15 (A) was not required under Chapter 62, Code of
16 Criminal Procedure, to register for life as a sex offender; or

17 (B) was not a person who under Chapter 62 had a
18 reportable conviction or adjudication for an offense under this
19 section or an act of sexual abuse as described by Subsection (c).

20 ARTICLE II. CONFORMING AMENDMENTS

21 SECTION 2.01. Section 16.0045(a), Civil Practice and
22 Remedies Code, is amended to read as follows:

23 (a) A person must bring suit for personal injury not later
24 than 30 years after the day the cause of action accrues if the
25 injury arises as a result of conduct that violates:

26 (1) Section 22.011(a)(2), Penal Code (sexual assault
27 of a child);

1 (2) Section 22.021(a)(1)(B), Penal Code (aggravated
2 sexual assault of a child);

3 (3) Section 21.02, Penal Code (continuous sexual abuse
4 of young child or disabled individual [~~children~~]);

5 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
6 Section 20A.02(a)(8), Penal Code, involving an activity described
7 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
8 with a child trafficked in the manner described by Section
9 20A.02(a)(7), Penal Code (certain sexual trafficking of a child);

10 (5) Section 43.05(a)(2), Penal Code (compelling
11 prostitution by a child); or

12 (6) Section 21.11, Penal Code (indecenty with a
13 child).

14 SECTION 2.02. Section 33.013(b), Civil Practice and
15 Remedies Code, is amended to read as follows:

16 (b) Notwithstanding Subsection (a), each liable defendant
17 is, in addition to his liability under Subsection (a), jointly and
18 severally liable for the damages recoverable by the claimant under
19 Section 33.012 with respect to a cause of action if:

20 (1) the percentage of responsibility attributed to the
21 defendant with respect to a cause of action is greater than 50
22 percent; or

23 (2) the defendant, with the specific intent to do harm
24 to others, acted in concert with another person to engage in the
25 conduct described in the following provisions of the Penal Code and
26 in so doing proximately caused the damages legally recoverable by
27 the claimant:

- 1 (A) Section 19.02 (murder);
2 (B) Section 19.03 (capital murder);
3 (C) Section 20.04 (aggravated kidnapping);
4 (D) Section 22.02 (aggravated assault);
5 (E) Section 22.011 (sexual assault);
6 (F) Section 22.021 (aggravated sexual assault);
7 (G) Section 22.04 (injury to a child, elderly
8 individual, or disabled individual);
9 (H) Section 32.21 (forgery);
10 (I) Section 32.43 (commercial bribery);
11 (J) Section 32.45 (misapplication of fiduciary
12 property or property of financial institution);
13 (K) Section 32.46 (securing execution of
14 document by deception);
15 (L) Section 32.47 (fraudulent destruction,
16 removal, or concealment of writing);
17 (M) conduct described in Chapter 31 the
18 punishment level for which is a felony of the third degree or
19 higher; or
20 (N) Section 21.02 (continuous sexual abuse of
21 young child or disabled individual [~~children~~]).

22 SECTION 2.03. Section 41.008(c), Civil Practice and
23 Remedies Code, is amended to read as follows:

24 (c) This section does not apply to a cause of action against
25 a defendant from whom a plaintiff seeks recovery of exemplary
26 damages based on conduct described as a felony in the following
27 sections of the Penal Code if, except for Sections 49.07 and 49.08,

1 the conduct was committed knowingly or intentionally:

2 (1) Section 19.02 (murder);

3 (2) Section 19.03 (capital murder);

4 (3) Section 20.04 (aggravated kidnapping);

5 (4) Section 22.02 (aggravated assault);

6 (5) Section 22.011 (sexual assault);

7 (6) Section 22.021 (aggravated sexual assault);

8 (7) Section 22.04 (injury to a child, elderly
9 individual, or disabled individual, but not if the conduct occurred
10 while providing health care as defined by Section 74.001);

11 (8) Section 32.21 (forgery);

12 (9) Section 32.43 (commercial bribery);

13 (10) Section 32.45 (misapplication of fiduciary
14 property or property of financial institution);

15 (11) Section 32.46 (securing execution of document by
16 deception);

17 (12) Section 32.47 (fraudulent destruction, removal,
18 or concealment of writing);

19 (13) Chapter 31 (theft) the punishment level for which
20 is a felony of the third degree or higher;

21 (14) Section 49.07 (intoxication assault);

22 (15) Section 49.08 (intoxication manslaughter);

23 (16) Section 21.02 (continuous sexual abuse of young
24 child or disabled individual [~~children~~]); or

25 (17) Chapter 20A (trafficking of persons).

26 SECTION 2.04. Section 61.0021(a), Civil Practice and
27 Remedies Code, is amended to read as follows:

1 (a) Notwithstanding any other provision of this code,
2 attachment is available to a plaintiff who:

3 (1) has general grounds for issuance under Sections
4 61.001(2) and (3); and

5 (2) institutes a suit for personal injury arising as a
6 result of conduct that violates:

7 (A) Section 22.011(a)(2), Penal Code (sexual
8 assault of a child);

9 (B) Section 22.021(a)(1)(B), Penal Code
10 (aggravated sexual assault of a child);

11 (C) Section 21.02, Penal Code (continuous sexual
12 abuse of young child or disabled individual [~~children~~]); or

13 (D) Section 21.11, Penal Code (indecent with a
14 child).

15 SECTION 2.05. Section 125.0015(a), Civil Practice and
16 Remedies Code, is amended to read as follows:

17 (a) A person who maintains a place to which persons
18 habitually go for the following purposes and who knowingly
19 tolerates the activity and furthermore fails to make reasonable
20 attempts to abate the activity maintains a common nuisance:

21 (1) discharge of a firearm in a public place as
22 prohibited by the Penal Code;

23 (2) reckless discharge of a firearm as prohibited by
24 the Penal Code;

25 (3) engaging in organized criminal activity as a
26 member of a combination as prohibited by the Penal Code;

27 (4) delivery, possession, manufacture, or use of a

1 substance or other item in violation of Chapter 481, Health and
2 Safety Code;

3 (5) gambling, gambling promotion, or communicating
4 gambling information as prohibited by the Penal Code;

5 (6) prostitution, promotion of prostitution, or
6 aggravated promotion of prostitution as prohibited by the Penal
7 Code;

8 (7) compelling prostitution as prohibited by the Penal
9 Code;

10 (8) commercial manufacture, commercial distribution,
11 or commercial exhibition of obscene material as prohibited by the
12 Penal Code;

13 (9) aggravated assault as described by Section 22.02,
14 Penal Code;

15 (10) sexual assault as described by Section 22.011,
16 Penal Code;

17 (11) aggravated sexual assault as described by Section
18 22.021, Penal Code;

19 (12) robbery as described by Section 29.02, Penal
20 Code;

21 (13) aggravated robbery as described by Section 29.03,
22 Penal Code;

23 (14) unlawfully carrying a weapon as described by
24 Section 46.02, Penal Code;

25 (15) murder as described by Section 19.02, Penal Code;

26 (16) capital murder as described by Section 19.03,
27 Penal Code;

1 (17) continuous sexual abuse of young child or
2 disabled individual [~~children~~] as described by Section 21.02, Penal
3 Code;

4 (18) massage therapy or other massage services in
5 violation of Chapter 455, Occupations Code;

6 (19) employing a minor at a sexually oriented business
7 as defined by Section 243.002, Local Government Code;

8 (20) trafficking of persons as described by Section
9 20A.02, Penal Code;

10 (21) sexual conduct or performance by a child as
11 described by Section 43.25, Penal Code;

12 (22) employment harmful to a child as described by
13 Section 43.251, Penal Code;

14 (23) criminal trespass as described by Section 30.05,
15 Penal Code;

16 (24) disorderly conduct as described by Section 42.01,
17 Penal Code;

18 (25) arson as described by Section 28.02, Penal Code;

19 (26) criminal mischief as described by Section 28.03,
20 Penal Code, that causes a pecuniary loss of \$500 or more; or

21 (27) a graffiti offense in violation of Section 28.08,
22 Penal Code.

23 SECTION 2.06. Article 2.32(b), Code of Criminal Procedure,
24 is amended to read as follows:

25 (b) Unless good cause exists that makes electronic
26 recording infeasible, a law enforcement agency shall make a
27 complete and contemporaneous electronic recording of any custodial

1 interrogation that occurs in a place of detention and is of a person
2 suspected of committing or charged with the commission of an
3 offense under:

- 4 (1) Section 19.02, Penal Code (murder);
- 5 (2) Section 19.03, Penal Code (capital murder);
- 6 (3) Section 20.03, Penal Code (kidnapping);
- 7 (4) Section 20.04, Penal Code (aggravated
8 kidnapping);
- 9 (5) Section 20A.02, Penal Code (trafficking of
10 persons);
- 11 (6) Section 20A.03, Penal Code (continuous
12 trafficking of persons);
- 13 (7) Section 21.02, Penal Code (continuous sexual abuse
14 of young child or disabled individual [~~children~~]);
- 15 (8) Section 21.11, Penal Code (indecenty with a
16 child);
- 17 (9) Section 21.12, Penal Code (improper relationship
18 between educator and student);
- 19 (10) Section 22.011, Penal Code (sexual assault);
- 20 (11) Section 22.021, Penal Code (aggravated sexual
21 assault); or
- 22 (12) Section 43.25, Penal Code (sexual performance by
23 a child).

24 SECTION 2.07. Article 12.01, Code of Criminal Procedure, is
25 amended to read as follows:

26 Art. 12.01. FELONIES. Except as provided in Article 12.03,
27 felony indictments may be presented within these limits, and not

1 afterward:

2 (1) no limitation:

3 (A) murder and manslaughter;

4 (B) sexual assault under Section 22.011(a)(2),
5 Penal Code, or aggravated sexual assault under Section
6 22.021(a)(1)(B), Penal Code;

7 (C) sexual assault, if:

8 (i) during the investigation of the offense
9 biological matter is collected and the matter:

10 (a) has not yet been subjected to
11 forensic DNA testing; or

12 (b) has been subjected to forensic DNA
13 testing and the testing results show that the matter does not match
14 the victim or any other person whose identity is readily
15 ascertained; or

16 (ii) probable cause exists to believe that
17 the defendant has committed the same or a similar sex offense
18 against five or more victims;

19 (D) continuous sexual abuse of young child or
20 disabled individual [~~children~~] under Section 21.02, Penal Code;

21 (E) indecency with a child under Section 21.11,
22 Penal Code;

23 (F) an offense involving leaving the scene of an
24 accident under Section 550.021, Transportation Code, if the
25 accident resulted in the death of a person;

26 (G) trafficking of persons under Section
27 20A.02(a)(7) or (8), Penal Code;

1 (H) continuous trafficking of persons under
2 Section 20A.03, Penal Code; or

3 (I) compelling prostitution under Section
4 43.05(a)(2), Penal Code;

5 (2) ten years from the date of the commission of the
6 offense:

7 (A) theft of any estate, real, personal or mixed,
8 by an executor, administrator, guardian or trustee, with intent to
9 defraud any creditor, heir, legatee, ward, distributee,
10 beneficiary or settlor of a trust interested in such estate;

11 (B) theft by a public servant of government
12 property over which the public servant exercises control in the
13 public servant's official capacity;

14 (C) forgery or the uttering, using or passing of
15 forged instruments;

16 (D) injury to an elderly or disabled individual
17 punishable as a felony of the first degree under Section 22.04,
18 Penal Code;

19 (E) sexual assault, except as provided by
20 Subdivision (1) or (7);

21 (F) arson;

22 (G) trafficking of persons under Section
23 20A.02(a)(1), (2), (3), or (4), Penal Code; or

24 (H) compelling prostitution under Section
25 43.05(a)(1), Penal Code;

26 (3) seven years from the date of the commission of the
27 offense:

- 1 (A) misapplication of fiduciary property or
2 property of a financial institution;
- 3 (B) securing execution of document by deception;
- 4 (C) a felony violation under Chapter 162, Tax
5 Code;
- 6 (D) false statement to obtain property or credit
7 under Section 32.32, Penal Code;
- 8 (E) money laundering;
- 9 (F) credit card or debit card abuse under Section
10 32.31, Penal Code;
- 11 (G) fraudulent use or possession of identifying
12 information under Section 32.51, Penal Code;
- 13 (H) exploitation of a child, elderly individual,
14 or disabled individual under Section 32.53, Penal Code;
- 15 (I) health care fraud under Section 35A.02, Penal
16 Code; or
- 17 (J) bigamy under Section 25.01, Penal Code,
18 except as provided by Subdivision (6);
- 19 (4) five years from the date of the commission of the
20 offense:
- 21 (A) theft or robbery;
- 22 (B) except as provided by Subdivision (5),
23 kidnapping or burglary;
- 24 (C) injury to an elderly or disabled individual
25 that is not punishable as a felony of the first degree under Section
26 22.04, Penal Code;
- 27 (D) abandoning or endangering a child; or

1 (E) insurance fraud;

2 (5) if the investigation of the offense shows that the
3 victim is younger than 17 years of age at the time the offense is
4 committed, 20 years from the 18th birthday of the victim of one of
5 the following offenses:

6 (A) sexual performance by a child under Section
7 43.25, Penal Code;

8 (B) aggravated kidnapping under Section
9 20.04(a)(4), Penal Code, if the defendant committed the offense
10 with the intent to violate or abuse the victim sexually; or

11 (C) burglary under Section 30.02, Penal Code, if
12 the offense is punishable under Subsection (d) of that section and
13 the defendant committed the offense with the intent to commit an
14 offense described by Subdivision (1)(B) or (D) of this article or
15 Paragraph (B) of this subdivision;

16 (6) ten years from the 18th birthday of the victim of
17 the offense:

18 (A) trafficking of persons under Section
19 20A.02(a)(5) or (6), Penal Code;

20 (B) injury to a child under Section 22.04, Penal
21 Code; or

22 (C) bigamy under Section 25.01, Penal Code, if
23 the investigation of the offense shows that the person, other than
24 the legal spouse of the defendant, whom the defendant marries or
25 purports to marry or with whom the defendant lives under the
26 appearance of being married is younger than 18 years of age at the
27 time the offense is committed;

1 (7) two years from the date the offense was
2 discovered: sexual assault punishable as a state jail felony under
3 Section 22.011(f)(2), Penal Code; or

4 (8) three years from the date of the commission of the
5 offense: all other felonies.

6 SECTION 2.08. Article 17.03(b), Code of Criminal Procedure,
7 is amended to read as follows:

8 (b) Only the court before whom the case is pending may
9 release on personal bond a defendant who:

10 (1) is charged with an offense under the following
11 sections of the Penal Code:

12 (A) Section 19.03 (Capital Murder);

13 (B) Section 20.04 (Aggravated Kidnapping);

14 (C) Section 22.021 (Aggravated Sexual Assault);

15 (D) Section 22.03 (Deadly Assault on Law
16 Enforcement or Corrections Officer, Member or Employee of Board of
17 Pardons and Paroles, or Court Participant);

18 (E) Section 22.04 (Injury to a Child, Elderly
19 Individual, or Disabled Individual);

20 (F) Section 29.03 (Aggravated Robbery);

21 (G) Section 30.02 (Burglary);

22 (H) Section 71.02 (Engaging in Organized
23 Criminal Activity);

24 (I) Section 21.02 (Continuous Sexual Abuse of
25 Young Child or Disabled Individual [~~Children~~]); or

26 (J) Section 20A.03 (Continuous Trafficking of
27 Persons);

1 (2) is charged with a felony under Chapter 481, Health
2 and Safety Code, or Section 485.033, Health and Safety Code,
3 punishable by imprisonment for a minimum term or by a maximum fine
4 that is more than a minimum term or maximum fine for a first degree
5 felony; or

6 (3) does not submit to testing for the presence of a
7 controlled substance in the defendant's body as requested by the
8 court or magistrate under Subsection (c) of this article or submits
9 to testing and the test shows evidence of the presence of a
10 controlled substance in the defendant's body.

11 SECTION 2.09. Article 17.032(a), Code of Criminal
12 Procedure, is amended to read as follows:

13 (a) In this article, "violent offense" means an offense
14 under the following sections of the Penal Code:

- 15 (1) Section 19.02 (murder);
- 16 (2) Section 19.03 (capital murder);
- 17 (3) Section 20.03 (kidnapping);
- 18 (4) Section 20.04 (aggravated kidnapping);
- 19 (5) Section 21.11 (indecent with a child);
- 20 (6) Section 22.01(a)(1) (assault), if the offense
21 involved family violence as defined by Section 71.004, Family Code;
- 22 (7) Section 22.011 (sexual assault);
- 23 (8) Section 22.02 (aggravated assault);
- 24 (9) Section 22.021 (aggravated sexual assault);
- 25 (10) Section 22.04 (injury to a child, elderly
26 individual, or disabled individual);
- 27 (11) Section 29.03 (aggravated robbery);

1 (12) Section 21.02 (continuous sexual abuse of young
2 child or disabled individual [~~children~~]); or

3 (13) Section 20A.03 (continuous trafficking of
4 persons).

5 SECTION 2.10. Article 18.021(a), Code of Criminal
6 Procedure, is amended to read as follows:

7 (a) A search warrant may be issued to search for and
8 photograph a child who is alleged to be the victim of the offenses
9 of injury to a child as prohibited by Section 22.04, Penal Code;
10 sexual assault of a child as prohibited by Section 22.011(a), Penal
11 Code; aggravated sexual assault of a child as prohibited by Section
12 22.021, Penal Code; or continuous sexual abuse of young child or
13 disabled individual [~~children~~] as prohibited by Section 21.02,
14 Penal Code.

15 SECTION 2.11. Section 1, Article 38.071, Code of Criminal
16 Procedure, is amended to read as follows:

17 Sec. 1. This article applies only to a hearing or proceeding
18 in which the court determines that a child younger than 13 years of
19 age would be unavailable to testify in the presence of the defendant
20 about an offense defined by any of the following sections of the
21 Penal Code:

- 22 (1) Section 19.02 (Murder);
- 23 (2) Section 19.03 (Capital Murder);
- 24 (3) Section 19.04 (Manslaughter);
- 25 (4) Section 20.04 (Aggravated Kidnapping);
- 26 (5) Section 21.11 (Indecency with a Child);
- 27 (6) Section 22.011 (Sexual Assault);

- 1 (7) Section 22.02 (Aggravated Assault);
- 2 (8) Section 22.021 (Aggravated Sexual Assault);
- 3 (9) Section 22.04(e) (Injury to a Child, Elderly
- 4 Individual, or Disabled Individual);
- 5 (10) Section 22.04(f) (Injury to a Child, Elderly
- 6 Individual, or Disabled Individual), if the conduct is committed
- 7 intentionally or knowingly;
- 8 (11) Section 25.02 (Prohibited Sexual Conduct);
- 9 (12) Section 29.03 (Aggravated Robbery);
- 10 (13) Section 43.25 (Sexual Performance by a Child);
- 11 (14) Section 21.02 (Continuous Sexual Abuse of Young
- 12 Child or Disabled Individual [~~Children~~]);
- 13 (15) Section 43.05(a)(2) (Compelling Prostitution);
- 14 or
- 15 (16) Section 20A.02(a)(7) or (8) (Trafficking of
- 16 Persons).

17 SECTION 2.12. Section 2(a), Article 38.37, Code of Criminal

18 Procedure, is amended to read as follows:

19 (a) Subsection (b) applies only to the trial of a defendant

20 for:

21 (1) an offense under any of the following provisions

22 of the Penal Code:

23 (A) Section 20A.02, if punishable as a felony of

24 the first degree under Section 20A.02(b)(1) (Sex Trafficking of a

25 Child);

26 (B) Section 21.02 (Continuous Sexual Abuse of

27 Young Child or Disabled Individual [~~Children~~]);

- 1 (C) Section 21.11 (Indecency With a Child);
2 (D) Section 22.011(a)(2) (Sexual Assault of a
3 Child);
4 (E) Sections 22.021(a)(1)(B) and (2) (Aggravated
5 Sexual Assault of a Child);
6 (F) Section 33.021 (Online Solicitation of a
7 Minor);
8 (G) Section 43.25 (Sexual Performance by a
9 Child); or
10 (H) Section 43.26 (Possession or Promotion of
11 Child Pornography), Penal Code; or
12 (2) an attempt or conspiracy to commit an offense
13 described by Subdivision (1).

14 SECTION 2.13. Articles 62.001(5) and (6), Code of Criminal
15 Procedure, are amended to read as follows:

16 (5) "Reportable conviction or adjudication" means a
17 conviction or adjudication, including an adjudication of
18 delinquent conduct or a deferred adjudication, that, regardless of
19 the pendency of an appeal, is a conviction for or an adjudication
20 for or based on:

21 (A) a violation of Section 21.02 (Continuous
22 sexual abuse of young child or disabled individual [~~children~~]),
23 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual
24 assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited
25 sexual conduct), Penal Code;

26 (B) a violation of Section 43.04 (Aggravated
27 promotion of prostitution), 43.05 (Compelling prostitution), 43.25

1 (Sexual performance by a child), or 43.26 (Possession or promotion
2 of child pornography), Penal Code;

3 (B-1) a violation of Section 43.02
4 (Prostitution), Penal Code, if the offense is punishable under
5 Subsection (c-1)(2) of that section;

6 (C) a violation of Section 20.04(a)(4)
7 (Aggravated kidnapping), Penal Code, if the actor committed the
8 offense or engaged in the conduct with intent to violate or abuse
9 the victim sexually;

10 (D) a violation of Section 30.02 (Burglary),
11 Penal Code, if the offense or conduct is punishable under
12 Subsection (d) of that section and the actor committed the offense
13 or engaged in the conduct with intent to commit a felony listed in
14 Paragraph (A) or (C);

15 (E) a violation of Section 20.02 (Unlawful
16 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
17 Penal Code, if, as applicable:

18 (i) the judgment in the case contains an
19 affirmative finding under Article 42.015; or

20 (ii) the order in the hearing or the papers
21 in the case contain an affirmative finding that the victim or
22 intended victim was younger than 17 years of age;

23 (F) the second violation of Section 21.08
24 (Indecent exposure), Penal Code, but not if the second violation
25 results in a deferred adjudication;

26 (G) an attempt, conspiracy, or solicitation, as
27 defined by Chapter 15, Penal Code, to commit an offense or engage in

1 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

2 (H) a violation of the laws of another state,
3 federal law, the laws of a foreign country, or the Uniform Code of
4 Military Justice for or based on the violation of an offense
5 containing elements that are substantially similar to the elements
6 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
7 (G), (J), (K), or (L), but not if the violation results in a
8 deferred adjudication;

9 (I) the second violation of the laws of another
10 state, federal law, the laws of a foreign country, or the Uniform
11 Code of Military Justice for or based on the violation of an offense
12 containing elements that are substantially similar to the elements
13 of the offense of indecent exposure, but not if the second violation
14 results in a deferred adjudication;

15 (J) a violation of Section 33.021 (Online
16 solicitation of a minor), Penal Code;

17 (K) a violation of Section 20A.02(a)(3), (4),
18 (7), or (8) (Trafficking of persons), Penal Code; or

19 (L) a violation of Section 20A.03 (Continuous
20 trafficking of persons), Penal Code, if the offense is based partly
21 or wholly on conduct that constitutes an offense under Section
22 20A.02(a)(3), (4), (7), or (8) of that code.

23 (6) "Sexually violent offense" means any of the
24 following offenses committed by a person 17 years of age or older:

25 (A) an offense under Section 21.02 (Continuous
26 sexual abuse of young child or disabled individual [~~children~~]),
27 21.11(a)(1) (Indecency with a child), 22.011 (Sexual assault), or

1 22.021 (Aggravated sexual assault), Penal Code;

2 (B) an offense under Section 43.25 (Sexual
3 performance by a child), Penal Code;

4 (C) an offense under Section 20.04(a)(4)
5 (Aggravated kidnapping), Penal Code, if the defendant committed the
6 offense with intent to violate or abuse the victim sexually;

7 (D) an offense under Section 30.02 (Burglary),
8 Penal Code, if the offense is punishable under Subsection (d) of
9 that section and the defendant committed the offense with intent to
10 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
11 or

12 (E) an offense under the laws of another state,
13 federal law, the laws of a foreign country, or the Uniform Code of
14 Military Justice if the offense contains elements that are
15 substantially similar to the elements of an offense listed under
16 Paragraph (A), (B), (C), or (D).

17 SECTION 2.14. Article 66.102(h), Code of Criminal
18 Procedure, is amended to read as follows:

19 (h) In addition to the information described by this
20 article, information in the computerized criminal history system
21 must include the age of the victim of the offense if the offender
22 was arrested for or charged with an offense under the following
23 provisions of the Penal Code:

24 (1) Section 20.04(a)(4) (Aggravated Kidnapping), if
25 the offender committed the offense with the intent to violate or
26 abuse the victim sexually;

27 (2) Section 20A.02 (Trafficking of Persons), if the

1 offender:

2 (A) trafficked a person with the intent or
3 knowledge that the person would engage in sexual conduct, as
4 defined by Section 43.25, Penal Code; or

5 (B) benefited from participating in a venture
6 that involved a trafficked person engaging in sexual conduct, as
7 defined by Section 43.25, Penal Code;

8 (3) Section 21.02 (Continuous Sexual Abuse of Young
9 Child or Disabled Individual [~~Children~~]);

10 (4) Section 21.11 (Indecency with a Child);

11 (5) Section 22.011 (Sexual Assault) or 22.021
12 (Aggravated Sexual Assault);

13 (6) Section 30.02 (Burglary), if the offense is
14 punishable under Subsection (d) of that section and the offender
15 committed the offense with the intent to commit an offense
16 described by Subdivision (1), (4), or (5);

17 (7) Section 43.05(a)(2) (Compelling Prostitution); or

18 (8) Section 43.25 (Sexual Performance by a Child).

19 SECTION 2.15. Section 25.0341(a), Education Code, is
20 amended to read as follows:

21 (a) This section applies only to:

22 (1) a student:

23 (A) who has been convicted of continuous sexual
24 abuse of young child or disabled individual [~~children~~] under
25 Section 21.02, Penal Code, or convicted of or placed on deferred
26 adjudication for the offense of sexual assault under Section
27 22.011, Penal Code, or aggravated sexual assault under Section

1 22.021, Penal Code, committed against another student who, at the
2 time the offense occurred, was assigned to the same campus as the
3 student convicted or placed on deferred adjudication;

4 (B) who has been adjudicated under Section 54.03,
5 Family Code, as having engaged in conduct described by Paragraph
6 (A);

7 (C) whose prosecution under Section 53.03,
8 Family Code, for engaging in conduct described by Paragraph (A) has
9 been deferred; or

10 (D) who has been placed on probation under
11 Section 54.04(d)(1), Family Code, for engaging in conduct described
12 by Paragraph (A); and

13 (2) a student who is the victim of conduct described by
14 Subdivision (1)(A).

15 SECTION 2.16. Section 37.007(a), Education Code, is amended
16 to read as follows:

17 (a) Except as provided by Subsection (k), a student shall be
18 expelled from a school if the student, on school property or while
19 attending a school-sponsored or school-related activity on or off
20 of school property:

21 (1) engages in conduct that contains the elements of
22 the offense of unlawfully carrying weapons under Section 46.02,
23 Penal Code, or elements of an offense relating to prohibited
24 weapons under Section 46.05, Penal Code;

25 (2) engages in conduct that contains the elements of
26 the offense of:

27 (A) aggravated assault under Section 22.02,

1 Penal Code, sexual assault under Section 22.011, Penal Code, or
2 aggravated sexual assault under Section 22.021, Penal Code;

3 (B) arson under Section 28.02, Penal Code;

4 (C) murder under Section 19.02, Penal Code,
5 capital murder under Section 19.03, Penal Code, or criminal
6 attempt, under Section 15.01, Penal Code, to commit murder or
7 capital murder;

8 (D) indecency with a child under Section 21.11,
9 Penal Code;

10 (E) aggravated kidnapping under Section 20.04,
11 Penal Code;

12 (F) aggravated robbery under Section 29.03,
13 Penal Code;

14 (G) manslaughter under Section 19.04, Penal
15 Code;

16 (H) criminally negligent homicide under Section
17 19.05, Penal Code; or

18 (I) continuous sexual abuse of young child or
19 disabled individual [~~children~~] under Section 21.02, Penal Code; or

20 (3) engages in conduct specified by Section
21 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

22 SECTION 2.17. Section 161.001(b), Family Code, is amended
23 to read as follows:

24 (b) The court may order termination of the parent-child
25 relationship if the court finds by clear and convincing evidence:

26 (1) that the parent has:

27 (A) voluntarily left the child alone or in the

1 possession of another not the parent and expressed an intent not to
2 return;

3 (B) voluntarily left the child alone or in the
4 possession of another not the parent without expressing an intent
5 to return, without providing for the adequate support of the child,
6 and remained away for a period of at least three months;

7 (C) voluntarily left the child alone or in the
8 possession of another without providing adequate support of the
9 child and remained away for a period of at least six months;

10 (D) knowingly placed or knowingly allowed the
11 child to remain in conditions or surroundings which endanger the
12 physical or emotional well-being of the child;

13 (E) engaged in conduct or knowingly placed the
14 child with persons who engaged in conduct which endangers the
15 physical or emotional well-being of the child;

16 (F) failed to support the child in accordance
17 with the parent's ability during a period of one year ending within
18 six months of the date of the filing of the petition;

19 (G) abandoned the child without identifying the
20 child or furnishing means of identification, and the child's
21 identity cannot be ascertained by the exercise of reasonable
22 diligence;

23 (H) voluntarily, and with knowledge of the
24 pregnancy, abandoned the mother of the child beginning at a time
25 during her pregnancy with the child and continuing through the
26 birth, failed to provide adequate support or medical care for the
27 mother during the period of abandonment before the birth of the

1 child, and remained apart from the child or failed to support the
2 child since the birth;

3 (I) contumaciously refused to submit to a
4 reasonable and lawful order of a court under Subchapter D, Chapter
5 261;

6 (J) been the major cause of:

7 (i) the failure of the child to be enrolled
8 in school as required by the Education Code; or

9 (ii) the child's absence from the child's
10 home without the consent of the parents or guardian for a
11 substantial length of time or without the intent to return;

12 (K) executed before or after the suit is filed an
13 unrevoked or irrevocable affidavit of relinquishment of parental
14 rights as provided by this chapter;

15 (L) been convicted or has been placed on
16 community supervision, including deferred adjudication community
17 supervision, for being criminally responsible for the death or
18 serious injury of a child under the following sections of the Penal
19 Code, or under a law of another jurisdiction that contains elements
20 that are substantially similar to the elements of an offense under
21 one of the following Penal Code sections, or adjudicated under
22 Title 3 for conduct that caused the death or serious injury of a
23 child and that would constitute a violation of one of the following
24 Penal Code sections:

25 (i) Section 19.02 (murder);

26 (ii) Section 19.03 (capital murder);

27 (iii) Section 19.04 (manslaughter);

- 1 (iv) Section 21.11 (indecenty with a
2 child);
- 3 (v) Section 22.01 (assault);
- 4 (vi) Section 22.011 (sexual assault);
- 5 (vii) Section 22.02 (aggravated assault);
- 6 (viii) Section 22.021 (aggravated sexual
7 assault);
- 8 (ix) Section 22.04 (injury to a child,
9 elderly individual, or disabled individual);
- 10 (x) Section 22.041 (abandoning or
11 endangering child);
- 12 (xi) Section 25.02 (prohibited sexual
13 conduct);
- 14 (xii) Section 43.25 (sexual performance by
15 a child);
- 16 (xiii) Section 43.26 (possession or
17 promotion of child pornography);
- 18 (xiv) Section 21.02 (continuous sexual
19 abuse of young child or disabled individual [~~children~~]);
- 20 (xv) Section 20A.02(a)(7) or (8)
21 (trafficking of persons); and
- 22 (xvi) Section 43.05(a)(2) (compelling
23 prostitution);
- 24 (M) had his or her parent-child relationship
25 terminated with respect to another child based on a finding that the
26 parent's conduct was in violation of Paragraph (D) or (E) or
27 substantially equivalent provisions of the law of another state;

1 (N) constructively abandoned the child who has
2 been in the permanent or temporary managing conservatorship of the
3 Department of Family and Protective Services for not less than six
4 months, and:

5 (i) the department has made reasonable
6 efforts to return the child to the parent;

7 (ii) the parent has not regularly visited
8 or maintained significant contact with the child; and

9 (iii) the parent has demonstrated an
10 inability to provide the child with a safe environment;

11 (O) failed to comply with the provisions of a
12 court order that specifically established the actions necessary for
13 the parent to obtain the return of the child who has been in the
14 permanent or temporary managing conservatorship of the Department
15 of Family and Protective Services for not less than nine months as a
16 result of the child's removal from the parent under Chapter 262 for
17 the abuse or neglect of the child;

18 (P) used a controlled substance, as defined by
19 Chapter 481, Health and Safety Code, in a manner that endangered the
20 health or safety of the child, and:

21 (i) failed to complete a court-ordered
22 substance abuse treatment program; or

23 (ii) after completion of a court-ordered
24 substance abuse treatment program, continued to abuse a controlled
25 substance;

26 (Q) knowingly engaged in criminal conduct that
27 has resulted in the parent's:

1 (i) conviction of an offense; and
2 (ii) confinement or imprisonment and
3 inability to care for the child for not less than two years from the
4 date of filing the petition;

5 (R) been the cause of the child being born
6 addicted to alcohol or a controlled substance, other than a
7 controlled substance legally obtained by prescription;

8 (S) voluntarily delivered the child to a
9 designated emergency infant care provider under Section 262.302
10 without expressing an intent to return for the child;

11 (T) been convicted of:

12 (i) the murder of the other parent of the
13 child under Section 19.02 or 19.03, Penal Code, or under a law of
14 another state, federal law, the law of a foreign country, or the
15 Uniform Code of Military Justice that contains elements that are
16 substantially similar to the elements of an offense under Section
17 19.02 or 19.03, Penal Code;

18 (ii) criminal attempt under Section 15.01,
19 Penal Code, or under a law of another state, federal law, the law of
20 a foreign country, or the Uniform Code of Military Justice that
21 contains elements that are substantially similar to the elements of
22 an offense under Section 15.01, Penal Code, to commit the offense
23 described by Subparagraph (i);

24 (iii) criminal solicitation under Section
25 15.03, Penal Code, or under a law of another state, federal law, the
26 law of a foreign country, or the Uniform Code of Military Justice
27 that contains elements that are substantially similar to the

1 elements of an offense under Section 15.03, Penal Code, of the
2 offense described by Subparagraph (i); or

3 (iv) the sexual assault of the other parent
4 of the child under Section 22.011 or 22.021, Penal Code, or under a
5 law of another state, federal law, or the Uniform Code of Military
6 Justice that contains elements that are substantially similar to
7 the elements of an offense under Section 22.011 or 22.021, Penal
8 Code; or

9 (U) been placed on community supervision,
10 including deferred adjudication community supervision, or another
11 functionally equivalent form of community supervision or
12 probation, for being criminally responsible for the sexual assault
13 of the other parent of the child under Section 22.011 or 22.021,
14 Penal Code, or under a law of another state, federal law, or the
15 Uniform Code of Military Justice that contains elements that are
16 substantially similar to the elements of an offense under Section
17 22.011 or 22.021, Penal Code; and

18 (2) that termination is in the best interest of the
19 child.

20 SECTION 2.18. Section 261.001(1), Family Code, is amended
21 to read as follows:

22 (1) "Abuse" includes the following acts or omissions
23 by a person:

24 (A) mental or emotional injury to a child that
25 results in an observable and material impairment in the child's
26 growth, development, or psychological functioning;

27 (B) causing or permitting the child to be in a

1 situation in which the child sustains a mental or emotional injury
2 that results in an observable and material impairment in the
3 child's growth, development, or psychological functioning;

4 (C) physical injury that results in substantial
5 harm to the child, or the genuine threat of substantial harm from
6 physical injury to the child, including an injury that is at
7 variance with the history or explanation given and excluding an
8 accident or reasonable discipline by a parent, guardian, or
9 managing or possessory conservator that does not expose the child
10 to a substantial risk of harm;

11 (D) failure to make a reasonable effort to
12 prevent an action by another person that results in physical injury
13 that results in substantial harm to the child;

14 (E) sexual conduct harmful to a child's mental,
15 emotional, or physical welfare, including conduct that constitutes
16 the offense of continuous sexual abuse of young child or disabled
17 individual [~~children~~] under Section 21.02, Penal Code, indecency
18 with a child under Section 21.11, Penal Code, sexual assault under
19 Section 22.011, Penal Code, or aggravated sexual assault under
20 Section 22.021, Penal Code;

21 (F) failure to make a reasonable effort to
22 prevent sexual conduct harmful to a child;

23 (G) compelling or encouraging the child to engage
24 in sexual conduct as defined by Section 43.01, Penal Code,
25 including compelling or encouraging the child in a manner that
26 constitutes an offense of trafficking of persons under Section
27 20A.02(a)(7) or (8), Penal Code, prostitution under Section

1 43.02(b), Penal Code, or compelling prostitution under Section
2 43.05(a)(2), Penal Code;

3 (H) causing, permitting, encouraging, engaging
4 in, or allowing the photographing, filming, or depicting of the
5 child if the person knew or should have known that the resulting
6 photograph, film, or depiction of the child is obscene as defined by
7 Section 43.21, Penal Code, or pornographic;

8 (I) the current use by a person of a controlled
9 substance as defined by Chapter 481, Health and Safety Code, in a
10 manner or to the extent that the use results in physical, mental, or
11 emotional injury to a child;

12 (J) causing, expressly permitting, or
13 encouraging a child to use a controlled substance as defined by
14 Chapter 481, Health and Safety Code;

15 (K) causing, permitting, encouraging, engaging
16 in, or allowing a sexual performance by a child as defined by
17 Section 43.25, Penal Code;

18 (L) knowingly causing, permitting, encouraging,
19 engaging in, or allowing a child to be trafficked in a manner
20 punishable as an offense under Section 20A.02(a)(5), (6), (7), or
21 (8), Penal Code, or the failure to make a reasonable effort to
22 prevent a child from being trafficked in a manner punishable as an
23 offense under any of those sections; or

24 (M) forcing or coercing a child to enter into a
25 marriage.

26 SECTION 2.19. Section 262.2015(b), Family Code, is amended
27 to read as follows:

1 (b) The court may find under Subsection (a) that a parent
2 has subjected the child to aggravated circumstances if:

3 (1) the parent abandoned the child without
4 identification or a means for identifying the child;

5 (2) the child or another child of the parent is a
6 victim of serious bodily injury or sexual abuse inflicted by the
7 parent or by another person with the parent's consent;

8 (3) the parent has engaged in conduct against the
9 child or another child of the parent that would constitute an
10 offense under the following provisions of the Penal Code:

11 (A) Section 19.02 (murder);

12 (B) Section 19.03 (capital murder);

13 (C) Section 19.04 (manslaughter);

14 (D) Section 21.11 (indecent with a child);

15 (E) Section 22.011 (sexual assault);

16 (F) Section 22.02 (aggravated assault);

17 (G) Section 22.021 (aggravated sexual assault);

18 (H) Section 22.04 (injury to a child, elderly
19 individual, or disabled individual);

20 (I) Section 22.041 (abandoning or endangering
21 child);

22 (J) Section 25.02 (prohibited sexual conduct);

23 (K) Section 43.25 (sexual performance by a
24 child);

25 (L) Section 43.26 (possession or promotion of
26 child pornography);

27 (M) Section 21.02 (continuous sexual abuse of

1 young child or disabled individual [~~children~~];

2 (N) Section 43.05(a)(2) (compelling
3 prostitution); or

4 (O) Section 20A.02(a)(7) or (8) (trafficking of
5 persons);

6 (4) the parent voluntarily left the child alone or in
7 the possession of another person not the parent of the child for at
8 least six months without expressing an intent to return and without
9 providing adequate support for the child;

10 (5) the parent's parental rights with regard to
11 another child have been involuntarily terminated based on a finding
12 that the parent's conduct violated Section 161.001(b)(1)(D) or (E)
13 or a substantially equivalent provision of another state's law;

14 (6) the parent has been convicted for:

15 (A) the murder of another child of the parent and
16 the offense would have been an offense under 18 U.S.C. Section
17 1111(a) if the offense had occurred in the special maritime or
18 territorial jurisdiction of the United States;

19 (B) the voluntary manslaughter of another child
20 of the parent and the offense would have been an offense under 18
21 U.S.C. Section 1112(a) if the offense had occurred in the special
22 maritime or territorial jurisdiction of the United States;

23 (C) aiding or abetting, attempting, conspiring,
24 or soliciting an offense under Paragraph (A) or (B); or

25 (D) the felony assault of the child or another
26 child of the parent that resulted in serious bodily injury to the
27 child or another child of the parent;

1 (7) the parent's parental rights with regard to
2 another child of the parent have been involuntarily terminated; or

3 (8) the parent is required under any state or federal
4 law to register with a sex offender registry.

5 SECTION 2.20. Section 499.027(b), Government Code, is
6 amended to read as follows:

7 (b) An inmate is not eligible under this subchapter to be
8 considered for release to intensive supervision parole if:

9 (1) the inmate is awaiting transfer to the
10 institutional division, or serving a sentence, for an offense for
11 which the judgment contains an affirmative finding under Article
12 42A.054(c) or (d), Code of Criminal Procedure;

13 (2) the inmate is awaiting transfer to the
14 institutional division, or serving a sentence, for an offense
15 listed in one of the following sections of the Penal Code:

16 (A) Section 19.02 (murder);

17 (B) Section 19.03 (capital murder);

18 (C) Section 19.04 (manslaughter);

19 (D) Section 20.03 (kidnapping);

20 (E) Section 20.04 (aggravated kidnapping);

21 (F) Section 21.11 (indecent with a child);

22 (G) Section 22.011 (sexual assault);

23 (H) Section 22.02 (aggravated assault);

24 (I) Section 22.021 (aggravated sexual assault);

25 (J) Section 22.04 (injury to a child, elderly
26 individual, or disabled individual);

27 (K) Section 25.02 (prohibited sexual conduct);

- 1 (L) Section 25.08 (sale or purchase of a child);
2 (M) Section 28.02 (arson);
3 (N) Section 29.02 (robbery);
4 (O) Section 29.03 (aggravated robbery);
5 (P) Section 30.02 (burglary), if the offense is
6 punished as a first-degree felony under that section;
7 (Q) Section 43.04 (aggravated promotion of
8 prostitution);
9 (R) Section 43.05 (compelling prostitution);
10 (S) Section 43.24 (sale, distribution, or
11 display of harmful material to minor);
12 (T) Section 43.25 (sexual performance by a
13 child);
14 (U) Section 46.10 (deadly weapon in penal
15 institution);
16 (V) Section 15.01 (criminal attempt), if the
17 offense attempted is listed in this subsection;
18 (W) Section 15.02 (criminal conspiracy), if the
19 offense that is the subject of the conspiracy is listed in this
20 subsection;
21 (X) Section 15.03 (criminal solicitation), if
22 the offense solicited is listed in this subsection;
23 (Y) Section 21.02 (continuous sexual abuse of
24 young child or disabled individual [~~children~~]);
25 (Z) Section 20A.02 (trafficking of persons);
26 (AA) Section 20A.03 (continuous trafficking of
27 persons); or

1 (BB) Section 43.041 (aggravated online promotion
2 of prostitution); or

3 (3) the inmate is awaiting transfer to the
4 institutional division, or serving a sentence, for an offense under
5 Chapter 481, Health and Safety Code, punishable by a minimum term of
6 imprisonment or a maximum fine that is greater than the minimum term
7 of imprisonment or the maximum fine for a first degree felony.

8 SECTION 2.21. Section 824.009(a), Government Code, is
9 amended to read as follows:

10 (a) In this section, "qualifying felony" means an offense
11 that is punishable as a felony under the following sections of the
12 Penal Code:

13 (1) Section 21.02 (continuous sexual abuse of young
14 child or disabled individual [~~children~~]);

15 (2) Section 21.12 (improper relationship between
16 educator and student); or

17 (3) Section 22.011 (sexual assault) or Section 22.021
18 (aggravated sexual assault).

19 SECTION 2.22. Section 250.006(a), Health and Safety Code,
20 is amended to read as follows:

21 (a) A person for whom the facility or the individual
22 employer is entitled to obtain criminal history record information
23 may not be employed in a facility or by an individual employer if
24 the person has been convicted of an offense listed in this
25 subsection:

26 (1) an offense under Chapter 19, Penal Code (criminal
27 homicide);

- 1 (2) an offense under Chapter 20, Penal Code
2 (kidnapping, unlawful restraint, and smuggling of persons);
- 3 (3) an offense under Section 21.02, Penal Code
4 (continuous sexual abuse of young child or disabled individual
5 [~~children~~]), or Section 21.11, Penal Code (indecent with a child);
- 6 (4) an offense under Section 22.011, Penal Code
7 (sexual assault);
- 8 (5) an offense under Section 22.02, Penal Code
9 (aggravated assault);
- 10 (6) an offense under Section 22.04, Penal Code (injury
11 to a child, elderly individual, or disabled individual);
- 12 (7) an offense under Section 22.041, Penal Code
13 (abandoning or endangering child);
- 14 (8) an offense under Section 22.08, Penal Code (aiding
15 suicide);
- 16 (9) an offense under Section 25.031, Penal Code
17 (agreement to abduct from custody);
- 18 (10) an offense under Section 25.08, Penal Code (sale
19 or purchase of child);
- 20 (11) an offense under Section 28.02, Penal Code
21 (arson);
- 22 (12) an offense under Section 29.02, Penal Code
23 (robbery);
- 24 (13) an offense under Section 29.03, Penal Code
25 (aggravated robbery);
- 26 (14) an offense under Section 21.08, Penal Code
27 (indecent exposure);

- 1 (15) an offense under Section [21.12](#), Penal Code
2 (improper relationship between educator and student);
- 3 (16) an offense under Section [21.15](#), Penal Code
4 (invasive visual recording);
- 5 (17) an offense under Section [22.05](#), Penal Code
6 (deadly conduct);
- 7 (18) an offense under Section [22.021](#), Penal Code
8 (aggravated sexual assault);
- 9 (19) an offense under Section [22.07](#), Penal Code
10 (terroristic threat);
- 11 (20) an offense under Section [32.53](#), Penal Code
12 (exploitation of child, elderly individual, or disabled
13 individual);
- 14 (21) an offense under Section [33.021](#), Penal Code
15 (online solicitation of a minor);
- 16 (22) an offense under Section [34.02](#), Penal Code (money
17 laundering);
- 18 (23) an offense under Section [35A.02](#), Penal Code
19 (health care fraud);
- 20 (24) an offense under Section [36.06](#), Penal Code
21 (obstruction or retaliation);
- 22 (25) an offense under Section [42.09](#), Penal Code
23 (cruelty to livestock animals), or under Section [42.092](#), Penal Code
24 (cruelty to nonlivestock animals); or
- 25 (26) a conviction under the laws of another state,
26 federal law, or the Uniform Code of Military Justice for an offense
27 containing elements that are substantially similar to the elements

1 of an offense listed by this subsection.

2 SECTION 2.23. Section 164.0595(a), Occupations Code, is
3 amended to read as follows:

4 (a) A disciplinary panel appointed under Section 164.059
5 may suspend or restrict the license of a person arrested for an
6 offense under:

7 (1) Section 22.011(a)(2), Penal Code (sexual assault
8 of a child);

9 (2) Section 22.021(a)(1)(B), Penal Code (aggravated
10 sexual assault of a child);

11 (3) Section 21.02, Penal Code (continuous sexual abuse
12 of ~~a~~ young child or disabled individual ~~[children]~~); or

13 (4) Section 21.11, Penal Code (indecent with a
14 child).

15 SECTION 2.24. Section 164.102(b), Occupations Code, is
16 amended to read as follows:

17 (b) Except on an express determination, based on
18 substantial evidence, that granting probation is in the best
19 interests of the public and of the person whose license has been
20 suspended, revoked, or canceled, the board may not grant probation
21 to a person whose license has been canceled, revoked, or suspended
22 because of a felony conviction under:

23 (1) Chapter 481 or 483, Health and Safety Code;

24 (2) Section 485.033, Health and Safety Code;

25 (3) the Comprehensive Drug Abuse Prevention and
26 Control Act of 1970 (21 U.S.C. Section 801 et seq.); or

27 (4) any of the following sections of the Penal Code:

1 (A) Section 22.011(a)(2) (sexual assault of a
2 child);

3 (B) Section 22.021(a)(1)(B) (aggravated sexual
4 assault of a child);

5 (C) Section 21.02 (continuous sexual abuse of [a]
6 young child or disabled individual [~~children~~]); or

7 (D) Section 21.11 (indecent with a child).

8 SECTION 2.25. Section 301.4535(a), Occupations Code, is
9 amended to read as follows:

10 (a) The board shall suspend a nurse's license or refuse to
11 issue a license to an applicant on proof that the nurse or applicant
12 has been initially convicted of:

13 (1) murder under Section 19.02, Penal Code, capital
14 murder under Section 19.03, Penal Code, or manslaughter under
15 Section 19.04, Penal Code;

16 (2) kidnapping or unlawful restraint under Chapter 20,
17 Penal Code, and the offense was punished as a felony or state jail
18 felony;

19 (3) sexual assault under Section 22.011, Penal Code;

20 (4) aggravated sexual assault under Section 22.021,
21 Penal Code;

22 (5) continuous sexual abuse of young child or disabled
23 individual [~~children~~] under Section 21.02, Penal Code, or indecent
24 with a child under Section 21.11, Penal Code;

25 (6) aggravated assault under Section 22.02, Penal
26 Code;

27 (7) intentionally, knowingly, or recklessly injuring

1 a child, elderly individual, or disabled individual under Section
2 22.04, Penal Code;

3 (8) intentionally, knowingly, or recklessly
4 abandoning or endangering a child under Section 22.041, Penal Code;

5 (9) aiding suicide under Section 22.08, Penal Code,
6 and the offense was punished as a state jail felony;

7 (10) an offense involving a violation of certain court
8 orders or conditions of bond under Section 25.07, 25.071, or
9 25.072, Penal Code, punished as a felony;

10 (11) an agreement to abduct a child from custody under
11 Section 25.031, Penal Code;

12 (12) the sale or purchase of a child under Section
13 25.08, Penal Code;

14 (13) robbery under Section 29.02, Penal Code;

15 (14) aggravated robbery under Section 29.03, Penal
16 Code;

17 (15) an offense for which a defendant is required to
18 register as a sex offender under Chapter 62, Code of Criminal
19 Procedure; or

20 (16) an offense under the law of another state,
21 federal law, or the Uniform Code of Military Justice that contains
22 elements that are substantially similar to the elements of an
23 offense listed in this subsection.

24 SECTION 2.26. Section 20A.02(a), Penal Code, is amended to
25 read as follows:

26 (a) A person commits an offense if the person knowingly:

27 (1) traffics another person with the intent that the

1 trafficked person engage in forced labor or services;

2 (2) receives a benefit from participating in a venture
3 that involves an activity described by Subdivision (1), including
4 by receiving labor or services the person knows are forced labor or
5 services;

6 (3) traffics another person and, through force, fraud,
7 or coercion, causes the trafficked person to engage in conduct
8 prohibited by:

9 (A) Section 43.02 (Prostitution);

10 (B) Section 43.03 (Promotion of Prostitution);

11 (B-1) Section 43.031 (Online Promotion of
12 Prostitution);

13 (C) Section 43.04 (Aggravated Promotion of
14 Prostitution);

15 (C-1) Section 43.041 (Aggravated Online
16 Promotion of Prostitution); or

17 (D) Section 43.05 (Compelling Prostitution);

18 (4) receives a benefit from participating in a venture
19 that involves an activity described by Subdivision (3) or engages
20 in sexual conduct with a person trafficked in the manner described
21 in Subdivision (3);

22 (5) traffics a child with the intent that the
23 trafficked child engage in forced labor or services;

24 (6) receives a benefit from participating in a venture
25 that involves an activity described by Subdivision (5), including
26 by receiving labor or services the person knows are forced labor or
27 services;

1 (7) traffics a child and by any means causes the
2 trafficked child to engage in, or become the victim of, conduct
3 prohibited by:

4 (A) Section 21.02 (Continuous Sexual Abuse of
5 Young Child or Disabled Individual [~~Children~~]);

6 (B) Section 21.11 (Indecency with a Child);

7 (C) Section 22.011 (Sexual Assault);

8 (D) Section 22.021 (Aggravated Sexual Assault);

9 (E) Section 43.02 (Prostitution);

10 (F) Section 43.03 (Promotion of Prostitution);

11 (F-1) Section 43.031 (Online Promotion of
12 Prostitution);

13 (G) Section 43.04 (Aggravated Promotion of
14 Prostitution);

15 (G-1) Section 43.041 (Aggravated Online
16 Promotion of Prostitution);

17 (H) Section 43.05 (Compelling Prostitution);

18 (I) Section 43.25 (Sexual Performance by a
19 Child);

20 (J) Section 43.251 (Employment Harmful to
21 Children); or

22 (K) Section 43.26 (Possession or Promotion of
23 Child Pornography); or

24 (8) receives a benefit from participating in a venture
25 that involves an activity described by Subdivision (7) or engages
26 in sexual conduct with a child trafficked in the manner described in
27 Subdivision (7).

1 SECTION 2.27. Section 71.02(a), Penal Code, is amended to
2 read as follows:

3 (a) A person commits an offense if, with the intent to
4 establish, maintain, or participate in a combination or in the
5 profits of a combination or as a member of a criminal street gang,
6 the person commits or conspires to commit one or more of the
7 following:

8 (1) murder, capital murder, arson, aggravated
9 robbery, robbery, burglary, theft, aggravated kidnapping,
10 kidnapping, aggravated assault, aggravated sexual assault, sexual
11 assault, continuous sexual abuse of young child or disabled
12 individual [~~children~~], solicitation of a minor, forgery, deadly
13 conduct, assault punishable as a Class A misdemeanor, burglary of a
14 motor vehicle, or unauthorized use of a motor vehicle;

15 (2) any gambling offense punishable as a Class A
16 misdemeanor;

17 (3) promotion of prostitution, aggravated promotion
18 of prostitution, or compelling prostitution;

19 (4) unlawful manufacture, transportation, repair, or
20 sale of firearms or prohibited weapons;

21 (5) unlawful manufacture, delivery, dispensation, or
22 distribution of a controlled substance or dangerous drug, or
23 unlawful possession of a controlled substance or dangerous drug
24 through forgery, fraud, misrepresentation, or deception;

25 (5-a) causing the unlawful delivery, dispensation, or
26 distribution of a controlled substance or dangerous drug in
27 violation of Subtitle B, Title 3, Occupations Code;

1 (6) any unlawful wholesale promotion or possession of
2 any obscene material or obscene device with the intent to wholesale
3 promote the same;

4 (7) any offense under Subchapter B, Chapter 43,
5 depicting or involving conduct by or directed toward a child
6 younger than 18 years of age;

7 (8) any felony offense under Chapter 32;

8 (9) any offense under Chapter 36;

9 (10) any offense under Chapter 34, 35, or 35A;

10 (11) any offense under Section 37.11(a);

11 (12) any offense under Chapter 20A;

12 (13) any offense under Section 37.10;

13 (14) any offense under Section 38.06, 38.07, 38.09, or
14 38.11;

15 (15) any offense under Section 42.10;

16 (16) any offense under Section 46.06(a)(1) or 46.14;

17 (17) any offense under Section 20.05 or 20.06;

18 (18) any offense under Section 16.02; or

19 (19) any offense classified as a felony under the Tax
20 Code.

21 SECTION 2.28. Section 92.0161(c), Property Code, is amended
22 to read as follows:

23 (c) If the tenant is a victim or a parent or guardian of a
24 victim of sexual assault under Section 22.011, Penal Code,
25 aggravated sexual assault under Section 22.021, Penal Code,
26 indecency with a child under Section 21.11, Penal Code, sexual
27 performance by a child under Section 43.25, Penal Code, continuous

1 sexual abuse of young [a] child or disabled individual under
2 Section 21.02, Penal Code, or an attempt to commit any of the
3 foregoing offenses under Section 15.01, Penal Code, that takes
4 place during the preceding six-month period on the premises or at
5 any dwelling on the premises, the tenant shall provide to the
6 landlord or the landlord's agent a copy of:

7 (1) documentation of the assault or abuse, or
8 attempted assault or abuse, of the victim from a licensed health
9 care services provider who examined the victim;

10 (2) documentation of the assault or abuse, or
11 attempted assault or abuse, of the victim from a licensed mental
12 health services provider who examined or evaluated the victim;

13 (3) documentation of the assault or abuse, or
14 attempted assault or abuse, of the victim from an individual
15 authorized under Chapter 420, Government Code, who provided
16 services to the victim; or

17 (4) documentation of a protective order issued under
18 Subchapter A, Chapter 7B, Code of Criminal Procedure, except for a
19 temporary ex parte order.

20 ARTICLE III. TRANSITION AND EFFECTIVE DATE

21 SECTION 3.01. The change in law made by this Act applies
22 only to an offense committed on or after the effective date of this
23 Act. An offense committed before the effective date of this Act is
24 governed by the law in effect on the date the offense was committed,
25 and the former law is continued in effect for that purpose. For
26 purposes of this section, an offense was committed before the
27 effective date of this Act if any element of the offense occurred

1 before that date.

2 SECTION 3.02. This Act takes effect September 1, 2021.