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H.B. No. 375

A BILL TO BE ENTITLED

AN ACT

1
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" means a person:

17 (A) with one or more of the following:

18 (i) developmental disability, as defined by
19 Section 112.042, Human Resources Code;

20 (ii) intellectual disability, as defined by
21 Section 591.003, Health and Safety Code; or

22 (iii) traumatic brain injury, as defined by
23 Section 92.001, Health and Safety Code; or

24 (B) who otherwise by reason of age or physical or

1 mental disease, defect, or injury is substantially unable to
2 protect the person's self from harm or to provide food, shelter, or
3 medical care for the person's self.

4 (b) A person commits an offense if:

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

9 (2) at the time of the commission of each of the acts
10 of sexual abuse, the actor is 17 years of age or older and the victim
11 is:

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

15 (B) a disabled individual.

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

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

22 (2) indecency with a child under Section 21.11(a)(1),
23 if the actor committed the offense in a manner other than by
24 touching, including touching through clothing, the breast of a
25 child;

26 (3) sexual assault under Section 22.011;

27 (4) aggravated sexual assault under Section 22.021;

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

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

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

8 (8) compelling prostitution under Section 43.05
9 [~~43.05(a)(2)~~].

10 (g) With respect to a prosecution under this section
11 involving only one or more victims described by Subsection
12 (b)(2)(A), it [~~It~~] is an affirmative defense to prosecution under
13 this section that the actor:

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

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

17 (B) the youngest victim of the offense, if the
18 offense is alleged to have been committed against more than one
19 victim;

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

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

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

27 (B) was not a person who under Chapter 62 had a

1 reportable conviction or adjudication for an offense under this
2 section or an act of sexual abuse as described by Subsection (c).

3 ARTICLE II. CONFORMING AMENDMENTS

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

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

9 (1) Section 22.011(a)(2), Penal Code (sexual assault
10 of a child);

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

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

15 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
16 Section 20A.02(a)(8), Penal Code, involving an activity described
17 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
18 with a child trafficked in the manner described by Section
19 20A.02(a)(7), Penal Code (certain sexual trafficking of a child);

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

22 (6) Section 21.11, Penal Code (indecenty with a
23 child).

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

26 (b) Notwithstanding Subsection (a), each liable defendant
27 is, in addition to his liability under Subsection (a), jointly and

1 severally liable for the damages recoverable by the claimant under
2 Section 33.012 with respect to a cause of action if:

3 (1) the percentage of responsibility attributed to the
4 defendant with respect to a cause of action is greater than 50
5 percent; or

6 (2) the defendant, with the specific intent to do harm
7 to others, acted in concert with another person to engage in the
8 conduct described in the following provisions of the Penal Code and
9 in so doing proximately caused the damages legally recoverable by
10 the claimant:

11 (A) Section 19.02 (murder);

12 (B) Section 19.03 (capital murder);

13 (C) Section 20.04 (aggravated kidnapping);

14 (D) Section 22.02 (aggravated assault);

15 (E) Section 22.011 (sexual assault);

16 (F) Section 22.021 (aggravated sexual assault);

17 (G) Section 22.04 (injury to a child, elderly
18 individual, or disabled individual);

19 (H) Section 32.21 (forgery);

20 (I) Section 32.43 (commercial bribery);

21 (J) Section 32.45 (misapplication of fiduciary
22 property or property of financial institution);

23 (K) Section 32.46 (securing execution of
24 document by deception);

25 (L) Section 32.47 (fraudulent destruction,
26 removal, or concealment of writing);

27 (M) conduct described in Chapter 31 the

1 punishment level for which is a felony of the third degree or
2 higher; or

3 (N) Section 21.02 (continuous sexual abuse of
4 young child or disabled individual [~~children~~]).

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

7 (c) This section does not apply to a cause of action against
8 a defendant from whom a plaintiff seeks recovery of exemplary
9 damages based on conduct described as a felony in the following
10 sections of the Penal Code if, except for Sections 49.07 and 49.08,
11 the conduct was committed knowingly or intentionally:

- 12 (1) Section 19.02 (murder);
- 13 (2) Section 19.03 (capital murder);
- 14 (3) Section 20.04 (aggravated kidnapping);
- 15 (4) Section 22.02 (aggravated assault);
- 16 (5) Section 22.011 (sexual assault);
- 17 (6) Section 22.021 (aggravated sexual assault);
- 18 (7) Section 22.04 (injury to a child, elderly
19 individual, or disabled individual, but not if the conduct occurred
20 while providing health care as defined by Section 74.001);
- 21 (8) Section 32.21 (forgery);
- 22 (9) Section 32.43 (commercial bribery);
- 23 (10) Section 32.45 (misapplication of fiduciary
24 property or property of financial institution);
- 25 (11) Section 32.46 (securing execution of document by
26 deception);
- 27 (12) Section 32.47 (fraudulent destruction, removal,

1 or concealment of writing);

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

4 (14) Section 49.07 (intoxication assault);

5 (15) Section 49.08 (intoxication manslaughter);

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

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

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

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

13 (1) has general grounds for issuance under Sections
14 61.001(2) and (3); and

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

17 (A) Section 22.011(a)(2), Penal Code (sexual
18 assault of a child);

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

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

23 (D) Section 21.11, Penal Code (indecent with a
24 child).

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

27 (a) A person who maintains a place to which persons

1 habitually go for the following purposes and who knowingly
2 tolerates the activity and furthermore fails to make reasonable
3 attempts to abate the activity maintains a common nuisance:

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

6 (2) reckless discharge of a firearm as prohibited by
7 the Penal Code;

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

10 (4) delivery, possession, manufacture, or use of a
11 substance or other item in violation of Chapter 481, Health and
12 Safety Code;

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

15 (6) prostitution, promotion of prostitution, or
16 aggravated promotion of prostitution as prohibited by the Penal
17 Code;

18 (7) compelling prostitution as prohibited by the Penal
19 Code;

20 (8) commercial manufacture, commercial distribution,
21 or commercial exhibition of obscene material as prohibited by the
22 Penal Code;

23 (9) aggravated assault as described by Section 22.02,
24 Penal Code;

25 (10) sexual assault as described by Section 22.011,
26 Penal Code;

27 (11) aggravated sexual assault as described by Section

- 1 22.021, Penal Code;
- 2 (12) robbery as described by Section 29.02, Penal
3 Code;
- 4 (13) aggravated robbery as described by Section 29.03,
5 Penal Code;
- 6 (14) unlawfully carrying a weapon as described by
7 Section 46.02, Penal Code;
- 8 (15) murder as described by Section 19.02, Penal Code;
- 9 (16) capital murder as described by Section 19.03,
10 Penal Code;
- 11 (17) continuous sexual abuse of young child or
12 disabled individual [~~children~~] as described by Section 21.02, Penal
13 Code;
- 14 (18) massage therapy or other massage services in
15 violation of Chapter 455, Occupations Code;
- 16 (19) employing a minor at a sexually oriented business
17 as defined by Section 243.002, Local Government Code;
- 18 (20) trafficking of persons as described by Section
19 20A.02, Penal Code;
- 20 (21) sexual conduct or performance by a child as
21 described by Section 43.25, Penal Code;
- 22 (22) employment harmful to a child as described by
23 Section 43.251, Penal Code;
- 24 (23) criminal trespass as described by Section 30.05,
25 Penal Code;
- 26 (24) disorderly conduct as described by Section 42.01,
27 Penal Code;

- 1 (25) arson as described by Section 28.02, Penal Code;
2 (26) criminal mischief as described by Section 28.03,
3 Penal Code, that causes a pecuniary loss of \$500 or more; or
4 (27) a graffiti offense in violation of Section 28.08,
5 Penal Code.

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

8 (b) Unless good cause exists that makes electronic
9 recording infeasible, a law enforcement agency shall make a
10 complete and contemporaneous electronic recording of any custodial
11 interrogation that occurs in a place of detention and is of a person
12 suspected of committing or charged with the commission of an
13 offense under:

- 14 (1) Section 19.02, Penal Code (murder);
15 (2) Section 19.03, Penal Code (capital murder);
16 (3) Section 20.03, Penal Code (kidnapping);
17 (4) Section 20.04, Penal Code (aggravated
18 kidnapping);
19 (5) Section 20A.02, Penal Code (trafficking of
20 persons);
21 (6) Section 20A.03, Penal Code (continuous
22 trafficking of persons);
23 (7) Section 21.02, Penal Code (continuous sexual abuse
24 of young child or disabled individual [~~children~~]);
25 (8) Section 21.11, Penal Code (indecent with a
26 child);
27 (9) Section 21.12, Penal Code (improper relationship

1 between educator and student);

2 (10) Section 22.011, Penal Code (sexual assault);

3 (11) Section 22.021, Penal Code (aggravated sexual
4 assault); or

5 (12) Section 43.25, Penal Code (sexual performance by
6 a child).

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

9 Art. 12.01. FELONIES. Except as provided in Article 12.03,
10 felony indictments may be presented within these limits, and not
11 afterward:

12 (1) no limitation:

13 (A) murder and manslaughter;

14 (B) sexual assault under Section 22.011(a)(2),
15 Penal Code, or aggravated sexual assault under Section
16 22.021(a)(1)(B), Penal Code;

17 (C) sexual assault, if:

18 (i) during the investigation of the offense
19 biological matter is collected and the matter:

20 (a) has not yet been subjected to
21 forensic DNA testing; or

22 (b) has been subjected to forensic DNA
23 testing and the testing results show that the matter does not match
24 the victim or any other person whose identity is readily
25 ascertained; or

26 (ii) probable cause exists to believe that
27 the defendant has committed the same or a similar sex offense

1 against five or more victims;

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

4 (E) indecency with a child under Section 21.11,
5 Penal Code;

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

9 (G) trafficking of persons under Section
10 20A.02(a)(7) or (8), Penal Code;

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

13 (I) compelling prostitution under Section
14 43.05(a)(2), Penal Code;

15 (2) ten years from the date of the commission of the
16 offense:

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

21 (B) theft by a public servant of government
22 property over which the public servant exercises control in the
23 public servant's official capacity;

24 (C) forgery or the uttering, using or passing of
25 forged instruments;

26 (D) injury to an elderly or disabled individual
27 punishable as a felony of the first degree under Section 22.04,

1 Penal Code;

2 (E) sexual assault, except as provided by
3 Subdivision (1) or (7);

4 (F) arson;

5 (G) trafficking of persons under Section
6 20A.02(a)(1), (2), (3), or (4), Penal Code; or

7 (H) compelling prostitution under Section
8 43.05(a)(1), Penal Code;

9 (3) seven years from the date of the commission of the
10 offense:

11 (A) misapplication of fiduciary property or
12 property of a financial institution;

13 (B) securing execution of document by deception;

14 (C) a felony violation under Chapter 162, Tax
15 Code;

16 (D) false statement to obtain property or credit
17 under Section 32.32, Penal Code;

18 (E) money laundering;

19 (F) credit card or debit card abuse under Section
20 32.31, Penal Code;

21 (G) fraudulent use or possession of identifying
22 information under Section 32.51, Penal Code;

23 (H) exploitation of a child, elderly individual,
24 or disabled individual under Section 32.53, Penal Code;

25 (I) health care fraud under Section 35A.02, Penal
26 Code; or

27 (J) bigamy under Section 25.01, Penal Code,

1 except as provided by Subdivision (6);

2 (4) five years from the date of the commission of the
3 offense:

4 (A) theft or robbery;

5 (B) except as provided by Subdivision (5),
6 kidnapping or burglary;

7 (C) injury to an elderly or disabled individual
8 that is not punishable as a felony of the first degree under Section
9 [22.04](#), Penal Code;

10 (D) abandoning or endangering a child; or

11 (E) insurance fraud;

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

16 (A) sexual performance by a child under Section
17 [43.25](#), Penal Code;

18 (B) aggravated kidnapping under Section
19 [20.04\(a\)\(4\)](#), Penal Code, if the defendant committed the offense
20 with the intent to violate or abuse the victim sexually; or

21 (C) burglary under Section [30.02](#), Penal Code, if
22 the offense is punishable under Subsection (d) of that section and
23 the defendant committed the offense with the intent to commit an
24 offense described by Subdivision (1)(B) or (D) of this article or
25 Paragraph (B) of this subdivision;

26 (6) ten years from the 18th birthday of the victim of
27 the offense:

1 (A) trafficking of persons under Section
2 20A.02(a)(5) or (6), Penal Code;

3 (B) injury to a child under Section 22.04, Penal
4 Code; or

5 (C) bigamy under Section 25.01, Penal Code, if
6 the investigation of the offense shows that the person, other than
7 the legal spouse of the defendant, whom the defendant marries or
8 purports to marry or with whom the defendant lives under the
9 appearance of being married is younger than 18 years of age at the
10 time the offense is committed;

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

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

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

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

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

22 (A) Section 19.03 (Capital Murder);

23 (B) Section 20.04 (Aggravated Kidnapping);

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

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

1 (E) Section 22.04 (Injury to a Child, Elderly
2 Individual, or Disabled Individual);

3 (F) Section 29.03 (Aggravated Robbery);

4 (G) Section 30.02 (Burglary);

5 (H) Section 71.02 (Engaging in Organized
6 Criminal Activity);

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

9 (J) Section 20A.03 (Continuous Trafficking of
10 Persons);

11 (2) is charged with a felony under Chapter 481, Health
12 and Safety Code, or Section 485.033, Health and Safety Code,
13 punishable by imprisonment for a minimum term or by a maximum fine
14 that is more than a minimum term or maximum fine for a first degree
15 felony; or

16 (3) does not submit to testing for the presence of a
17 controlled substance in the defendant's body as requested by the
18 court or magistrate under Subsection (c) of this article or submits
19 to testing and the test shows evidence of the presence of a
20 controlled substance in the defendant's body.

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

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

25 (1) Section 19.02 (murder);

26 (2) Section 19.03 (capital murder);

27 (3) Section 20.03 (kidnapping);

- 1 (4) Section 20.04 (aggravated kidnapping);
- 2 (5) Section 21.11 (indecenty with a child);
- 3 (6) Section 22.01(a)(1) (assault), if the offense
- 4 involved family violence as defined by Section 71.004, Family Code;
- 5 (7) Section 22.011 (sexual assault);
- 6 (8) Section 22.02 (aggravated assault);
- 7 (9) Section 22.021 (aggravated sexual assault);
- 8 (10) Section 22.04 (injury to a child, elderly
- 9 individual, or disabled individual);
- 10 (11) Section 29.03 (aggravated robbery);
- 11 (12) Section 21.02 (continuous sexual abuse of young
- 12 child or disabled individual [~~children~~]); or
- 13 (13) Section 20A.03 (continuous trafficking of
- 14 persons).

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

17 (a) A search warrant may be issued to search for and
18 photograph a child who is alleged to be the victim of the offenses
19 of injury to a child as prohibited by Section 22.04, Penal Code;
20 sexual assault of a child as prohibited by Section 22.011(a), Penal
21 Code; aggravated sexual assault of a child as prohibited by Section
22 22.021, Penal Code; or continuous sexual abuse of young child or
23 disabled individual [~~children~~] as prohibited by Section 21.02,
24 Penal Code.

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

27 Sec. 1. This article applies only to a hearing or proceeding

1 in which the court determines that a child younger than 13 years of
2 age would be unavailable to testify in the presence of the defendant
3 about an offense defined by any of the following sections of the
4 Penal Code:

- 5 (1) Section 19.02 (Murder);
- 6 (2) Section 19.03 (Capital Murder);
- 7 (3) Section 19.04 (Manslaughter);
- 8 (4) Section 20.04 (Aggravated Kidnapping);
- 9 (5) Section 21.11 (Indecency with a Child);
- 10 (6) Section 22.011 (Sexual Assault);
- 11 (7) Section 22.02 (Aggravated Assault);
- 12 (8) Section 22.021 (Aggravated Sexual Assault);
- 13 (9) Section 22.04(e) (Injury to a Child, Elderly
14 Individual, or Disabled Individual);
- 15 (10) Section 22.04(f) (Injury to a Child, Elderly
16 Individual, or Disabled Individual), if the conduct is committed
17 intentionally or knowingly;
- 18 (11) Section 25.02 (Prohibited Sexual Conduct);
- 19 (12) Section 29.03 (Aggravated Robbery);
- 20 (13) Section 43.25 (Sexual Performance by a Child);
- 21 (14) Section 21.02 (Continuous Sexual Abuse of Young
22 Child or Disabled Individual [~~Children~~]);
- 23 (15) Section 43.05(a)(2) (Compelling Prostitution);
- 24 or
- 25 (16) Section 20A.02(a)(7) or (8) (Trafficking of
26 Persons).

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

1 Procedure, is amended to read as follows:

2 (a) Subsection (b) applies only to the trial of a defendant
3 for:

4 (1) an offense under any of the following provisions
5 of the Penal Code:

6 (A) Section 20A.02, if punishable as a felony of
7 the first degree under Section 20A.02(b)(1) (Sex Trafficking of a
8 Child);

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

11 (C) Section 21.11 (Indecency With a Child);

12 (D) Section 22.011(a)(2) (Sexual Assault of a
13 Child);

14 (E) Sections 22.021(a)(1)(B) and (2) (Aggravated
15 Sexual Assault of a Child);

16 (F) Section 33.021 (Online Solicitation of a
17 Minor);

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

20 (H) Section 43.26 (Possession or Promotion of
21 Child Pornography), Penal Code; or

22 (2) an attempt or conspiracy to commit an offense
23 described by Subdivision (1).

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

26 (5) "Reportable conviction or adjudication" means a
27 conviction or adjudication, including an adjudication of

1 delinquent conduct or a deferred adjudication, that, regardless of
2 the pendency of an appeal, is a conviction for or an adjudication
3 for or based on:

4 (A) a violation of Section 21.02 (Continuous
5 sexual abuse of young child or disabled individual [~~children~~]),
6 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual
7 assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited
8 sexual conduct), Penal Code;

9 (B) a violation of Section 43.04 (Aggravated
10 promotion of prostitution), 43.05 (Compelling prostitution), 43.25
11 (Sexual performance by a child), or 43.26 (Possession or promotion
12 of child pornography), Penal Code;

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

16 (C) a violation of Section 20.04(a)(4)
17 (Aggravated kidnapping), Penal Code, if the actor committed the
18 offense or engaged in the conduct with intent to violate or abuse
19 the victim sexually;

20 (D) a violation of Section 30.02 (Burglary),
21 Penal Code, if the offense or conduct is punishable under
22 Subsection (d) of that section and the actor committed the offense
23 or engaged in the conduct with intent to commit a felony listed in
24 Paragraph (A) or (C);

25 (E) a violation of Section 20.02 (Unlawful
26 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
27 Penal Code, if, as applicable:

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

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

6 (F) the second violation of Section 21.08
7 (Indecent exposure), Penal Code, but not if the second violation
8 results in a deferred adjudication;

9 (G) an attempt, conspiracy, or solicitation, as
10 defined by Chapter 15, Penal Code, to commit an offense or engage in
11 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

12 (H) a violation of the laws of another state,
13 federal law, the laws of a foreign country, or the Uniform Code of
14 Military Justice for or based on the violation of an offense
15 containing elements that are substantially similar to the elements
16 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
17 (G), (J), (K), or (L), but not if the violation results in a
18 deferred adjudication;

19 (I) the second violation of the laws of another
20 state, federal law, the laws of a foreign country, or the Uniform
21 Code of Military Justice for or based on the violation of an offense
22 containing elements that are substantially similar to the elements
23 of the offense of indecent exposure, but not if the second violation
24 results in a deferred adjudication;

25 (J) a violation of Section 33.021 (Online
26 solicitation of a minor), Penal Code;

27 (K) a violation of Section 20A.02(a)(3), (4),

1 (7), or (8) (Trafficking of persons), Penal Code; or

2 (L) a violation of Section 20A.03 (Continuous
3 trafficking of persons), Penal Code, if the offense is based partly
4 or wholly on conduct that constitutes an offense under Section
5 20A.02(a)(3), (4), (7), or (8) of that code.

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

8 (A) an offense under Section 21.02 (Continuous
9 sexual abuse of young child or disabled individual [~~children~~]),
10 21.11(a)(1) (Indecency with a child), 22.011 (Sexual assault), or
11 22.021 (Aggravated sexual assault), Penal Code;

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

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

17 (D) an offense under Section 30.02 (Burglary),
18 Penal Code, if the offense is punishable under Subsection (d) of
19 that section and the defendant committed the offense with intent to
20 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
21 or

22 (E) an offense under the laws of another state,
23 federal law, the laws of a foreign country, or the Uniform Code of
24 Military Justice if the offense contains elements that are
25 substantially similar to the elements of an offense listed under
26 Paragraph (A), (B), (C), or (D).

27 SECTION 2.14. Article 66.102(h), Code of Criminal

1 Procedure, is amended to read as follows:

2 (h) In addition to the information described by this
3 article, information in the computerized criminal history system
4 must include the age of the victim of the offense if the offender
5 was arrested for or charged with an offense under the following
6 provisions of the Penal Code:

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

10 (2) Section 20A.02 (Trafficking of Persons), if the
11 offender:

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

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

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

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

21 (5) Section 22.011 (Sexual Assault) or 22.021
22 (Aggravated Sexual Assault);

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

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

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

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

4 (a) This section applies only to:

5 (1) a student:

6 (A) who has been convicted of continuous sexual
7 abuse of young child or disabled individual [~~children~~] under
8 Section 21.02, Penal Code, or convicted of or placed on deferred
9 adjudication for the offense of sexual assault under Section
10 22.011, Penal Code, or aggravated sexual assault under Section
11 22.021, Penal Code, committed against another student who, at the
12 time the offense occurred, was assigned to the same campus as the
13 student convicted or placed on deferred adjudication;

14 (B) who has been adjudicated under Section 54.03,
15 Family Code, as having engaged in conduct described by Paragraph
16 (A);

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

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

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

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

27 (a) Except as provided by Subsection (k), a student shall be

1 expelled from a school if the student, on school property or while
2 attending a school-sponsored or school-related activity on or off
3 of school property:

4 (1) engages in conduct that contains the elements of
5 the offense of unlawfully carrying weapons under Section 46.02,
6 Penal Code, or elements of an offense relating to prohibited
7 weapons under Section 46.05, Penal Code;

8 (2) engages in conduct that contains the elements of
9 the offense of:

10 (A) aggravated assault under Section 22.02,
11 Penal Code, sexual assault under Section 22.011, Penal Code, or
12 aggravated sexual assault under Section 22.021, Penal Code;

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

14 (C) murder under Section 19.02, Penal Code,
15 capital murder under Section 19.03, Penal Code, or criminal
16 attempt, under Section 15.01, Penal Code, to commit murder or
17 capital murder;

18 (D) indecency with a child under Section 21.11,
19 Penal Code;

20 (E) aggravated kidnapping under Section 20.04,
21 Penal Code;

22 (F) aggravated robbery under Section 29.03,
23 Penal Code;

24 (G) manslaughter under Section 19.04, Penal
25 Code;

26 (H) criminally negligent homicide under Section
27 19.05, Penal Code; or

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

3 (3) engages in conduct specified by Section
4 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

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

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

9 (1) that the parent has:

10 (A) voluntarily left the child alone or in the
11 possession of another not the parent and expressed an intent not to
12 return;

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

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

20 (D) knowingly placed or knowingly allowed the
21 child to remain in conditions or surroundings which endanger the
22 physical or emotional well-being of the child;

23 (E) engaged in conduct or knowingly placed the
24 child with persons who engaged in conduct which endangers the
25 physical or emotional well-being of the child;

26 (F) failed to support the child in accordance
27 with the parent's ability during a period of one year ending within

1 six months of the date of the filing of the petition;

2 (G) abandoned the child without identifying the
3 child or furnishing means of identification, and the child's
4 identity cannot be ascertained by the exercise of reasonable
5 diligence;

6 (H) voluntarily, and with knowledge of the
7 pregnancy, abandoned the mother of the child beginning at a time
8 during her pregnancy with the child and continuing through the
9 birth, failed to provide adequate support or medical care for the
10 mother during the period of abandonment before the birth of the
11 child, and remained apart from the child or failed to support the
12 child since the birth;

13 (I) contumaciously refused to submit to a
14 reasonable and lawful order of a court under Subchapter D, Chapter
15 261;

16 (J) been the major cause of:

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

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

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

25 (L) been convicted or has been placed on
26 community supervision, including deferred adjudication community
27 supervision, for being criminally responsible for the death or

1 serious injury of a child under the following sections of the Penal
2 Code, or under a law of another jurisdiction that contains elements
3 that are substantially similar to the elements of an offense under
4 one of the following Penal Code sections, or adjudicated under
5 Title 3 for conduct that caused the death or serious injury of a
6 child and that would constitute a violation of one of the following
7 Penal Code sections:

- 8 (i) Section 19.02 (murder);
- 9 (ii) Section 19.03 (capital murder);
- 10 (iii) Section 19.04 (manslaughter);
- 11 (iv) Section 21.11 (indecent with a
12 child);
- 13 (v) Section 22.01 (assault);
- 14 (vi) Section 22.011 (sexual assault);
- 15 (vii) Section 22.02 (aggravated assault);
- 16 (viii) Section 22.021 (aggravated sexual
17 assault);
- 18 (ix) Section 22.04 (injury to a child,
19 elderly individual, or disabled individual);
- 20 (x) Section 22.041 (abandoning or
21 endangering child);
- 22 (xi) Section 25.02 (prohibited sexual
23 conduct);
- 24 (xii) Section 43.25 (sexual performance by
25 a child);
- 26 (xiii) Section 43.26 (possession or
27 promotion of child pornography);

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

3 (xv) Section 20A.02(a)(7) or (8)
4 (trafficking of persons); and

5 (xvi) Section 43.05(a)(2) (compelling
6 prostitution);

7 (M) had his or her parent-child relationship
8 terminated with respect to another child based on a finding that the
9 parent's conduct was in violation of Paragraph (D) or (E) or
10 substantially equivalent provisions of the law of another state;

11 (N) constructively abandoned the child who has
12 been in the permanent or temporary managing conservatorship of the
13 Department of Family and Protective Services for not less than six
14 months, and:

15 (i) the department has made reasonable
16 efforts to return the child to the parent;

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

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

21 (O) failed to comply with the provisions of a
22 court order that specifically established the actions necessary for
23 the parent to obtain the return of the child who has been in the
24 permanent or temporary managing conservatorship of the Department
25 of Family and Protective Services for not less than nine months as a
26 result of the child's removal from the parent under Chapter 262 for
27 the abuse or neglect of the child;

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

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

6 (ii) after completion of a court-ordered
7 substance abuse treatment program, continued to abuse a controlled
8 substance;

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

11 (i) conviction of an offense; and

12 (ii) confinement or imprisonment and
13 inability to care for the child for not less than two years from the
14 date of filing the petition;

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

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

21 (T) been convicted of:

22 (i) the murder of the other parent of the
23 child under Section 19.02 or 19.03, Penal Code, or under a law of
24 another state, federal law, the law of a foreign country, or the
25 Uniform Code of Military Justice that contains elements that are
26 substantially similar to the elements of an offense under Section
27 19.02 or 19.03, Penal Code;

1 (ii) criminal attempt under Section 15.01,
2 Penal Code, or under a law of another state, federal law, the law of
3 a foreign country, or the Uniform Code of Military Justice that
4 contains elements that are substantially similar to the elements of
5 an offense under Section 15.01, Penal Code, to commit the offense
6 described by Subparagraph (i);

7 (iii) criminal solicitation under Section
8 15.03, Penal Code, or under a law of another state, federal law, the
9 law of a foreign country, or the Uniform Code of Military Justice
10 that contains elements that are substantially similar to the
11 elements of an offense under Section 15.03, Penal Code, of the
12 offense described by Subparagraph (i); or

13 (iv) the sexual assault of the other parent
14 of the child under Section 22.011 or 22.021, Penal Code, or under a
15 law of another state, federal law, or the Uniform Code of Military
16 Justice that contains elements that are substantially similar to
17 the elements of an offense under Section 22.011 or 22.021, Penal
18 Code; or

19 (U) been placed on community supervision,
20 including deferred adjudication community supervision, or another
21 functionally equivalent form of community supervision or
22 probation, for being criminally responsible for the sexual assault
23 of the other parent of the child under Section 22.011 or 22.021,
24 Penal Code, or under a law of another state, federal law, or the
25 Uniform Code of Military Justice that contains elements that are
26 substantially similar to the elements of an offense under Section
27 22.011 or 22.021, Penal Code; and

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

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

5 (1) "Abuse" includes the following acts or omissions
6 by a person:

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

10 (B) causing or permitting the child to be in a
11 situation in which the child sustains a mental or emotional injury
12 that results in an observable and material impairment in the
13 child's growth, development, or psychological functioning;

14 (C) physical injury that results in substantial
15 harm to the child, or the genuine threat of substantial harm from
16 physical injury to the child, including an injury that is at
17 variance with the history or explanation given and excluding an
18 accident or reasonable discipline by a parent, guardian, or
19 managing or possessory conservator that does not expose the child
20 to a substantial risk of harm;

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

24 (E) sexual conduct harmful to a child's mental,
25 emotional, or physical welfare, including conduct that constitutes
26 the offense of continuous sexual abuse of young child or disabled
27 individual [~~children~~] under Section 21.02, Penal Code, indecency

1 with a child under Section 21.11, Penal Code, sexual assault under
2 Section 22.011, Penal Code, or aggravated sexual assault under
3 Section 22.021, Penal Code;

4 (F) failure to make a reasonable effort to
5 prevent sexual conduct harmful to a child;

6 (G) compelling or encouraging the child to engage
7 in sexual conduct as defined by Section 43.01, Penal Code,
8 including compelling or encouraging the child in a manner that
9 constitutes an offense of trafficking of persons under Section
10 20A.02(a)(7) or (8), Penal Code, prostitution under Section
11 43.02(b), Penal Code, or compelling prostitution under Section
12 43.05(a)(2), Penal Code;

13 (H) causing, permitting, encouraging, engaging
14 in, or allowing the photographing, filming, or depicting of the
15 child if the person knew or should have known that the resulting
16 photograph, film, or depiction of the child is obscene as defined by
17 Section 43.21, Penal Code, or pornographic;

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

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

25 (K) causing, permitting, encouraging, engaging
26 in, or allowing a sexual performance by a child as defined by
27 Section 43.25, Penal Code;

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

7 (M) forcing or coercing a child to enter into a
8 marriage.

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

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

13 (1) the parent abandoned the child without
14 identification or a means for identifying the child;

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

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

21 (A) Section 19.02 (murder);

22 (B) Section 19.03 (capital murder);

23 (C) Section 19.04 (manslaughter);

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

25 (E) Section 22.011 (sexual assault);

26 (F) Section 22.02 (aggravated assault);

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

1 (H) Section 22.04 (injury to a child, elderly
2 individual, or disabled individual);

3 (I) Section 22.041 (abandoning or endangering
4 child);

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

6 (K) Section 43.25 (sexual performance by a
7 child);

8 (L) Section 43.26 (possession or promotion of
9 child pornography);

10 (M) Section 21.02 (continuous sexual abuse of
11 young child or disabled individual [~~children~~]);

12 (N) Section 43.05(a)(2) (compelling
13 prostitution); or

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

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

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

24 (6) the parent has been convicted for:

25 (A) the murder of another child of the parent and
26 the offense would have been an offense under 18 U.S.C. Section
27 1111(a) if the offense had occurred in the special maritime or

1 territorial jurisdiction of the United States;

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

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

8 (D) the felony assault of the child or another
9 child of the parent that resulted in serious bodily injury to the
10 child or another child of the parent;

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

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

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

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

19 (1) the inmate is awaiting transfer to the
20 institutional division, or serving a sentence, for an offense for
21 which the judgment contains an affirmative finding under Article
22 42A.054(c) or (d), Code of Criminal Procedure;

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

26 (A) Section 19.02 (murder);

27 (B) Section 19.03 (capital murder);

- 1 (C) Section 19.04 (manslaughter);
2 (D) Section 20.03 (kidnapping);
3 (E) Section 20.04 (aggravated kidnapping);
4 (F) Section 21.11 (indecent with a child);
5 (G) Section 22.011 (sexual assault);
6 (H) Section 22.02 (aggravated assault);
7 (I) Section 22.021 (aggravated sexual assault);
8 (J) Section 22.04 (injury to a child, elderly
9 individual, or disabled individual);
10 (K) Section 25.02 (prohibited sexual conduct);
11 (L) Section 25.08 (sale or purchase of a child);
12 (M) Section 28.02 (arson);
13 (N) Section 29.02 (robbery);
14 (O) Section 29.03 (aggravated robbery);
15 (P) Section 30.02 (burglary), if the offense is
16 punished as a first-degree felony under that section;
17 (Q) Section 43.04 (aggravated promotion of
18 prostitution);
19 (R) Section 43.05 (compelling prostitution);
20 (S) Section 43.24 (sale, distribution, or
21 display of harmful material to minor);
22 (T) Section 43.25 (sexual performance by a
23 child);
24 (U) Section 46.10 (deadly weapon in penal
25 institution);
26 (V) Section 15.01 (criminal attempt), if the
27 offense attempted is listed in this subsection;

1 (W) Section 15.02 (criminal conspiracy), if the
2 offense that is the subject of the conspiracy is listed in this
3 subsection;

4 (X) Section 15.03 (criminal solicitation), if
5 the offense solicited is listed in this subsection;

6 (Y) Section 21.02 (continuous sexual abuse of
7 young child or disabled individual [~~children~~]);

8 (Z) Section 20A.02 (trafficking of persons);

9 (AA) Section 20A.03 (continuous trafficking of
10 persons); or

11 (BB) Section 43.041 (aggravated online promotion
12 of prostitution); or

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

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

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

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

25 (2) Section 21.12 (improper relationship between
26 educator and student); or

27 (3) Section 22.011 (sexual assault) or Section 22.021

1 (aggravated sexual assault).

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

4 (a) A person for whom the facility or the individual
5 employer is entitled to obtain criminal history record information
6 may not be employed in a facility or by an individual employer if
7 the person has been convicted of an offense listed in this
8 subsection:

9 (1) an offense under Chapter 19, Penal Code (criminal
10 homicide);

11 (2) an offense under Chapter 20, Penal Code
12 (kidnapping, unlawful restraint, and smuggling of persons);

13 (3) an offense under Section 21.02, Penal Code
14 (continuous sexual abuse of young child or disabled individual
15 [~~children~~]), or Section 21.11, Penal Code (indecent with a child);

16 (4) an offense under Section 22.011, Penal Code
17 (sexual assault);

18 (5) an offense under Section 22.02, Penal Code
19 (aggravated assault);

20 (6) an offense under Section 22.04, Penal Code (injury
21 to a child, elderly individual, or disabled individual);

22 (7) an offense under Section 22.041, Penal Code
23 (abandoning or endangering child);

24 (8) an offense under Section 22.08, Penal Code (aiding
25 suicide);

26 (9) an offense under Section 25.031, Penal Code
27 (agreement to abduct from custody);

- 1 (10) an offense under Section 25.08, Penal Code (sale
2 or purchase of child);
- 3 (11) an offense under Section 28.02, Penal Code
4 (arson);
- 5 (12) an offense under Section 29.02, Penal Code
6 (robbery);
- 7 (13) an offense under Section 29.03, Penal Code
8 (aggravated robbery);
- 9 (14) an offense under Section 21.08, Penal Code
10 (indecent exposure);
- 11 (15) an offense under Section 21.12, Penal Code
12 (improper relationship between educator and student);
- 13 (16) an offense under Section 21.15, Penal Code
14 (invasive visual recording);
- 15 (17) an offense under Section 22.05, Penal Code
16 (deadly conduct);
- 17 (18) an offense under Section 22.021, Penal Code
18 (aggravated sexual assault);
- 19 (19) an offense under Section 22.07, Penal Code
20 (terroristic threat);
- 21 (20) an offense under Section 32.53, Penal Code
22 (exploitation of child, elderly individual, or disabled
23 individual);
- 24 (21) an offense under Section 33.021, Penal Code
25 (online solicitation of a minor);
- 26 (22) an offense under Section 34.02, Penal Code (money
27 laundering);

1 (23) an offense under Section 35A.02, Penal Code
2 (health care fraud);

3 (24) an offense under Section 36.06, Penal Code
4 (obstruction or retaliation);

5 (25) an offense under Section 42.09, Penal Code
6 (cruelty to livestock animals), or under Section 42.092, Penal Code
7 (cruelty to nonlivestock animals); or

8 (26) a conviction under the laws of another state,
9 federal law, or the Uniform Code of Military Justice for an offense
10 containing elements that are substantially similar to the elements
11 of an offense listed by this subsection.

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

14 (a) A disciplinary panel appointed under Section 164.059
15 may suspend or restrict the license of a person arrested for an
16 offense under:

17 (1) Section 22.011(a)(2), Penal Code (sexual assault
18 of a child);

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

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

23 (4) Section 21.11, Penal Code (indecent with a
24 child).

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

27 (b) Except on an express determination, based on

1 substantial evidence, that granting probation is in the best
2 interests of the public and of the person whose license has been
3 suspended, revoked, or canceled, the board may not grant probation
4 to a person whose license has been canceled, revoked, or suspended
5 because of a felony conviction under:

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

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

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

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

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

13 (B) Section 22.021(a)(1)(B) (aggravated sexual
14 assault of a child);

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

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

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

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

23 (1) murder under Section 19.02, Penal Code, capital
24 murder under Section 19.03, Penal Code, or manslaughter under
25 Section 19.04, Penal Code;

26 (2) kidnapping or unlawful restraint under Chapter 20,
27 Penal Code, and the offense was punished as a felony or state jail

- 1 felony;
- 2 (3) sexual assault under Section 22.011, Penal Code;
- 3 (4) aggravated sexual assault under Section 22.021,
4 Penal Code;
- 5 (5) continuous sexual abuse of young child or disabled
6 individual [~~children~~] under Section 21.02, Penal Code, or indecency
7 with a child under Section 21.11, Penal Code;
- 8 (6) aggravated assault under Section 22.02, Penal
9 Code;
- 10 (7) intentionally, knowingly, or recklessly injuring
11 a child, elderly individual, or disabled individual under Section
12 22.04, Penal Code;
- 13 (8) intentionally, knowingly, or recklessly
14 abandoning or endangering a child under Section 22.041, Penal Code;
- 15 (9) aiding suicide under Section 22.08, Penal Code,
16 and the offense was punished as a state jail felony;
- 17 (10) an offense involving a violation of certain court
18 orders or conditions of bond under Section 25.07, 25.071, or
19 25.072, Penal Code, punished as a felony;
- 20 (11) an agreement to abduct a child from custody under
21 Section 25.031, Penal Code;
- 22 (12) the sale or purchase of a child under Section
23 25.08, Penal Code;
- 24 (13) robbery under Section 29.02, Penal Code;
- 25 (14) aggravated robbery under Section 29.03, Penal
26 Code;
- 27 (15) an offense for which a defendant is required to

1 register as a sex offender under Chapter 62, Code of Criminal
2 Procedure; or

3 (16) an offense under the law of another state,
4 federal law, or the Uniform Code of Military Justice that contains
5 elements that are substantially similar to the elements of an
6 offense listed in this subsection.

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

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

10 (1) traffics another person with the intent that the
11 trafficked person engage in forced labor or services;

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

16 (3) traffics another person and, through force, fraud,
17 or coercion, causes the trafficked person to engage in conduct
18 prohibited by:

19 (A) Section 43.02 (Prostitution);

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

21 (B-1) Section 43.031 (Online Promotion of
22 Prostitution);

23 (C) Section 43.04 (Aggravated Promotion of
24 Prostitution);

25 (C-1) Section 43.041 (Aggravated Online
26 Promotion of Prostitution); or

27 (D) Section 43.05 (Compelling Prostitution);

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

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

7 (6) receives a benefit from participating in a venture
8 that involves an activity described by Subdivision (5), including
9 by receiving labor or services the person knows are forced labor or
10 services;

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

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

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

17 (C) Section 22.011 (Sexual Assault);

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

19 (E) Section 43.02 (Prostitution);

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

21 (F-1) Section 43.031 (Online Promotion of
22 Prostitution);

23 (G) Section 43.04 (Aggravated Promotion of
24 Prostitution);

25 (G-1) Section 43.041 (Aggravated Online
26 Promotion of Prostitution);

27 (H) Section 43.05 (Compelling Prostitution);

1 (I) Section 43.25 (Sexual Performance by a
2 Child);

3 (J) Section 43.251 (Employment Harmful to
4 Children); or

5 (K) Section 43.26 (Possession or Promotion of
6 Child Pornography); or

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

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

13 (a) A person commits an offense if, with the intent to
14 establish, maintain, or participate in a combination or in the
15 profits of a combination or as a member of a criminal street gang,
16 the person commits or conspires to commit one or more of the
17 following:

18 (1) murder, capital murder, arson, aggravated
19 robbery, robbery, burglary, theft, aggravated kidnapping,
20 kidnapping, aggravated assault, aggravated sexual assault, sexual
21 assault, continuous sexual abuse of young child or disabled
22 individual [~~children~~], solicitation of a minor, forgery, deadly
23 conduct, assault punishable as a Class A misdemeanor, burglary of a
24 motor vehicle, or unauthorized use of a motor vehicle;

25 (2) any gambling offense punishable as a Class A
26 misdemeanor;

27 (3) promotion of prostitution, aggravated promotion

1 of prostitution, or compelling prostitution;

2 (4) unlawful manufacture, transportation, repair, or
3 sale of firearms or prohibited weapons;

4 (5) unlawful manufacture, delivery, dispensation, or
5 distribution of a controlled substance or dangerous drug, or
6 unlawful possession of a controlled substance or dangerous drug
7 through forgery, fraud, misrepresentation, or deception;

8 (5-a) causing the unlawful delivery, dispensation, or
9 distribution of a controlled substance or dangerous drug in
10 violation of Subtitle B, Title 3, Occupations Code;

11 (6) any unlawful wholesale promotion or possession of
12 any obscene material or obscene device with the intent to wholesale
13 promote the same;

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

17 (8) any felony offense under Chapter 32;

18 (9) any offense under Chapter 36;

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

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

21 (12) any offense under Chapter 20A;

22 (13) any offense under Section 37.10;

23 (14) any offense under Section 38.06, 38.07, 38.09, or
24 38.11;

25 (15) any offense under Section 42.10;

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

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

- 1 (18) any offense under Section 16.02; or
2 (19) any offense classified as a felony under the Tax
3 Code.

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

6 (c) If the tenant is a victim or a parent or guardian of a
7 victim of sexual assault under Section 22.011, Penal Code,
8 aggravated sexual assault under Section 22.021, Penal Code,
9 indecency with a child under Section 21.11, Penal Code, sexual
10 performance by a child under Section 43.25, Penal Code, continuous
11 sexual abuse of young [a] child or disabled individual under
12 Section 21.02, Penal Code, or an attempt to commit any of the
13 foregoing offenses under Section 15.01, Penal Code, that takes
14 place during the preceding six-month period on the premises or at
15 any dwelling on the premises, the tenant shall provide to the
16 landlord or the landlord's agent a copy of:

17 (1) documentation of the assault or abuse, or
18 attempted assault or abuse, of the victim from a licensed health
19 care services provider who examined the victim;

20 (2) documentation of the assault or abuse, or
21 attempted assault or abuse, of the victim from a licensed mental
22 health services provider who examined or evaluated the victim;

23 (3) documentation of the assault or abuse, or
24 attempted assault or abuse, of the victim from an individual
25 authorized under Chapter 420, Government Code, who provided
26 services to the victim; or

27 (4) documentation of a protective order issued under

1 Subchapter A, Chapter 7B, Code of Criminal Procedure, except for a
2 temporary ex parte order.

3 ARTICLE III. TRANSITION AND EFFECTIVE DATE

4 SECTION 3.01. The change in law made by this Act applies
5 only to an offense committed on or after the effective date of this
6 Act. An offense committed before the effective date of this Act is
7 governed by the law in effect on the date the offense was committed,
8 and the former law is continued in effect for that purpose. For
9 purposes of this section, an offense was committed before the
10 effective date of this Act if any element of the offense occurred
11 before that date.

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