

1-1 By: Smith, Guillen, Minjarez H.B. No. 375
1-2 (Senate Sponsor - Zaffirini)
1-3 (In the Senate - Received from the House April 13, 2021;
1-4 April 13, 2021, read first time and referred to Committee on
1-5 Criminal Justice; May 13, 2021, reported favorably by the
1-6 following vote: Yeas 7, Nays 0; May 13, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Bettencourt	X		
1-12	Birdwell	X		
1-13	Hinojosa	X		
1-14	Miles	X		
1-15	Nichols	X		

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the prosecution of the offense of continuous sexual
1-19 abuse of young child or disabled individual; creating a criminal
1-20 offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 ARTICLE I. OFFENSE

1-23 SECTION 1.01. The heading to Section 21.02, Penal Code, is
1-24 amended to read as follows:

1-25 Sec. 21.02. CONTINUOUS SEXUAL ABUSE OF YOUNG CHILD OR
1-26 DISABLED INDIVIDUAL [~~CHILDREN~~].

1-27 SECTION 1.02. Sections 21.02(a), (b), (c), and (g), Penal
1-28 Code, are amended to read as follows:

1-29 (a) In this section:

1-30 (1) "Child" [~~child~~] has the meaning assigned by
1-31 Section 22.011(c).

1-32 (2) "Disabled individual" has the meaning assigned by
1-33 Section 22.021(b).

1-34 (b) A person commits an offense if:

1-35 (1) during a period that is 30 or more days in
1-36 duration, the person commits two or more acts of sexual abuse,
1-37 regardless of whether the acts of sexual abuse are committed
1-38 against one or more victims; and

1-39 (2) at the time of the commission of each of the acts
1-40 of sexual abuse, the actor is 17 years of age or older and the victim
1-41 is:

1-42 (A) a child younger than 14 years of age,
1-43 regardless of whether the actor knows the age of the victim at the
1-44 time of the offense; or

1-45 (B) a disabled individual.

1-46 (c) For purposes of this section, "act of sexual abuse"
1-47 means any act that is a violation of one or more of the following
1-48 penal laws:

1-49 (1) aggravated kidnapping under Section 20.04(a)(4),
1-50 if the actor committed the offense with the intent to violate or
1-51 abuse the victim sexually;

1-52 (2) indecency with a child under Section 21.11(a)(1),
1-53 if the actor committed the offense in a manner other than by
1-54 touching, including touching through clothing, the breast of a
1-55 child;

1-56 (3) sexual assault under Section 22.011;

1-57 (4) aggravated sexual assault under Section 22.021;

1-58 (5) burglary under Section 30.02, if the offense is
1-59 punishable under Subsection (d) of that section and the actor
1-60 committed the offense with the intent to commit an offense listed in
1-61 Subdivisions (1)-(4);

2-1 (6) sexual performance by a child under Section 43.25;
 2-2 (7) trafficking of persons under Section
 2-3 20A.02(a)(3), (4), (7), [~~20A.02(a)(7)~~] or (8); and
 2-4 (8) compelling prostitution under Section 43.05
 2-5 [~~43.05(a)(2)~~].
 2-6 (g) With respect to a prosecution under this section
 2-7 involving only one or more victims described by Subsection
 2-8 (b)(2)(A), it [~~it~~] is an affirmative defense to prosecution under
 2-9 this section that the actor:
 2-10 (1) was not more than five years older than:
 2-11 (A) the victim of the offense, if the offense is
 2-12 alleged to have been committed against only one victim; or
 2-13 (B) the youngest victim of the offense, if the
 2-14 offense is alleged to have been committed against more than one
 2-15 victim;
 2-16 (2) did not use duress, force, or a threat against a
 2-17 victim at the time of the commission of any of the acts of sexual
 2-18 abuse alleged as an element of the offense; and
 2-19 (3) at the time of the commission of any of the acts of
 2-20 sexual abuse alleged as an element of the offense:
 2-21 (A) was not required under Chapter 62, Code of
 2-22 Criminal Procedure, to register for life as a sex offender; or
 2-23 (B) was not a person who under Chapter 62 had a
 2-24 reportable conviction or adjudication for an offense under this
 2-25 section or an act of sexual abuse as described by Subsection (c).
 2-26 ARTICLE II. CONFORMING AMENDMENTS
 2-27 SECTION 2.01. Section 16.0045(a), Civil Practice and
 2-28 Remedies Code, is amended to read as follows:
 2-29 (a) A person must bring suit for personal injury not later
 2-30 than 30 years after the day the cause of action accrues if the
 2-31 injury arises as a result of conduct that violates:
 2-32 (1) Section 22.011(a)(2), Penal Code (sexual assault
 2-33 of a child);
 2-34 (2) Section 22.021(a)(1)(B), Penal Code (aggravated
 2-35 sexual assault of a child);
 2-36 (3) Section 21.02, Penal Code (continuous sexual abuse
 2-37 of young child or disabled individual [~~children~~];
 2-38 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
 2-39 Section 20A.02(a)(8), Penal Code, involving an activity described
 2-40 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
 2-41 with a child trafficked in the manner described by Section
 2-42 20A.02(a)(7), Penal Code (certain sexual trafficking of a child);
 2-43 (5) Section 43.05(a)(2), Penal Code (compelling
 2-44 prostitution by a child); or
 2-45 (6) Section 21.11, Penal Code (indecent with a
 2-46 child).
 2-47 SECTION 2.02. Section 33.013(b), Civil Practice and
 2-48 Remedies Code, is amended to read as follows:
 2-49 (b) Notwithstanding Subsection (a), each liable defendant
 2-50 is, in addition to his liability under Subsection (a), jointly and
 2-51 severally liable for the damages recoverable by the claimant under
 2-52 Section 33.012 with respect to a cause of action if:
 2-53 (1) the percentage of responsibility attributed to the
 2-54 defendant with respect to a cause of action is greater than 50
 2-55 percent; or
 2-56 (2) the defendant, with the specific intent to do harm
 2-57 to others, acted in concert with another person to engage in the
 2-58 conduct described in the following provisions of the Penal Code and
 2-59 in so doing proximately caused the damages legally recoverable by
 2-60 the claimant:
 2-61 (A) Section 19.02 (murder);
 2-62 (B) Section 19.03 (capital murder);
 2-63 (C) Section 20.04 (aggravated kidnapping);
 2-64 (D) Section 22.02 (aggravated assault);
 2-65 (E) Section 22.011 (sexual assault);
 2-66 (F) Section 22.021 (aggravated sexual assault);
 2-67 (G) Section 22.04 (injury to a child, elderly
 2-68 individual, or disabled individual);
 2-69 (H) Section 32.21 (forgery);

3-1 (I) Section 32.43 (commercial bribery);
3-2 (J) Section 32.45 (misapplication of fiduciary
3-3 property or property of financial institution);
3-4 (K) Section 32.46 (securing execution of
3-5 document by deception);
3-6 (L) Section 32.47 (fraudulent destruction,
3-7 removal, or concealment of writing);
3-8 (M) conduct described in Chapter 31 the
3-9 punishment level for which is a felony of the third degree or
3-10 higher; or
3-11 (N) Section 21.02 (continuous sexual abuse of
3-12 young child or disabled individual [~~children~~]).
3-13 SECTION 2.03. Section 41.008(c), Civil Practice and
3-14 Remedies Code, is amended to read as follows:
3-15 (c) This section does not apply to a cause of action against
3-16 a defendant from whom a plaintiff seeks recovery of exemplary
3-17 damages based on conduct described as a felony in the following
3-18 sections of the Penal Code if, except for Sections 49.07 and 49.08,
3-19 the conduct was committed knowingly or intentionally:
3-20 (1) Section 19.02 (murder);
3-21 (2) Section 19.03 (capital murder);
3-22 (3) Section 20.04 (aggravated kidnapping);
3-23 (4) Section 22.02 (aggravated assault);
3-24 (5) Section 22.011 (sexual assault);
3-25 (6) Section 22.021 (aggravated sexual assault);
3-26 (7) Section 22.04 (injury to a child, elderly
3-27 individual, or disabled individual, but not if the conduct occurred
3-28 while providing health care as defined by Section 74.001);
3-29 (8) Section 32.21 (forgery);
3-30 (9) Section 32.43 (commercial bribery);
3-31 (10) Section 32.45 (misapplication of fiduciary
3-32 property or property of financial institution);
3-33 (11) Section 32.46 (securing execution of document by
3-34 deception);
3-35 (12) Section 32.47 (fraudulent destruction, removal,
3-36 or concealment of writing);
3-37 (13) Chapter 31 (theft) the punishment level for which
3-38 is a felony of the third degree or higher;
3-39 (14) Section 49.07 (intoxication assault);
3-40 (15) Section 49.08 (intoxication manslaughter);
3-41 (16) Section 21.02 (continuous sexual abuse of young
3-42 child or disabled individual [~~children~~]); or
3-43 (17) Chapter 20A (trafficking of persons).
3-44 SECTION 2.04. Section 61.0021(a), Civil Practice and
3-45 Remedies Code, is amended to read as follows:
3-46 (a) Notwithstanding any other provision of this code,
3-47 attachment is available to a plaintiff who:
3-48 (1) has general grounds for issuance under Sections
3-49 61.001(2) and (3); and
3-50 (2) institutes a suit for personal injury arising as a
3-51 result of conduct that violates:
3-52 (A) Section 22.011(a)(2), Penal Code (sexual
3-53 assault of a child);
3-54 (B) Section 22.021(a)(1)(B), Penal Code
3-55 (aggravated sexual assault of a child);
3-56 (C) Section 21.02, Penal Code (continuous sexual
3-57 abuse of young child or disabled individual [~~children~~]); or
3-58 (D) Section 21.11, Penal Code (indecent with a
3-59 child).
3-60 SECTION 2.05. Section 125.0015(a), Civil Practice and
3-61 Remedies Code, is amended to read as follows:
3-62 (a) A person who maintains a place to which persons
3-63 habitually go for the following purposes and who knowingly
3-64 tolerates the activity and furthermore fails to make reasonable
3-65 attempts to abate the activity maintains a common nuisance:
3-66 (1) discharge of a firearm in a public place as
3-67 prohibited by the Penal Code;
3-68 (2) reckless discharge of a firearm as prohibited by
3-69 the Penal Code;

4-1 (3) engaging in organized criminal activity as a
4-2 member of a combination as prohibited by the Penal Code;
4-3 (4) delivery, possession, manufacture, or use of a
4-4 substance or other item in violation of Chapter 481, Health and
4-5 Safety Code;
4-6 (5) gambling, gambling promotion, or communicating
4-7 gambling information as prohibited by the Penal Code;
4-8 (6) prostitution, promotion of prostitution, or
4-9 aggravated promotion of prostitution as prohibited by the Penal
4-10 Code;
4-11 (7) compelling prostitution as prohibited by the Penal
4-12 Code;
4-13 (8) commercial manufacture, commercial distribution,
4-14 or commercial exhibition of obscene material as prohibited by the
4-15 Penal Code;
4-16 (9) aggravated assault as described by Section 22.02,
4-17 Penal Code;
4-18 (10) sexual assault as described by Section 22.011,
4-19 Penal Code;
4-20 (11) aggravated sexual assault as described by Section
4-21 22.021, Penal Code;
4-22 (12) robbery as described by Section 29.02, Penal
4-23 Code;
4-24 (13) aggravated robbery as described by Section 29.03,
4-25 Penal Code;
4-26 (14) unlawfully carrying a weapon as described by
4-27 Section 46.02, Penal Code;
4-28 (15) murder as described by Section 19.02, Penal Code;
4-29 (16) capital murder as described by Section 19.03,
4-30 Penal Code;
4-31 (17) continuous sexual abuse of young child or
4-32 disabled individual [~~children~~] as described by Section 21.02, Penal
4-33 Code;
4-34 (18) massage therapy or other massage services in
4-35 violation of Chapter 455, Occupations Code;
4-36 (19) employing a minor at a sexually oriented business
4-37 as defined by Section 243.002, Local Government Code;
4-38 (20) trafficking of persons as described by Section
4-39 20A.02, Penal Code;
4-40 (21) sexual conduct or performance by a child as
4-41 described by Section 43.25, Penal Code;
4-42 (22) employment harmful to a child as described by
4-43 Section 43.251, Penal Code;
4-44 (23) criminal trespass as described by Section 30.05,
4-45 Penal Code;
4-46 (24) disorderly conduct as described by Section 42.01,
4-47 Penal Code;
4-48 (25) arson as described by Section 28.02, Penal Code;
4-49 (26) criminal mischief as described by Section 28.03,
4-50 Penal Code, that causes a pecuniary loss of \$500 or more; or
4-51 (27) a graffiti offense in violation of Section 28.08,
4-52 Penal Code.

4-53 SECTION 2.06. Article 2.32(b), Code of Criminal Procedure,
4-54 is amended to read as follows:
4-55 (b) Unless good cause exists that makes electronic
4-56 recording infeasible, a law enforcement agency shall make a
4-57 complete and contemporaneous electronic recording of any custodial
4-58 interrogation that occurs in a place of detention and is of a person
4-59 suspected of committing or charged with the commission of an
4-60 offense under:
4-61 (1) Section 19.02, Penal Code (murder);
4-62 (2) Section 19.03, Penal Code (capital murder);
4-63 (3) Section 20.03, Penal Code (kidnapping);
4-64 (4) Section 20.04, Penal Code (aggravated
4-65 kidnapping);
4-66 (5) Section 20A.02, Penal Code (trafficking of
4-67 persons);
4-68 (6) Section 20A.03, Penal Code (continuous
4-69 trafficking of persons);

- 5-1 (7) Section 21.02, Penal Code (continuous sexual abuse
- 5-2 of young child or disabled individual [~~children~~]);
- 5-3 (8) Section 21.11, Penal Code (indecent with a
- 5-4 child);
- 5-5 (9) Section 21.12, Penal Code (improper relationship
- 5-6 between educator and student);
- 5-7 (10) Section 22.011, Penal Code (sexual assault);
- 5-8 (11) Section 22.021, Penal Code (aggravated sexual
- 5-9 assault); or
- 5-10 (12) Section 43.25, Penal Code (sexual performance by
- 5-11 a child).

5-12 SECTION 2.07. Article 12.01, Code of Criminal Procedure, is

5-13 amended to read as follows:

5-14 Art. 12.01. FELONIES. Except as provided in Article 12.03,

5-15 felony indictments may be presented within these limits, and not

5-16 afterward:

- 5-17 (1) no limitation:
- 5-18 (A) murder and manslaughter;
- 5-19 (B) sexual assault under Section 22.011(a)(2),
- 5-20 Penal Code, or aggravated sexual assault under Section
- 5-21 22.021(a)(1)(B), Penal Code;
- 5-22 (C) sexual assault, if:
- 5-23 (i) during the investigation of the offense
- 5-24 biological matter is collected and the matter:
- 5-25 (a) has not yet been subjected to
- 5-26 forensic DNA testing; or
- 5-27 (b) has been subjected to forensic DNA
- 5-28 testing and the testing results show that the matter does not match
- 5-29 the victim or any other person whose identity is readily
- 5-30 ascertained; or
- 5-31 (ii) probable cause exists to believe that
- 5-32 the defendant has committed the same or a similar sex offense
- 5-33 against five or more victims;
- 5-34 (D) continuous sexual abuse of young child or
- 5-35 disabled individual [~~children~~] under Section 21.02, Penal Code;
- 5-36 (E) indecent with a child under Section 21.11,
- 5-37 Penal Code;
- 5-38 (F) an offense involving leaving the scene of an
- 5-39 accident under Section 550.021, Transportation Code, if the
- 5-40 accident resulted in the death of a person;
- 5-41 (G) trafficking of persons under Section
- 5-42 20A.02(a)(7) or (8), Penal Code;
- 5-43 (H) continuous trafficking of persons under
- 5-44 Section 20A.03, Penal Code; or
- 5-45 (I) compelling prostitution under Section
- 5-46 43.05(a)(2), Penal Code;
- 5-47 (2) ten years from the date of the commission of the
- 5-48 offense:
- 5-49 (A) theft of any estate, real, personal or mixed,
- 5-50 by an executor, administrator, guardian or trustee, with intent to
- 5-51 defraud any creditor, heir, legatee, ward, distributee,
- 5-52 beneficiary or settlor of a trust interested in such estate;
- 5-53 (B) theft by a public servant of government
- 5-54 property over which the public servant exercises control in the
- 5-55 public servant's official capacity;
- 5-56 (C) forgery or the uttering, using or passing of
- 5-57 forged instruments;
- 5-58 (D) injury to an elderly or disabled individual
- 5-59 punishable as a felony of the first degree under Section 22.04,
- 5-60 Penal Code;
- 5-61 (E) sexual assault, except as provided by
- 5-62 Subdivision (1) or (7);
- 5-63 (F) arson;
- 5-64 (G) trafficking of persons under Section
- 5-65 20A.02(a)(1), (2), (3), or (4), Penal Code; or
- 5-66 (H) compelling prostitution under Section
- 5-67 43.05(a)(1), Penal Code;
- 5-68 (3) seven years from the date of the commission of the
- 5-69 offense:

6-1 (A) misapplication of fiduciary property or
6-2 property of a financial institution;
6-3 (B) securing execution of document by deception;
6-4 (C) a felony violation under Chapter 162, Tax
6-5 Code;
6-6 (D) false statement to obtain property or credit
6-7 under Section 32.32, Penal Code;
6-8 (E) money laundering;
6-9 (F) credit card or debit card abuse under Section
6-10 32.31, Penal Code;
6-11 (G) fraudulent use or possession of identifying
6-12 information under Section 32.51, Penal Code;
6-13 (H) exploitation of a child, elderly individual,
6-14 or disabled individual under Section 32.53, Penal Code;
6-15 (I) health care fraud under Section 35A.02, Penal
6-16 Code; or
6-17 (J) bigamy under Section 25.01, Penal Code,
6-18 except as provided by Subdivision (6);
6-19 (4) five years from the date of the commission of the
6-20 offense:
6-21 (A) theft or robbery;
6-22 (B) except as provided by Subdivision (5),
6-23 kidnapping or burglary;
6-24 (C) injury to an elderly or disabled individual
6-25 that is not punishable as a felony of the first degree under Section
6-26 22.04, Penal Code;
6-27 (D) abandoning or endangering a child; or
6-28 (E) insurance fraud;
6-29 (5) if the investigation of the offense shows that the
6-30 victim is younger than 17 years of age at the time the offense is
6-31 committed, 20 years from the 18th birthday of the victim of one of
6-32 the following offenses:
6-33 (A) sexual performance by a child under Section
6-34 43.25, Penal Code;
6-35 (B) aggravated kidnapping under Section
6-36 20.04(a)(4), Penal Code, if the defendant committed the offense
6-37 with the intent to violate or abuse the victim sexually; or
6-38 (C) burglary under Section 30.02, Penal Code, if
6-39 the offense is punishable under Subsection (d) of that section and
6-40 the defendant committed the offense with the intent to commit an
6-41 offense described by Subdivision (1)(B) or (D) of this article or
6-42 Paragraph (B) of this subdivision;
6-43 (6) ten years from the 18th birthday of the victim of
6-44 the offense:
6-45 (A) trafficking of persons under Section
6-46 20A.02(a)(5) or (6), Penal Code;
6-47 (B) injury to a child under Section 22.04, Penal
6-48 Code; or
6-49 (C) bigamy under Section 25.01, Penal Code, if
6-50 the investigation of the offense shows that the person, other than
6-51 the legal spouse of the defendant, whom the defendant marries or
6-52 purports to marry or with whom the defendant lives under the
6-53 appearance of being married is younger than 18 years of age at the
6-54 time the offense is committed;
6-55 (7) two years from the date the offense was
6-56 discovered: sexual assault punishable as a state jail felony under
6-57 Section 22.011(f)(2), Penal Code; or
6-58 (8) three years from the date of the commission of the
6-59 offense: all other felonies.
6-60 SECTION 2.08. Article 17.03(b), Code of Criminal Procedure,
6-61 is amended to read as follows:
6-62 (b) Only the court before whom the case is pending may
6-63 release on personal bond a defendant who:
6-64 (1) is charged with an offense under the following
6-65 sections of the Penal Code:
6-66 (A) Section 19.03 (Capital Murder);
6-67 (B) Section 20.04 (Aggravated Kidnapping);
6-68 (C) Section 22.021 (Aggravated Sexual Assault);
6-69 (D) Section 22.03 (Deadly Assault on Law

7-1 Enforcement or Corrections Officer, Member or Employee of Board of
 7-2 Pardons and Paroles, or Court Participant);
 7-3 (E) Section 22.04 (Injury to a Child, Elderly
 7-4 Individual, or Disabled Individual);
 7-5 (F) Section 29.03 (Aggravated Robbery);
 7-6 (G) Section 30.02 (Burglary);
 7-7 (H) Section 71.02 (Engaging in Organized
 7-8 Criminal Activity);
 7-9 (I) Section 21.02 (Continuous Sexual Abuse of
 7-10 Young Child or Disabled Individual [~~Children~~]); or
 7-11 (J) Section 20A.03 (Continuous Trafficking of
 7-12 Persons);

7-13 (2) is charged with a felony under Chapter 481, Health
 7-14 and Safety Code, or Section 485.033, Health and Safety Code,
 7-15 punishable by imprisonment for a minimum term or by a maximum fine
 7-16 that is more than a minimum term or maximum fine for a first degree
 7-17 felony; or

7-18 (3) does not submit to testing for the presence of a
 7-19 controlled substance in the defendant's body as requested by the
 7-20 court or magistrate under Subsection (c) of this article or submits
 7-21 to testing and the test shows evidence of the presence of a
 7-22 controlled substance in the defendant's body.

7-23 SECTION 2.09. Article 17.032(a), Code of Criminal
 7-24 Procedure, is amended to read as follows:

7-25 (a) In this article, "violent offense" means an offense
 7-26 under the following sections of the Penal Code:

- 7-27 (1) Section 19.02 (murder);
- 7-28 (2) Section 19.03 (capital murder);
- 7-29 (3) Section 20.03 (kidnapping);
- 7-30 (4) Section 20.04 (aggravated kidnapping);
- 7-31 (5) Section 21.11 (indecent with a child);
- 7-32 (6) Section 22.01(a)(1) (assault), if the offense
 7-33 involved family violence as defined by Section 71.004, Family Code;
- 7-34 (7) Section 22.011 (sexual assault);
- 7-35 (8) Section 22.02 (aggravated assault);
- 7-36 (9) Section 22.021 (aggravated sexual assault);
- 7-37 (10) Section 22.04 (injury to a child, elderly
 7-38 individual, or disabled individual);
- 7-39 (11) Section 29.03 (aggravated robbery);
- 7-40 (12) Section 21.02 (continuous sexual abuse of young
 7-41 child or disabled individual [~~children~~]); or

7-42 (13) Section 20A.03 (continuous trafficking of
 7-43 persons).

7-44 SECTION 2.10. Article 18.021(a), Code of Criminal
 7-45 Procedure, is amended to read as follows:

7-46 (a) A search warrant may be issued to search for and
 7-47 photograph a child who is alleged to be the victim of the offenses
 7-48 of injury to a child as prohibited by Section 22.04, Penal Code;
 7-49 sexual assault of a child as prohibited by Section 22.011(a), Penal
 7-50 Code; aggravated sexual assault of a child as prohibited by Section
 7-51 22.021, Penal Code; or continuous sexual abuse of young child or
 7-52 disabled individual [~~children~~] as prohibited by Section 21.02,
 7-53 Penal Code.

7-54 SECTION 2.11. Section 1, Article 38.071, Code of Criminal
 7-55 Procedure, is amended to read as follows:

7-56 Sec. 1. This article applies only to a hearing or proceeding
 7-57 in which the court determines that a child younger than 13 years of
 7-58 age would be unavailable to testify in the presence of the defendant
 7-59 about an offense defined by any of the following sections of the
 7-60 Penal Code:

- 7-61 (1) Section 19.02 (Murder);
- 7-62 (2) Section 19.03 (Capital Murder);
- 7-63 (3) Section 19.04 (Manslaughter);
- 7-64 (4) Section 20.04 (Aggravated Kidnapping);
- 7-65 (5) Section 21.11 (Indecency with a Child);
- 7-66 (6) Section 22.011 (Sexual Assault);
- 7-67 (7) Section 22.02 (Aggravated Assault);
- 7-68 (8) Section 22.021 (Aggravated Sexual Assault);
- 7-69 (9) Section 22.04(e) (Injury to a Child, Elderly

8-1 Individual, or Disabled Individual);
8-2 (10) Section 22.04(f) (Injury to a Child, Elderly
8-3 Individual, or Disabled Individual), if the conduct is committed
8-4 intentionally or knowingly;
8-5 (11) Section 25.02 (Prohibited Sexual Conduct);
8-6 (12) Section 29.03 (Aggravated Robbery);
8-7 (13) Section 43.25 (Sexual Performance by a Child);
8-8 (14) Section 21.02 (Continuous Sexual Abuse of Young
8-9 Child or Disabled Individual [~~Children~~]);
8-10 (15) Section 43.05(a)(2) (Compelling Prostitution);
8-11 or
8-12 (16) Section 20A.02(a)(7) or (8) (Trafficking of
8-13 Persons).
8-14 SECTION 2.12. Section 2(a), Article 38.37, Code of Criminal
8-15 Procedure, is amended to read as follows:
8-16 (a) Subsection (b) applies only to the trial of a defendant
8-17 for:
8-18 (1) an offense under any of the following provisions
8-19 of the Penal Code:
8-20 (A) Section 20A.02, if punishable as a felony of
8-21 the first degree under Section 20A.02(b)(1) (Sex Trafficking of a
8-22 Child);
8-23 (B) Section 21.02 (Continuous Sexual Abuse of
8-24 Young Child or Disabled Individual [~~Children~~]);
8-25 (C) Section 21.11 (Indecency With a Child);
8-26 (D) Section 22.011(a)(2) (Sexual Assault of a
8-27 Child);
8-28 (E) Sections 22.021(a)(1)(B) and (2) (Aggravated
8-29 Sexual Assault of a Child);
8-30 (F) Section 33.021 (Online Solicitation of a
8-31 Minor);
8-32 (G) Section 43.25 (Sexual Performance by a
8-33 Child); or
8-34 (H) Section 43.26 (Possession or Promotion of
8-35 Child Pornography), Penal Code; or
8-36 (2) an attempt or conspiracy to commit an offense
8-37 described by Subdivision (1).
8-38 SECTION 2.13. Articles 62.001(5) and (6), Code of Criminal
8-39 Procedure, are amended to read as follows:
8-40 (5) "Reportable conviction or adjudication" means a
8-41 conviction or adjudication, including an adjudication of
8-42 delinquent conduct or a deferred adjudication, that, regardless of
8-43 the pendency of an appeal, is a conviction for or an adjudication
8-44 for or based on:
8-45 (A) a violation of Section 21.02 (Continuous
8-46 sexual abuse of young child or disabled individual [~~children~~]),
8-47 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual
8-48 assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited
8-49 sexual conduct), Penal Code;
8-50 (B) a violation of Section 43.04 (Aggravated
8-51 promotion of prostitution), 43.05 (Compelling prostitution), 43.25
8-52 (Sexual performance by a child), or 43.26 (Possession or promotion
8-53 of child pornography), Penal Code;
8-54 (B-1) a violation of Section 43.02
8-55 (Prostitution), Penal Code, if the offense is punishable under
8-56 Subsection (c-1)(2) of that section;
8-57 (C) a violation of Section 20.04(a)(4)
8-58 (Aggravated kidnapping), Penal Code, if the actor committed the
8-59 offense or engaged in the conduct with intent to violate or abuse
8-60 the victim sexually;
8-61 (D) a violation of Section 30.02 (Burglary),
8-62 Penal Code, if the offense or conduct is punishable under
8-63 Subsection (d) of that section and the actor committed the offense
8-64 or engaged in the conduct with intent to commit a felony listed in
8-65 Paragraph (A) or (C);
8-66 (E) a violation of Section 20.02 (Unlawful
8-67 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
8-68 Penal Code, if, as applicable:
8-69 (i) the judgment in the case contains an

9-1 affirmative finding under Article 42.015; or
9-2 (ii) the order in the hearing or the papers
9-3 in the case contain an affirmative finding that the victim or
9-4 intended victim was younger than 17 years of age;
9-5 (F) the second violation of Section 21.08
9-6 (Indecent exposure), Penal Code, but not if the second violation
9-7 results in a deferred adjudication;
9-8 (G) an attempt, conspiracy, or solicitation, as
9-9 defined by Chapter 15, Penal Code, to commit an offense or engage in
9-10 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);
9-11 (H) a violation of the laws of another state,
9-12 federal law, the laws of a foreign country, or the Uniform Code of
9-13 Military Justice for or based on the violation of an offense
9-14 containing elements that are substantially similar to the elements
9-15 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
9-16 (G), (J), (K), or (L), but not if the violation results in a
9-17 deferred adjudication;
9-18 (I) the second violation of the laws of another
9-19 state, federal law, the laws of a foreign country, or the Uniform
9-20 Code of Military Justice for or based on the violation of an offense
9-21 containing elements that are substantially similar to the elements
9-22 of the offense of indecent exposure, but not if the second violation
9-23 results in a deferred adjudication;
9-24 (J) a violation of Section 33.021 (Online
9-25 solicitation of a minor), Penal Code;
9-26 (K) a violation of Section 20A.02(a)(3), (4),
9-27 (7), or (8) (Trafficking of persons), Penal Code; or
9-28 (L) a violation of Section 20A.03 (Continuous
9-29 trafficking of persons), Penal Code, if the offense is based partly
9-30 or wholly on conduct that constitutes an offense under Section
9-31 20A.02(a)(3), (4), (7), or (8) of that code.
9-32 (6) "Sexually violent offense" means any of the
9-33 following offenses committed by a person 17 years of age or older:
9-34 (A) an offense under Section 21.02 (Continuous
9-35 sexual abuse of young child or disabled individual [~~children~~]),
9-36 21.11(a)(1) (Indecency with a child), 22.011 (Sexual assault), or
9-37 22.021 (Aggravated sexual assault), Penal Code;
9-38 (B) an offense under Section 43.25 (Sexual
9-39 performance by a child), Penal Code;
9-40 (C) an offense under Section 20.04(a)(4)
9-41 (Aggravated kidnapping), Penal Code, if the defendant committed the
9-42 offense with intent to violate or abuse the victim sexually;
9-43 (D) an offense under Section 30.02 (Burglary),
9-44 Penal Code, if the offense is punishable under Subsection (d) of
9-45 that section and the defendant committed the offense with intent to
9-46 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
9-47 or
9-48 (E) an offense under the laws of another state,
9-49 federal law, the laws of a foreign country, or the Uniform Code of
9-50 Military Justice if the offense contains elements that are
9-51 substantially similar to the elements of an offense listed under
9-52 Paragraph (A), (B), (C), or (D).
9-53 SECTION 2.14. Article 66.102(h), Code of Criminal
9-54 Procedure, is amended to read as follows:
9-55 (h) In addition to the information described by this
9-56 article, information in the computerized criminal history system
9-57 must include the age of the victim of the offense if the offender
9-58 was arrested for or charged with an offense under the following
9-59 provisions of the Penal Code:
9-60 (1) Section 20.04(a)(4) (Aggravated Kidnapping), if
9-61 the offender committed the offense with the intent to violate or
9-62 abuse the victim sexually;
9-63 (2) Section 20A.02 (Trafficking of Persons), if the
9-64 offender:
9-65 (A) trafficked a person with the intent or
9-66 knowledge that the person would engage in sexual conduct, as
9-67 defined by Section 43.25, Penal Code; or
9-68 (B) benefited from participating in a venture
9-69 that involved a trafficked person engaging in sexual conduct, as

10-1 defined by Section 43.25, Penal Code;

10-2 (3) Section 21.02 (Continuous Sexual Abuse of Young

10-3 Child or Disabled Individual [~~Children~~];

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

10-5 (5) Section 22.011 (Sexual Assault) or 22.021

10-6 (Aggravated Sexual Assault);

10-7 (6) Section 30.02 (Burglary), if the offense is

10-8 punishable under Subsection (d) of that section and the offender

10-9 committed the offense with the intent to commit an offense

10-10 described by Subdivision (1), (4), or (5);

10-11 (7) Section 43.05(a)(2) (Compelling Prostitution); or

10-12 (8) Section 43.25 (Sexual Performance by a Child).

10-13 SECTION 2.15. Section 25.0341(a), Education Code, is

10-14 amended to read as follows:

10-15 (a) This section applies only to:

10-16 (1) a student:

10-17 (A) who has been convicted of continuous sexual

10-18 abuse of young child or disabled individual [~~children~~] under

10-19 Section 21.02, Penal Code, or convicted of or placed on deferred

10-20 adjudication for the offense of sexual assault under Section

10-21 22.011, Penal Code, or aggravated sexual assault under Section

10-22 22.021, Penal Code, committed against another student who, at the

10-23 time the offense occurred, was assigned to the same campus as the

10-24 student convicted or placed on deferred adjudication;

10-25 (B) who has been adjudicated under Section 54.03,

10-26 Family Code, as having engaged in conduct described by Paragraph

10-27 (A);

10-28 (C) whose prosecution under Section 53.03,

10-29 Family Code, for engaging in conduct described by Paragraph (A) has

10-30 been deferred; or

10-31 (D) who has been placed on probation under

10-32 Section 54.04(d)(1), Family Code, for engaging in conduct described

10-33 by Paragraph (A); and

10-34 (2) a student who is the victim of conduct described by

10-35 Subdivision (1)(A).

10-36 SECTION 2.16. Section 37.007(a), Education Code, is amended

10-37 to read as follows:

10-38 (a) Except as provided by Subsection (k), a student shall be

10-39 expelled from a school if the student, on school property or while

10-40 attending a school-sponsored or school-related activity on or off

10-41 of school property:

10-42 (1) engages in conduct that contains the elements of

10-43 the offense of unlawfully carrying weapons under Section 46.02,

10-44 Penal Code, or elements of an offense relating to prohibited

10-45 weapons under Section 46.05, Penal Code;

10-46 (2) engages in conduct that contains the elements of

10-47 the offense of:

10-48 (A) aggravated assault under Section 22.02,

10-49 Penal Code, sexual assault under Section 22.011, Penal Code, or

10-50 aggravated sexual assault under Section 22.021, Penal Code;

10-51 (B) arson under Section 28.02, Penal Code;

10-52 (C) murder under Section 19.02, Penal Code,

10-53 capital murder under Section 19.03, Penal Code, or criminal

10-54 attempt, under Section 15.01, Penal Code, to commit murder or

10-55 capital murder;

10-56 (D) indecency with a child under Section 21.11,

10-57 Penal Code;

10-58 (E) aggravated kidnapping under Section 20.04,

10-59 Penal Code;

10-60 (F) aggravated robbery under Section 29.03,

10-61 Penal Code;

10-62 (G) manslaughter under Section 19.04, Penal

10-63 Code;

10-64 (H) criminally negligent homicide under Section

10-65 19.05, Penal Code; or

10-66 (I) continuous sexual abuse of young child or

10-67 disabled individual [~~children~~] under Section 21.02, Penal Code; or

10-68 (3) engages in conduct specified by Section

10-69 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

11-1 SECTION 2.17. Section 161.001(b), Family Code, is amended
 11-2 to read as follows:

11-3 (b) The court may order termination of the parent-child
 11-4 relationship if the court finds by clear and convincing evidence:

11-5 (1) that the parent has:

11-6 (A) voluntarily left the child alone or in the
 11-7 possession of another not the parent and expressed an intent not to
 11-8 return;

11-9 (B) voluntarily left the child alone or in the
 11-10 possession of another not the parent without expressing an intent
 11-11 to return, without providing for the adequate support of the child,
 11-12 and remained away for a period of at least three months;

11-13 (C) voluntarily left the child alone or in the
 11-14 possession of another without providing adequate support of the
 11-15 child and remained away for a period of at least six months;

11-16 (D) knowingly placed or knowingly allowed the
 11-17 child to remain in conditions or surroundings which endanger the
 11-18 physical or emotional well-being of the child;

11-19 (E) engaged in conduct or knowingly placed the
 11-20 child with persons who engaged in conduct which endangers the
 11-21 physical or emotional well-being of the child;

11-22 (F) failed to support the child in accordance
 11-23 with the parent's ability during a period of one year ending within
 11-24 six months of the date of the filing of the petition;

11-25 (G) abandoned the child without identifying the
 11-26 child or furnishing means of identification, and the child's
 11-27 identity cannot be ascertained by the exercise of reasonable
 11-28 diligence;

11-29 (H) voluntarily, and with knowledge of the
 11-30 pregnancy, abandoned the mother of the child beginning at a time
 11-31 during her pregnancy with the child and continuing through the
 11-32 birth, failed to provide adequate support or medical care for the
 11-33 mother during the period of abandonment before the birth of the
 11-34 child, and remained apart from the child or failed to support the
 11-35 child since the birth;

11-36 (I) contumaciously refused to submit to a
 11-37 reasonable and lawful order of a court under Subchapter D, Chapter
 11-38 261;

11-39 (J) been the major cause of:

11-40 (i) the failure of the child to be enrolled
 11-41 in school as required by the Education Code; or

11-42 (ii) the child's absence from the child's
 11-43 home without the consent of the parents or guardian for a
 11-44 substantial length of time or without the intent to return;

11-45 (K) executed before or after the suit is filed an
 11-46 unrevoked or irrevocable affidavit of relinquishment of parental
 11-47 rights as provided by this chapter;

11-48 (L) been convicted or has been placed on
 11-49 community supervision, including deferred adjudication community
 11-50 supervision, for being criminally responsible for the death or
 11-51 serious injury of a child under the following sections of the Penal
 11-52 Code, or under a law of another jurisdiction that contains elements
 11-53 that are substantially similar to the elements of an offense under
 11-54 one of the following Penal Code sections, or adjudicated under
 11-55 Title 3 for conduct that caused the death or serious injury of a
 11-56 child and that would constitute a violation of one of the following
 11-57 Penal Code sections:

11-58 (i) Section 19.02 (murder);
 11-59 (ii) Section 19.03 (capital murder);
 11-60 (iii) Section 19.04 (manslaughter);
 11-61 (iv) Section 21.11 (indecent with a
 11-62 child);

11-63 (v) Section 22.01 (assault);
 11-64 (vi) Section 22.011 (sexual assault);
 11-65 (vii) Section 22.02 (aggravated assault);
 11-66 (viii) Section 22.021 (aggravated sexual
 11-67 assault);

11-68 (ix) Section 22.04 (injury to a child,
 11-69 elderly individual, or disabled individual);

12-1 (x) Section 22.041 (abandoning or
12-2 endangering child);
12-3 (xi) Section 25.02 (prohibited sexual
12-4 conduct);
12-5 (xii) Section 43.25 (sexual performance by
12-6 a child);
12-7 (xiii) Section 43.26 (possession or
12-8 promotion of child pornography);
12-9 (xiv) Section 21.02 (continuous sexual
12-10 abuse of young child or disabled individual [~~children~~]);
12-11 (xv) Section 20A.02(a)(7) or (8)
12-12 (trafficking of persons); and
12-13 (xvi) Section 43.05(a)(2) (compelling
12-14 prostitution);
12-15 (M) had his or her parent-child relationship
12-16 terminated with respect to another child based on a finding that the
12-17 parent's conduct was in violation of Paragraph (D) or (E) or
12-18 substantially equivalent provisions of the law of another state;
12-19 (N) constructively abandoned the child who has
12-20 been in the permanent or temporary managing conservatorship of the
12-21 Department of Family and Protective Services for not less than six
12-22 months, and:
12-23 (i) the department has made reasonable
12-24 efforts to return the child to the parent;
12-25 (ii) the parent has not regularly visited
12-26 or maintained significant contact with the child; and
12-27 (iii) the parent has demonstrated an
12-28 inability to provide the child with a safe environment;
12-29 (O) failed to comply with the provisions of a
12-30 court order that specifically established the actions necessary for
12-31 the parent to obtain the return of the child who has been in the
12-32 permanent or temporary managing conservatorship of the Department
12-33 of Family and Protective Services for not less than nine months as a
12-34 result of the child's removal from the parent under Chapter 262 for
12-35 the abuse or neglect of the child;
12-36 (P) used a controlled substance, as defined by
12-37 Chapter 481, Health and Safety Code, in a manner that endangered the
12-38 health or safety of the child, and:
12-39 (i) failed to complete a court-ordered
12-40 substance abuse treatment program; or
12-41 (ii) after completion of a court-ordered
12-42 substance abuse treatment program, continued to abuse a controlled
12-43 substance;
12-44 (Q) knowingly engaged in criminal conduct that
12-45 has resulted in the parent's:
12-46 (i) conviction of an offense; and
12-47 (ii) confinement or imprisonment and
12-48 inability to care for the child for not less than two years from the
12-49 date of filing the petition;
12-50 (R) been the cause of the child being born
12-51 addicted to alcohol or a controlled substance, other than a
12-52 controlled substance legally obtained by prescription;
12-53 (S) voluntarily delivered the child to a
12-54 designated emergency infant care provider under Section 262.302
12-55 without expressing an intent to return for the child;
12-56 (T) been convicted of:
12-57 (i) the murder of the other parent of the
12-58 child under Section 19.02 or 19.03, Penal Code, or under a law of
12-59 another state, federal law, the law of a foreign country, or the
12-60 Uniform Code of Military Justice that contains elements that are
12-61 substantially similar to the elements of an offense under Section
12-62 19.02 or 19.03, Penal Code;
12-63 (ii) criminal attempt under Section 15.01,
12-64 Penal Code, or under a law of another state, federal law, the law of
12-65 a foreign country, or the Uniform Code of Military Justice that
12-66 contains elements that are substantially similar to the elements of
12-67 an offense under Section 15.01, Penal Code, to commit the offense
12-68 described by Subparagraph (i);
12-69 (iii) criminal solicitation under Section

13-1 15.03, Penal Code, or under a law of another state, federal law, the
 13-2 law of a foreign country, or the Uniform Code of Military Justice
 13-3 that contains elements that are substantially similar to the
 13-4 elements of an offense under Section 15.03, Penal Code, of the
 13-5 offense described by Subparagraph (i); or

13-6 (iv) the sexual assault of the other parent
 13-7 of the child under Section 22.011 or 22.021, Penal Code, or under a
 13-8 law of another state, federal law, or the Uniform Code of Military
 13-9 Justice that contains elements that are substantially similar to
 13-10 the elements of an offense under Section 22.011 or 22.021, Penal
 13-11 Code; or

13-12 (U) been placed on community supervision,
 13-13 including deferred adjudication community supervision, or another
 13-14 functionally equivalent form of community supervision or
 13-15 probation, for being criminally responsible for the sexual assault
 13-16 of the other parent of the child under Section 22.011 or 22.021,
 13-17 Penal Code, or under a law of another state, federal law, or the
 13-18 Uniform Code of Military Justice that contains elements that are
 13-19 substantially similar to the elements of an offense under Section
 13-20 22.011 or 22.021, Penal Code; and

13-21 (2) that termination is in the best interest of the
 13-22 child.

13-23 SECTION 2.18. Section 261.001(1), Family Code, is amended
 13-24 to read as follows:

13-25 (1) "Abuse" includes the following acts or omissions
 13-26 by a person:

13-27 (A) mental or emotional injury to a child that
 13-28 results in an observable and material impairment in the child's
 13-29 growth, development, or psychological functioning;

13-30 (B) causing or permitting the child to be in a
 13-31 situation in which the child sustains a mental or emotional injury
 13-32 that results in an observable and material impairment in the
 13-33 child's growth, development, or psychological functioning;

13-34 (C) physical injury that results in substantial
 13-35 harm to the child, or the genuine threat of substantial harm from
 13-36 physical injury to the child, including an injury that is at
 13-37 variance with the history or explanation given and excluding an
 13-38 accident or reasonable discipline by a parent, guardian, or
 13-39 managing or possessory conservator that does not expose the child
 13-40 to a substantial risk of harm;

13-41 (D) failure to make a reasonable effort to
 13-42 prevent an action by another person that results in physical injury
 13-43 that results in substantial harm to the child;

13-44 (E) sexual conduct harmful to a child's mental,
 13-45 emotional, or physical welfare, including conduct that constitutes
 13-46 the offense of continuous sexual abuse of young child or disabled
 13-47 individual [~~children~~] under Section 21.02, Penal Code, indecency
 13-48 with a child under Section 21.11, Penal Code, sexual assault under
 13-49 Section 22.011, Penal Code, or aggravated sexual assault under
 13-50 Section 22.021, Penal Code;

13-51 (F) failure to make a reasonable effort to
 13-52 prevent sexual conduct harmful to a child;

13-53 (G) compelling or encouraging the child to engage
 13-54 in sexual conduct as defined by Section 43.01, Penal Code,
 13-55 including compelling or encouraging the child in a manner that
 13-56 constitutes an offense of trafficking of persons under Section
 13-57 20A.02(a)(7) or (8), Penal Code, prostitution under Section
 13-58 43.02(b), Penal Code, or compelling prostitution under Section
 13-59 43.05(a)(2), Penal Code;

13-60 (H) causing, permitting, encouraging, engaging
 13-61 in, or allowing the photographing, filming, or depicting of the
 13-62 child if the person knew or should have known that the resulting
 13-63 photograph, film, or depiction of the child is obscene as defined by
 13-64 Section 43.21, Penal Code, or pornographic;

13-65 (I) the current use by a person of a controlled
 13-66 substance as defined by Chapter 481, Health and Safety Code, in a
 13-67 manner or to the extent that the use results in physical, mental, or
 13-68 emotional injury to a child;

13-69 (J) causing, expressly permitting, or

14-1 encouraging a child to use a controlled substance as defined by
14-2 Chapter 481, Health and Safety Code;

14-3 (K) causing, permitting, encouraging, engaging
14-4 in, or allowing a sexual performance by a child as defined by
14-5 Section 43.25, Penal Code;

14-6 (L) knowingly causing, permitting, encouraging,
14-7 engaging in, or allowing a child to be trafficked in a manner
14-8 punishable as an offense under Section 20A.02(a)(5), (6), (7), or
14-9 (8), Penal Code, or the failure to make a reasonable effort to
14-10 prevent a child from being trafficked in a manner punishable as an
14-11 offense under any of those sections; or

14-12 (M) forcing or coercing a child to enter into a
14-13 marriage.

14-14 SECTION 2.19. Section 262.2015(b), Family Code, is amended
14-15 to read as follows:

14-16 (b) The court may find under Subsection (a) that a parent
14-17 has subjected the child to aggravated circumstances if:

14-18 (1) the parent abandoned the child without
14-19 identification or a means for identifying the child;

14-20 (2) the child or another child of the parent is a
14-21 victim of serious bodily injury or sexual abuse inflicted by the
14-22 parent or by another person with the parent's consent;

14-23 (3) the parent has engaged in conduct against the
14-24 child or another child of the parent that would constitute an
14-25 offense under the following provisions of the Penal Code:

14-26 (A) Section 19.02 (murder);

14-27 (B) Section 19.03 (capital murder);

14-28 (C) Section 19.04 (manslaughter);

14-29 (D) Section 21.11 (indecenty with a child);

14-30 (E) Section 22.011 (sexual assault);

14-31 (F) Section 22.02 (aggravated assault);

14-32 (G) Section 22.021 (aggravated sexual assault);

14-33 (H) Section 22.04 (injury to a child, elderly
14-34 individual, or disabled individual);

14-35 (I) Section 22.041 (abandoning or endangering
14-36 child);

14-37 (J) Section 25.02 (prohibited sexual conduct);

14-38 (K) Section 43.25 (sexual performance by a
14-39 child);

14-40 (L) Section 43.26 (possession or promotion of
14-41 child pornography);

14-42 (M) Section 21.02 (continuous sexual abuse of
14-43 young child or disabled individual [~~children~~];

14-44 (N) Section 43.05(a)(2) (compelling
14-45 prostitution); or

14-46 (O) Section 20A.02(a)(7) or (8) (trafficking of
14-47 persons);

14-48 (4) the parent voluntarily left the child alone or in
14-49 the possession of another person not the parent of the child for at
14-50 least six months without expressing an intent to return and without
14-51 providing adequate support for the child;

14-52 (5) the parent's parental rights with regard to
14-53 another child have been involuntarily terminated based on a finding
14-54 that the parent's conduct violated Section 161.001(b)(1)(D) or (E)
14-55 or a substantially equivalent provision of another state's law;

14-56 (6) the parent has been convicted for:

14-57 (A) the murder of another child of the parent and
14-58 the offense would have been an offense under 18 U.S.C. Section
14-59 1111(a) if the offense had occurred in the special maritime or
14-60 territorial jurisdiction of the United States;

14-61 (B) the voluntary manslaughter of another child
14-62 of the parent and the offense would have been an offense under 18
14-63 U.S.C. Section 1112(a) if the offense had occurred in the special
14-64 maritime or territorial jurisdiction of the United States;

14-65 (C) aiding or abetting, attempting, conspiring,
14-66 or soliciting an offense under Paragraph (A) or (B); or

14-67 (D) the felony assault of the child or another
14-68 child of the parent that resulted in serious bodily injury to the
14-69 child or another child of the parent;

15-1 (7) the parent's parental rights with regard to
 15-2 another child of the parent have been involuntarily terminated; or
 15-3 (8) the parent is required under any state or federal
 15-4 law to register with a sex offender registry.

15-5 SECTION 2.20. Section 499.027(b), Government Code, is
 15-6 amended to read as follows:

15-7 (b) An inmate is not eligible under this subchapter to be
 15-8 considered for release to intensive supervision parole if:

15-9 (1) the inmate is awaiting transfer to the
 15-10 institutional division, or serving a sentence, for an offense for
 15-11 which the judgment contains an affirmative finding under Article
 15-12 42A.054(c) or (d), Code of Criminal Procedure;

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

15-16 (A) Section 19.02 (murder);

15-17 (B) Section 19.03 (capital murder);

15-18 (C) Section 19.04 (manslaughter);

15-19 (D) Section 20.03 (kidnapping);

15-20 (E) Section 20.04 (aggravated kidnapping);

15-21 (F) Section 21.11 (indecent with a child);

15-22 (G) Section 22.011 (sexual assault);

15-23 (H) Section 22.02 (aggravated assault);

15-24 (I) Section 22.021 (aggravated sexual assault);

15-25 (J) Section 22.04 (injury to a child, elderly
 15-26 individual, or disabled individual);

15-27 (K) Section 25.02 (prohibited sexual conduct);

15-28 (L) Section 25.08 (sale or purchase of a child);

15-29 (M) Section 28.02 (arson);

15-30 (N) Section 29.02 (robbery);

15-31 (O) Section 29.03 (aggravated robbery);

15-32 (P) Section 30.02 (burglary), if the offense is
 15-33 punished as a first-degree felony under that section;

15-34 (Q) Section 43.04 (aggravated promotion of
 15-35 prostitution);

15-36 (R) Section 43.05 (compelling prostitution);

15-37 (S) Section 43.24 (sale, distribution, or
 15-38 display of harmful material to minor);

15-39 (T) Section 43.25 (sexual performance by a
 15-40 child);

15-41 (U) Section 46.10 (deadly weapon in penal
 15-42 institution);

15-43 (V) Section 15.01 (criminal attempt), if the
 15-44 offense attempted is listed in this subsection;

15-45 (W) Section 15.02 (criminal conspiracy), if the
 15-46 offense that is the subject of the conspiracy is listed in this
 15-47 subsection;

15-48 (X) Section 15.03 (criminal solicitation), if
 15-49 the offense solicited is listed in this subsection;

15-50 (Y) Section 21.02 (continuous sexual abuse of
 15-51 young child or disabled individual [~~children~~];

15-52 (Z) Section 20A.02 (trafficking of persons);

15-53 (AA) Section 20A.03 (continuous trafficking of
 15-54 persons); or

15-55 (BB) Section 43.041 (aggravated online promotion
 15-56 of prostitution); or

15-57 (3) the inmate is awaiting transfer to the
 15-58 institutional division, or serving a sentence, for an offense under
 15-59 Chapter 481, Health and Safety Code, punishable by a minimum term of
 15-60 imprisonment or a maximum fine that is greater than the minimum term
 15-61 of imprisonment or the maximum fine for a first degree felony.

15-62 SECTION 2.21. Section 824.009(a), Government Code, is
 15-63 amended to read as follows:

15-64 (a) In this section, "qualifying felony" means an offense
 15-65 that is punishable as a felony under the following sections of the
 15-66 Penal Code:

15-67 (1) Section 21.02 (continuous sexual abuse of young
 15-68 child or disabled individual [~~children~~];

15-69 (2) Section 21.12 (improper relationship between

16-1 educator and student); or
16-2 (3) Section 22.011 (sexual assault) or Section 22.021
16-3 (aggravated sexual assault).
16-4 SECTION 2.22. Section 250.006(a), Health and Safety Code,
16-5 is amended to read as follows:
16-6 (a) A person for whom the facility or the individual
16-7 employer is entitled to obtain criminal history record information
16-8 may not be employed in a facility or by an individual employer if
16-9 the person has been convicted of an offense listed in this
16-10 subsection:
16-11 (1) an offense under Chapter 19, Penal Code (criminal
16-12 homicide);
16-13 (2) an offense under Chapter 20, Penal Code
16-14 (kidnapping, unlawful restraint, and smuggling of persons);
16-15 (3) an offense under Section 21.02, Penal Code
16-16 (continuous sexual abuse of young child or disabled individual
16-17 [~~children~~]), or Section 21.11, Penal Code (indecent with a child);
16-18 (4) an offense under Section 22.011, Penal Code
16-19 (sexual assault);
16-20 (5) an offense under Section 22.02, Penal Code
16-21 (aggravated assault);
16-22 (6) an offense under Section 22.04, Penal Code (injury
16-23 to a child, elderly individual, or disabled individual);
16-24 (7) an offense under Section 22.041, Penal Code
16-25 (abandoning or endangering child);
16-26 (8) an offense under Section 22.08, Penal Code (aiding
16-27 suicide);
16-28 (9) an offense under Section 25.031, Penal Code
16-29 (agreement to abduct from custody);
16-30 (10) an offense under Section 25.08, Penal Code (sale
16-31 or purchase of child);
16-32 (11) an offense under Section 28.02, Penal Code
16-33 (arson);
16-34 (12) an offense under Section 29.02, Penal Code
16-35 (robbery);
16-36 (13) an offense under Section 29.03, Penal Code
16-37 (aggravated robbery);
16-38 (14) an offense under Section 21.08, Penal Code
16-39 (indecent exposure);
16-40 (15) an offense under Section 21.12, Penal Code
16-41 (improper relationship between educator and student);
16-42 (16) an offense under Section 21.15, Penal Code
16-43 (invasive visual recording);
16-44 (17) an offense under Section 22.05, Penal Code
16-45 (deadly conduct);
16-46 (18) an offense under Section 22.021, Penal Code
16-47 (aggravated sexual assault);
16-48 (19) an offense under Section 22.07, Penal Code
16-49 (terroristic threat);
16-50 (20) an offense under Section 32.53, Penal Code
16-51 (exploitation of child, elderly individual, or disabled
16-52 individual);
16-53 (21) an offense under Section 33.021, Penal Code
16-54 (online solicitation of a minor);
16-55 (22) an offense under Section 34.02, Penal Code (money
16-56 laundering);
16-57 (23) an offense under Section 35A.02, Penal Code
16-58 (health care fraud);
16-59 (24) an offense under Section 36.06, Penal Code
16-60 (obstruction or retaliation);
16-61 (25) an offense under Section 42.09, Penal Code
16-62 (cruelty to livestock animals), or under Section 42.092, Penal Code
16-63 (cruelty to nonlivestock animals); or
16-64 (26) a conviction under the laws of another state,
16-65 federal law, or the Uniform Code of Military Justice for an offense
16-66 containing elements that are substantially similar to the elements
16-67 of an offense listed by this subsection.
16-68 SECTION 2.23. Section 164.0595(a), Occupations Code, is
16-69 amended to read as follows:

17-1 (a) A disciplinary panel appointed under Section 164.059
17-2 may suspend or restrict the license of a person arrested for an
17-3 offense under:

17-4 (1) Section 22.011(a)(2), Penal Code (sexual assault
17-5 of a child);

17-6 (2) Section 22.021(a)(1)(B), Penal Code (aggravated
17-7 sexual assault of a child);

17-8 (3) Section 21.02, Penal Code (continuous sexual abuse
17-9 of [a] young child or disabled individual [~~children~~]); or

17-10 (4) Section 21.11, Penal Code (indecenty with a
17-11 child).

17-12 SECTION 2.24. Section 164.102(b), Occupations Code, is
17-13 amended to read as follows:

17-14 (b) Except on an express determination, based on
17-15 substantial evidence, that granting probation is in the best
17-16 interests of the public and of the person whose license has been
17-17 suspended, revoked, or canceled, the board may not grant probation
17-18 to a person whose license has been canceled, revoked, or suspended
17-19 because of a felony conviction under:

17-20 (1) Chapter 481 or 483, Health and Safety Code;

17-21 (2) Section 485.033, Health and Safety Code;

17-22 (3) the Comprehensive Drug Abuse Prevention and
17-23 Control Act of 1970 (21 U.S.C. Section 801 et seq.); or

17-24 (4) any of the following sections of the Penal Code:

17-25 (A) Section 22.011(a)(2) (sexual assault of a
17-26 child);

17-27 (B) Section 22.021(a)(1)(B) (aggravated sexual
17-28 assault of a child);

17-29 (C) Section 21.02 (continuous sexual abuse of [a]
17-30 young child or disabled individual [~~children~~]); or

17-31 (D) Section 21.11 (indecenty with a child).

17-32 SECTION 2.25. Section 301.4535(a), Occupations Code, is
17-33 amended to read as follows:

17-34 (a) The board shall suspend a nurse's license or refuse to
17-35 issue a license to an applicant on proof that the nurse or applicant
17-36 has been initially convicted of:

17-37 (1) murder under Section 19.02, Penal Code, capital
17-38 murder under Section 19.03, Penal Code, or manslaughter under
17-39 Section 19.04, Penal Code;

17-40 (2) kidnapping or unlawful restraint under Chapter 20,
17-41 Penal Code, and the offense was punished as a felony or state jail
17-42 felony;

17-43 (3) sexual assault under Section 22.011, Penal Code;

17-44 (4) aggravated sexual assault under Section 22.021,
17-45 Penal Code;

17-46 (5) continuous sexual abuse of young child or disabled
17-47 individual [~~children~~] under Section 21.02, Penal Code, or indecenty
17-48 with a child under Section 21.11, Penal Code;

17-49 (6) aggravated assault under Section 22.02, Penal
17-50 Code;

17-51 (7) intentionally, knowingly, or recklessly injuring
17-52 a child, elderly individual, or disabled individual under Section
17-53 22.04, Penal Code;

17-54 (8) intentionally, knowingly, or recklessly
17-55 abandoning or endangering a child under Section 22.041, Penal Code;

17-56 (9) aiding suicide under Section 22.08, Penal Code,
17-57 and the offense was punished as a state jail felony;

17-58 (10) an offense involving a violation of certain court
17-59 orders or conditions of bond under Section 25.07, 25.071, or
17-60 25.072, Penal Code, punished as a felony;

17-61 (11) an agreement to abduct a child from custody under
17-62 Section 25.031, Penal Code;

17-63 (12) the sale or purchase of a child under Section
17-64 25.08, Penal Code;

17-65 (13) robbery under Section 29.02, Penal Code;

17-66 (14) aggravated robbery under Section 29.03, Penal
17-67 Code;

17-68 (15) an offense for which a defendant is required to
17-69 register as a sex offender under Chapter 62, Code of Criminal

18-1 Procedure; or

18-2 (16) an offense under the law of another state,
18-3 federal law, or the Uniform Code of Military Justice that contains
18-4 elements that are substantially similar to the elements of an
18-5 offense listed in this subsection.

18-6 SECTION 2.26. Section 20A.02(a), Penal Code, is amended to
18-7 read as follows:

18-8 (a) A person commits an offense if the person knowingly:

18-9 (1) traffics another person with the intent that the
18-10 trafficked person engage in forced labor or services;

18-11 (2) receives a benefit from participating in a venture
18-12 that involves an activity described by Subdivision (1), including
18-13 by receiving labor or services the person knows are forced labor or
18-14 services;

18-15 (3) traffics another person and, through force, fraud,
18-16 or coercion, causes the trafficked person to engage in conduct
18-17 prohibited by:

18-18 (A) Section 43.02 (Prostitution);

18-19 (B) Section 43.03 (Promotion of Prostitution);

18-20 (B-1) Section 43.031 (Online Promotion of
18-21 Prostitution);

18-22 (C) Section 43.04 (Aggravated Promotion of
18-23 Prostitution);

18-24 (C-1) Section 43.041 (Aggravated Online
18-25 Promotion of Prostitution); or

18-26 (D) Section 43.05 (Compelling Prostitution);

18-27 (4) receives a benefit from participating in a venture
18-28 that involves an activity described by Subdivision (3) or engages
18-29 in sexual conduct with a person trafficked in the manner described
18-30 in Subdivision (3);

18-31 (5) traffics a child with the intent that the
18-32 trafficked child engage in forced labor or services;

18-33 (6) receives a benefit from participating in a venture
18-34 that involves an activity described by Subdivision (5), including
18-35 by receiving labor or services the person knows are forced labor or
18-36 services;

18-37 (7) traffics a child and by any means causes the
18-38 trafficked child to engage in, or become the victim of, conduct
18-39 prohibited by:

18-40 (A) Section 21.02 (Continuous Sexual Abuse of
18-41 Young Child or Disabled Individual [~~Children~~]);

18-42 (B) Section 21.11 (Indecency with a Child);

18-43 (C) Section 22.011 (Sexual Assault);

18-44 (D) Section 22.021 (Aggravated Sexual Assault);

18-45 (E) Section 43.02 (Prostitution);

18-46 (F) Section 43.03 (Promotion of Prostitution);

18-47 (F-1) Section 43.031 (Online Promotion of
18-48 Prostitution);

18-49 (G) Section 43.04 (Aggravated Promotion of
18-50 Prostitution);

18-51 (G-1) Section 43.041 (Aggravated Online
18-52 Promotion of Prostitution);

18-53 (H) Section 43.05 (Compelling Prostitution);

18-54 (I) Section 43.25 (Sexual Performance by a
18-55 Child);

18-56 (J) Section 43.251 (Employment Harmful to
18-57 Children); or

18-58 (K) Section 43.26 (Possession or Promotion of
18-59 Child Pornography); or

18-60 (8) receives a benefit from participating in a venture
18-61 that involves an activity described by Subdivision (7) or engages
18-62 in sexual conduct with a child trafficked in the manner described in
18-63 Subdivision (7).

18-64 SECTION 2.27. Section 71.02(a), Penal Code, is amended to
18-65 read as follows:

18-66 (a) A person commits an offense if, with the intent to
18-67 establish, maintain, or participate in a combination or in the
18-68 profits of a combination or as a member of a criminal street gang,
18-69 the person commits or conspires to commit one or more of the

19-1 following:

- 19-2 (1) murder, capital murder, arson, aggravated
 19-3 robbery, robbery, burglary, theft, aggravated kidnapping,
 19-4 kidnapping, aggravated assault, aggravated sexual assault, sexual
 19-5 assault, continuous sexual abuse of young child or disabled
 19-6 individual [~~children~~], solicitation of a minor, forgery, deadly
 19-7 conduct, assault punishable as a Class A misdemeanor, burglary of a
 19-8 motor vehicle, or unauthorized use of a motor vehicle;
 19-9 (2) any gambling offense punishable as a Class A
 19-10 misdemeanor;
 19-11 (3) promotion of prostitution, aggravated promotion
 19-12 of prostitution, or compelling prostitution;
 19-13 (4) unlawful manufacture, transportation, repair, or
 19-14 sale of firearms or prohibited weapons;
 19-15 (5) unlawful manufacture, delivery, dispensation, or
 19-16 distribution of a controlled substance or dangerous drug, or
 19-17 unlawful possession of a controlled substance or dangerous drug
 19-18 through forgery, fraud, misrepresentation, or deception;
 19-19 (5-a) causing the unlawful delivery, dispensation, or
 19-20 distribution of a controlled substance or dangerous drug in
 19-21 violation of Subtitle B, Title 3, Occupations Code;
 19-22 (6) any unlawful wholesale promotion or possession of
 19-23 any obscene material or obscene device with the intent to wholesale
 19-24 promote the same;
 19-25 (7) any offense under Subchapter B, Chapter 43,
 19-26 depicting or involving conduct by or directed toward a child
 19-27 younger than 18 years of age;
 19-28 (8) any felony offense under Chapter 32;
 19-29 (9) any offense under Chapter 36;
 19-30 (10) any offense under Chapter 34, 35, or 35A;
 19-31 (11) any offense under Section 37.11(a);
 19-32 (12) any offense under Chapter 20A;
 19-33 (13) any offense under Section 37.10;
 19-34 (14) any offense under Section 38.06, 38.07, 38.09, or
 19-35 38.11;
 19-36 (15) any offense under Section 42.10;
 19-37 (16) any offense under Section 46.06(a)(1) or 46.14;
 19-38 (17) any offense under Section 20.05 or 20.06;
 19-39 (18) any offense under Section 16.02; or
 19-40 (19) any offense classified as a felony under the Tax
 19-41 Code.

19-42 SECTION 2.28. Section 92.0161(c), Property Code, is amended
 19-43 to read as follows:

19-44 (c) If the tenant is a victim or a parent or guardian of a
 19-45 victim of sexual assault under Section 22.011, Penal Code,
 19-46 aggravated sexual assault under Section 22.021, Penal Code,
 19-47 indecency with a child under Section 21.11, Penal Code, sexual
 19-48 performance by a child under Section 43.25, Penal Code, continuous
 19-49 sexual abuse of young [~~a~~] child or disabled individual under
 19-50 Section 21.02, Penal Code, or an attempt to commit any of the
 19-51 foregoing offenses under Section 15.01, Penal Code, that takes
 19-52 place during the preceding six-month period on the premises or at
 19-53 any dwelling on the premises, the tenant shall provide to the
 19-54 landlord or the landlord's agent a copy of:

19-55 (1) documentation of the assault or abuse, or
 19-56 attempted assault or abuse, of the victim from a licensed health
 19-57 care services provider who examined the victim;

19-58 (2) documentation of the assault or abuse, or
 19-59 attempted assault or abuse, of the victim from a licensed mental
 19-60 health services provider who examined or evaluated the victim;

19-61 (3) documentation of the assault or abuse, or
 19-62 attempted assault or abuse, of the victim from an individual
 19-63 authorized under Chapter 420, Government Code, who provided
 19-64 services to the victim; or

19-65 (4) documentation of a protective order issued under
 19-66 Subchapter A, Chapter 7B, Code of Criminal Procedure, except for a
 19-67 temporary ex parte order.

19-68 ARTICLE III. TRANSITION AND EFFECTIVE DATE

19-69 SECTION 3.01. The change in law made by this Act applies

20-1 only to an offense committed on or after the effective date of this
20-2 Act. An offense committed before the effective date of this Act is
20-3 governed by the law in effect on the date the offense was committed,
20-4 and the former law is continued in effect for that purpose. For
20-5 purposes of this section, an offense was committed before the
20-6 effective date of this Act if any element of the offense occurred
20-7 before that date.

20-8 SECTION 3.02. This Act takes effect September 1, 2021.

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