

By: Huffman

S.B. No. 1036

A BILL TO BE ENTITLED

1 AN ACT
2 relating to regulation of certain facilities and establishments
3 with respect to, civil remedies for certain criminal activities
4 affecting, and certain criminal offenses involving health, safety,
5 and welfare; creating a criminal offense; increasing criminal
6 penalties.

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

8 SECTION 1. Section [11.44](#)(b), Alcoholic Beverage Code, is
9 amended to read as follows:

10 (b) The commission shall deny an application for a permit or
11 license for any location of an applicant who submitted a prior
12 application that expired or was voluntarily surrendered before the
13 hearing on the application was held on a protest involving
14 allegations of prostitution, a shooting, stabbing, or other violent
15 act, or an offense involving drugs, ~~or~~ trafficking of persons, or
16 drink solicitation as described by Section [104.01](#) before the third
17 anniversary of the date the prior application expired or was
18 voluntarily surrendered.

19 SECTION 2. Section [11.46](#)(c), Alcoholic Beverage Code, is
20 amended to read as follows:

21 (c) The commission shall deny for a period of one year after
22 cancellation an application for a mixed beverage permit or private
23 club registration permit for a premises where a license or permit
24 has been canceled during the preceding 12 months as a result of:

- 1 (1) a shooting, stabbing, or other violent act;] ~~[~~ or
2 (2) ~~[as a result of]~~ an offense involving drugs,
3 prostitution, ~~[or]~~ trafficking of persons, or drink solicitation as
4 described by Section 104.01.

5 SECTION 3. Section 61.42(c), Alcoholic Beverage Code, as
6 effective September 1, 2021, is amended to read as follows:

7 (c) The commission shall deny for a period of one year an
8 application for a retail dealer's on-premise license or a wine and
9 malt beverage retailer's permit for a premises where a license or
10 permit has been canceled during the preceding 12 months as a result
11 of:

- 12 (1) a shooting, stabbing, or other violent act;] ~~[~~ or
13 (2) ~~[as a result of]~~ an offense involving drugs,
14 prostitution, ~~[or]~~ trafficking of persons, or drink solicitation as
15 described by Section 104.01.

16 SECTION 4. Section 125.0017, Civil Practice and Remedies
17 Code, as added by Chapter 858 (H.B. 2552), Acts of the 85th
18 Legislature, Regular Session, 2017, is amended to read as follows:

19 Sec. 125.0017. NOTICE BY LAW ENFORCEMENT OF ~~[ARREST FOR]~~
20 CERTAIN ACTIVITIES. If a law enforcement agency has reason to
21 believe ~~[makes an arrest related to]~~ an activity described by
22 Section 125.0015(a)(6), (7), or (18) has occurred ~~[that occurs]~~ at
23 property leased to a person operating a massage establishment as
24 defined by Section 455.001, Occupations Code, ~~[not later than the~~
25 ~~seventh day after the date of the arrest,~~] the law enforcement
26 agency may ~~[shall]~~ provide written notice by certified mail to each
27 person maintaining the property of the alleged activity ~~[arrest]~~.

1 SECTION 5. Section 125.0025(b), Civil Practice and Remedies
2 Code, is amended to read as follows:

3 (b) Except as provided by Section 125.005 [~~125.003(d)~~], on a
4 finding that a web address or computer network is a common nuisance,
5 the sole remedy available is a judicial finding issued to the
6 attorney general.

7 SECTION 6. Sections 125.004(a-1) and (a-2), Civil Practice
8 and Remedies Code, are amended to read as follows:

9 (a-1) Proof in the form of a person's arrest or the
10 testimony of a law enforcement agent that an activity described by
11 Section 125.0015(a)(6) or (7) is committed at a place licensed as a
12 massage establishment under Chapter 455, Occupations Code, or
13 advertised as offering massage therapy or massage services, after
14 notice [~~of an arrest~~] was provided to the defendant in accordance
15 with Section 125.0017, is prima facie evidence that the defendant:

- 16 (1) knowingly tolerated the activity; and
17 (2) did not make a reasonable attempt to abate the
18 activity.

19 (a-2) Proof that an activity described by Section
20 125.0015(a)(18) is committed at a place maintained by the
21 defendant, after notice [~~of an arrest~~] was provided to the
22 defendant in accordance with Section 125.0017, is prima facie
23 evidence that the defendant:

- 24 (1) knowingly tolerated the activity; and
25 (2) did not make a reasonable attempt to abate the
26 activity.

27 SECTION 7. Section 125.004(a-3), Civil Practice and

1 Remedies Code, as added by Chapter 858 (H.B. 2552), Acts of the 85th
2 Legislature, Regular Session, 2017, is amended to read as follows:

3 (a-3) For purposes of Subsections (a-1) and (a-2), notice is
4 considered to be provided to the defendant the earlier of:

5 (1) seven days after the postmark date of the notice
6 provided under Section 125.0017; or

7 (2) the date the defendant actually received notice
8 under Section 125.0017.

9 SECTION 8. Subchapter A, Chapter 125, Civil Practice and
10 Remedies Code, is amended by adding Section 125.005 to read as
11 follows:

12 Sec. 125.005. ATTORNEY'S FEES AND COSTS IN ACTION UNDER
13 CHAPTER. In an action brought under this chapter, the court may
14 award a prevailing party reasonable attorney's fees in addition to
15 costs incurred in bringing the action. In determining the amount of
16 attorney's fees, the court shall consider:

17 (1) the time and labor involved;

18 (2) the novelty and difficulty of the questions;

19 (3) the expertise, reputation, and ability of the
20 attorney; and

21 (4) any other factor considered relevant by the court.

22 SECTION 9. Section 125.070(d), Civil Practice and Remedies
23 Code, is amended to read as follows:

24 (d) A district, county, or city attorney or the attorney
25 general may sue for money damages on behalf of the state or a
26 governmental entity. If the state or a governmental entity
27 prevails in a suit under this section, the state or governmental

1 entity may recover:

- 2 (1) actual damages;
- 3 (2) a civil penalty in an amount not to exceed \$20,000
- 4 for each violation; and
- 5 (3) court costs and attorney's fees in accordance with
- 6 Section 125.005.

7 SECTION 10. Section 140A.002, Civil Practice and Remedies

8 Code, is amended to read as follows:

9 Sec. 140A.002. CIVIL RACKETEERING. A person or enterprise

10 commits racketeering if, for financial gain, the person or

11 enterprise commits an offense under Chapter 20A, Penal Code

12 (trafficking of persons) [~~, and the offense or an element of the~~

13 ~~offense.~~

14 [~~(1) occurs in more than one county in this state, or~~

15 [~~(2) is facilitated by the use of United States mail,~~

16 ~~e-mail, telephone, facsimile, or a wireless communication from one~~

17 ~~county in this state to another].~~

18 SECTION 11. Section 140A.102(b), Civil Practice and

19 Remedies Code, is amended to read as follows:

20 (b) Following a final determination of liability under this

21 chapter, the court may issue an appropriate order, including an

22 order that:

- 23 (1) requires a person to divest any direct or indirect
- 24 interest in an enterprise;
- 25 (2) imposes reasonable restrictions on the future
- 26 activities or investments of a person that affect the laws of this
- 27 state, including prohibiting a person from engaging in the type of

1 endeavor or enterprise that gave rise to the racketeering offense,
2 to the extent permitted by the constitutions of this state and the
3 United States;

4 (3) requires the dissolution or reorganization of an
5 enterprise involved in the suit;

6 (4) orders the recovery of reasonable fees, expenses,
7 and costs incurred in obtaining injunctive relief or civil remedies
8 or in conducting investigations under this chapter, including court
9 costs, investigation costs, attorney's fees, witness fees, and
10 deposition fees;

11 (5) orders payment to the state of an amount equal to:

12 (A) the gain acquired or maintained through
13 racketeering; or

14 (B) the amount for which a person is liable under
15 this chapter;

16 (6) orders payment to the state of a civil penalty by a
17 person or enterprise found liable for racketeering, in an amount
18 not to exceed \$250,000 for each separately alleged and proven act of
19 racketeering;

20 (7) orders payment of damages to the state for
21 racketeering shown to have materially damaged the state; and ~~or~~

22 (8) orders that property attached under Chapter 61 be
23 used to satisfy an award of the court, including damages,
24 penalties, costs, and fees.

25 SECTION 12. Section 140A.104(d), Civil Practice and
26 Remedies Code, is amended to read as follows:

27 (d) An enterprise may not be held liable under this chapter

1 based on the conduct of a person [~~an agent~~] unless the finder of
2 fact finds by a preponderance of the evidence that a director or
3 high managerial agent performed, authorized, requested, commanded,
4 participated in, ratified, or recklessly tolerated the unlawful
5 conduct of the person [~~agent~~].

6 SECTION 13. Articles [42A.453](#)(a) and (c), Code of Criminal
7 Procedure, are amended to read as follows:

8 (a) In this article, "playground," "premises," "school,"
9 "video arcade facility," and "youth center" have the meanings
10 assigned by Section [481.134](#), Health and Safety Code, and "general
11 residential operation" has the meaning assigned by Section [42.002](#),
12 Human Resources Code.

13 (c) If a judge grants community supervision to a defendant
14 described by Subsection (b) and the judge determines that a child as
15 defined by Section [22.011](#)(c), Penal Code, was the victim of the
16 offense, the judge shall establish a child safety zone applicable
17 to the defendant by requiring as a condition of community
18 supervision that the defendant:

19 (1) not:

20 (A) supervise or participate in any program that:

21 (i) includes as participants or recipients
22 persons who are 17 years of age or younger; and

23 (ii) regularly provides athletic, civic, or
24 cultural activities; or

25 (B) go in, on, or within 1,000 feet of a premises
26 where children commonly gather, including a school, day-care
27 facility, playground, public or private youth center, public

1 swimming pool, ~~[or]~~ video arcade facility, or general residential
2 operation operating as a residential treatment center; and

3 (2) attend psychological counseling sessions for sex
4 offenders with an individual or organization that provides sex
5 offender treatment or counseling as specified or approved by the
6 judge or the defendant's supervision officer.

7 SECTION 14. Section 481.134(a), Health and Safety Code, is
8 amended by adding Subdivision (8) to read as follows:

9 (8) "General residential operation" has the meaning
10 assigned by Section 42.002, Human Resources Code.

11 SECTION 15. Sections 481.134(b), (c), (d), (e), and (f),
12 Health and Safety Code, are amended to read as follows:

13 (b) An offense otherwise punishable as a state jail felony
14 under Section 481.112, 481.1121, 481.113, 481.114, or 481.120 is
15 punishable as a felony of the third degree, and an offense otherwise
16 punishable as a felony of the second degree under any of those
17 sections is punishable as a felony of the first degree, if it is
18 shown at the punishment phase of the trial of the offense that the
19 offense was committed:

20 (1) in, on, or within 1,000 feet of premises owned,
21 rented, or leased by an institution of higher learning, the
22 premises of a public or private youth center, or a playground; ~~[or]~~

23 (2) in, on, or within 300 feet of the premises of a
24 public swimming pool or video arcade facility; or

25 (3) by any unauthorized person 18 years of age or
26 older, in, on, or within 1,000 feet of premises owned, rented, or
27 leased by a general residential operation operating as a

1 residential treatment center.

2 (c) The minimum term of confinement or imprisonment for an
3 offense otherwise punishable under Section 481.112(c), (d), (e), or
4 (f), 481.1121(b)(2), (3), or (4), 481.113(c), (d), or (e),
5 481.114(c), (d), or (e), 481.115(c)-(f), 481.1151(b)(2), (3), (4),
6 or (5), 481.116(c), (d), or (e), 481.1161(b)(4), (5), or (6),
7 481.117(c), (d), or (e), 481.118(c), (d), or (e), 481.120(b)(4),
8 (5), or (6), or 481.121(b)(4), (5), or (6) is increased by five
9 years and the maximum fine for the offense is doubled if it is shown
10 on the trial of the offense that the offense was committed:

11 (1) in, on, or within 1,000 feet of the premises of a
12 school, the premises of a public or private youth center, or a
13 playground; ~~or~~

14 (2) on a school bus; or

15 (3) by any unauthorized person 18 years of age or
16 older, in, on, or within 1,000 feet of premises owned, rented, or
17 leased by a general residential operation operating as a
18 residential treatment center.

19 (d) An offense otherwise punishable under Section
20 481.112(b), 481.1121(b)(1), 481.113(b), 481.114(b), 481.115(b),
21 481.1151(b)(1), 481.116(b), 481.1161(b)(3), 481.120(b)(3), or
22 481.121(b)(3) is a felony of the third degree if it is shown on the
23 trial of the offense that the offense was committed:

24 (1) in, on, or within 1,000 feet of any real property
25 that is owned, rented, or leased to a school or school board, the
26 premises of a public or private youth center, or a playground; ~~or~~

27 (2) on a school bus; or

1 (3) by any unauthorized person 18 years of age or
2 older, in, on, or within 1,000 feet of premises owned, rented, or
3 leased by a general residential operation operating as a
4 residential treatment center.

5 (e) An offense otherwise punishable under Section
6 481.117(b), 481.119(a), 481.120(b)(2), or 481.121(b)(2) is a state
7 jail felony if it is shown on the trial of the offense that the
8 offense was committed:

9 (1) in, on, or within 1,000 feet of any real property
10 that is owned, rented, or leased to a school or school board, the
11 premises of a public or private youth center, or a playground; [~~or~~]

12 (2) on a school bus; or

13 (3) by any unauthorized person 18 years of age or
14 older, in, on, or within 1,000 feet of premises owned, rented, or
15 leased by a general residential operation operating as a
16 residential treatment center.

17 (f) An offense otherwise punishable under Section
18 481.118(b), 481.119(b), 481.120(b)(1), or 481.121(b)(1) is a Class
19 A misdemeanor if it is shown on the trial of the offense that the
20 offense was committed:

21 (1) in, on, or within 1,000 feet of any real property
22 that is owned, rented, or leased to a school or school board, the
23 premises of a public or private youth center, or a playground; [~~or~~]

24 (2) on a school bus; or

25 (3) by any unauthorized person 18 years of age or
26 older, in, on, or within 1,000 feet of premises owned, rented, or
27 leased by a general residential operation operating as a

1 residential treatment center.

2 SECTION 16. Section 42.002, Human Resources Code, is
3 amended by adding Subdivision (25) to read as follows:

4 (25) "Grounds" means, with regard to property, the
5 real property, whether fenced or unfenced, of the parcel of land on
6 which is located any appurtenant building, structure, or other
7 improvement, including a public or private driveway, street,
8 sidewalk or walkway, parking lot, and parking garage on the
9 property.

10 SECTION 17. Sections 42.042(e), (g), and (g-2), Human
11 Resources Code, are amended to read as follows:

12 (e) The executive commissioner shall promulgate minimum
13 standards that apply to licensed child-care facilities and to
14 registered family homes covered by this chapter and that will:

15 (1) promote the health, safety, and welfare of
16 children attending a facility or registered family home;

17 (2) promote safe, comfortable, and healthy physical
18 facilities and registered family homes for children;

19 (3) ensure adequate supervision of children by
20 capable, qualified, and healthy personnel;

21 (4) ensure adequate and healthy food service where
22 food service is offered;

23 (5) prohibit racial discrimination by child-care
24 facilities and registered family homes;

25 (6) require procedures for parental and guardian
26 consultation in the formulation of children's educational and
27 therapeutic programs;

1 (7) prevent the breakdown of foster care and adoptive
2 placement; ~~and~~

3 (8) ensure that a child-care facility or registered
4 family home:

5 (A) follows the directions of a child's physician
6 or other health care provider in providing specialized medical
7 assistance required by the child; and

8 (B) maintains for a reasonable time a copy of any
9 directions from the physician or provider that the parent provides
10 to the facility or home; and

11 (9) ensure that a child's health, safety, and welfare
12 are adequately protected on the grounds of a child-care facility or
13 registered family home.

14 (g) In promulgating minimum standards the executive
15 commissioner may recognize and treat differently the types of
16 services provided by and the grounds appurtenant to the following:

- 17 (1) listed family homes;
- 18 (2) registered family homes;
- 19 (3) child-care facilities, including general
20 residential operations, cottage home operations, specialized
21 child-care homes, group day-care homes, and day-care centers;
- 22 (4) child-placing agencies;
- 23 (5) agency foster homes;
- 24 (6) continuum-of-care residential operations;
- 25 (7) before-school or after-school programs; and
- 26 (8) school-age programs.

27 (g-2) The executive commissioner by rule shall adopt

1 minimum standards that apply to general residential operations that
2 provide comprehensive residential and nonresidential services to
3 persons who are victims of trafficking under Section 20A.02, Penal
4 Code. In adopting the minimum standards under this subsection, the
5 executive commissioner shall consider:

6 (1) the special circumstances, ~~and~~ needs, and
7 precautions required of victims of trafficking of persons; ~~and~~

8 (2) the role of the general residential operations in
9 assisting, ~~and~~ supporting, and protecting victims of trafficking
10 of persons; and

11 (3) the vulnerability of victims of trafficking of
12 persons on the grounds of a general residential operation operating
13 as a residential treatment center.

14 SECTION 18. Subchapter C, Chapter 42, Human Resources Code,
15 is amended by adding Section 42.068 to read as follows:

16 Sec. 42.068. REQUIRED POSTING OF NO TRESPASSING NOTICE;
17 CRIMINAL PENALTY. (a) Each general residential operation
18 operating as a residential treatment center shall post "No
19 Trespassing" notices on the grounds of the general residential
20 operation in the following locations:

21 (1) parallel to and along the exterior boundaries of
22 the general residential operation's grounds;

23 (2) at each roadway or other way of access to the
24 grounds;

25 (3) for grounds not fenced, at least every five
26 hundred feet along the exterior boundaries of the grounds;

27 (4) at each entrance to the grounds; and

1 (5) at conspicuous places reasonably likely to be
2 viewed by intruders.

3 (b) Each "No Trespassing" notice posted on the grounds of a
4 general residential operation operating as a residential treatment
5 center must:

6 (1) state that entry to the property is forbidden;

7 (2) include a description of the provisions of
8 Section 30.05, Penal Code, including the penalties for violating
9 Section 30.05, Penal Code;

10 (3) include the name and address of the person under
11 whose authority the notice is posted;

12 (4) be written in English and Spanish; and

13 (5) be at least 8-1/2 by 11 inches in size.

14 (c) The executive commissioner by rule shall determine and
15 prescribe the requirements regarding the placement, installation,
16 design, size, wording, and maintenance procedures for the "No
17 Trespassing" notices.

18 (d) The commission shall provide without charge to each
19 general residential operation operating as a residential treatment
20 center the number of "No Trespassing" notices required to comply
21 with this section and rules adopted under this section.

22 (e) A person who operates a general residential operation
23 operating as a residential treatment center commits an offense if
24 the commission provides "No Trespassing" notices to the facility
25 and the person fails to display the "No Trespassing" notices on the
26 operation's grounds as required by this section before the end of
27 the 30th business day after the date the operation receives the

1 notices. An offense under this subsection is a Class C misdemeanor.

2 SECTION 19. Section 20A.01, Penal Code, is amended by
3 adding Subdivision (1-a) to read as follows:

4 (1-a) "Coercion" as defined by Section 1.07 includes:

5 (A) destroying, concealing, confiscating, or
6 withholding from a trafficked person, or threatening to destroy,
7 conceal, confiscate, or withhold from a trafficked person, the
8 person's actual or purported:

9 (i) government records; or

10 (ii) identifying information or documents;

11 (B) causing a trafficked person, without the
12 person's consent, to become intoxicated, as defined by Section
13 49.01, to a degree that impairs the person's ability to appraise the
14 nature of or resist engaging in any conduct, including performing
15 or providing labor or services; or

16 (C) withholding alcohol or a controlled
17 substance to a degree that impairs the ability of a trafficked
18 person with a chemical dependency, as defined by Section 462.001,
19 Health and Safety Code, to appraise the nature of or resist engaging
20 in any conduct, including performing or providing labor or
21 services.

22 SECTION 20. Section 20A.02(b), Penal Code, is amended to
23 read as follows:

24 (b) Except as otherwise provided by this subsection, an
25 offense under this section is a felony of the second degree. An
26 offense under this section is a felony of the first degree if:

27 (1) the applicable conduct constitutes an offense

1 under Subsection (a)(5), (6), (7), or (8), regardless of whether
2 the actor knows the age of the child at the time of the offense;

3 (2) the commission of the offense results in the death
4 of the person who is trafficked; ~~[or]~~

5 (3) the commission of the offense results in the death
6 of an unborn child of the person who is trafficked; or

7 (4) the actor recruited, enticed, or obtained the
8 victim of the offense from a shelter or facility operating as a
9 residential treatment center that serves runaway youth, foster
10 children, the homeless, or persons subjected to human trafficking,
11 domestic violence, or sexual assault.

12 SECTION 21. Section 30.05(a), Penal Code, is amended to
13 read as follows:

14 (a) A person commits an offense if the person enters or
15 remains on or in property of another, including residential land,
16 agricultural land, a recreational vehicle park, a building, a
17 general residential operation operating as a residential treatment
18 center, or an aircraft or other vehicle, without effective consent
19 and the person:

20 (1) had notice that the entry was forbidden; or

21 (2) received notice to depart but failed to do so.

22 SECTION 22. Section 30.05(b), Penal Code, is amended by
23 adding Subdivision (13) to read as follows:

24 (13) "General residential operation" has the meaning
25 assigned by Section 42.002, Human Resources Code.

26 SECTION 23. Section 30.05(d), Penal Code, is amended to
27 read as follows:

1 (d) An offense under this section is:

2 (1) a Class B misdemeanor, except as provided by
3 Subdivisions (2) and (3);

4 (2) a Class C misdemeanor, except as provided by
5 Subdivision (3), if the offense is committed:

6 (A) on agricultural land and within 100 feet of
7 the boundary of the land; or

8 (B) on residential land and within 100 feet of a
9 protected freshwater area; and

10 (3) a Class A misdemeanor if:

11 (A) the offense is committed:

12 (i) in a habitation or a shelter center;

13 (ii) on a Superfund site; or

14 (iii) on or in a critical infrastructure
15 facility;

16 (B) the offense is committed on or in property of
17 an institution of higher education and it is shown on the trial of
18 the offense that the person has previously been convicted of:

19 (i) an offense under this section relating
20 to entering or remaining on or in property of an institution of
21 higher education; or

22 (ii) an offense under Section 51.204(b)(1),
23 Education Code, relating to trespassing on the grounds of an
24 institution of higher education; ~~or~~

25 (C) the person carries a deadly weapon during the
26 commission of the offense; or

27 (D) the offense is committed on the property of

1 or within a general residential operation operating as a
2 residential treatment center.

3 SECTION 24. Section 71.028(a), Penal Code, is amended to
4 read as follows:

5 (a) In this section:

6 (1) "General residential operation" has the meaning
7 assigned by Section 42.002, Human Resources Code.

8 (2) "Institution of higher education," "playground,"
9 "premises," "school," "video arcade facility," and "youth center"
10 have the meanings assigned by Section 481.134, Health and Safety
11 Code.

12 (3) [~~2~~] "Shopping mall" means an enclosed public
13 walkway or hall area that connects retail, service, or professional
14 establishments.

15 SECTION 25. Section 71.028(c), Penal Code, is amended to
16 read as follows:

17 (c) Except as provided by Subsection (d), the punishment
18 prescribed for an offense described by Subsection (b) is increased
19 to the punishment prescribed for the next highest category of
20 offense if the actor is 17 years of age or older and it is shown
21 beyond a reasonable doubt on the trial of the offense that the actor
22 committed the offense at a location that was:

23 (1) in, on, or within 1,000 feet of any:

24 (A) real property that is owned, rented, or
25 leased by a school or school board;

26 (B) premises owned, rented, or leased by an
27 institution of higher education;

- 1 (C) premises of a public or private youth center;
2 [~~or~~]
3 (D) playground; or
4 (E) general residential operation operating as a
5 residential treatment center;

6 (2) in, on, or within 300 feet of any:

7 (A) shopping mall;

8 (B) movie theater;

9 (C) premises of a public swimming pool; or

10 (D) premises of a video arcade facility; or

11 (3) on a school bus.

12 SECTION 26. The following provisions are repealed:

13 (1) Section 125.0017, Civil Practice and Remedies
14 Code, as added by Chapter 1135 (H.B. 240), Acts of the 85th
15 Legislature, Regular Session, 2017;

16 (2) Section 125.003(d), Civil Practice and Remedies
17 Code;

18 (3) Section 125.004(a-3), Civil Practice and Remedies
19 Code, as added by Chapter 1135 (H.B. 240), Acts of the 85th
20 Legislature, Regular Session, 2017;

21 (4) Section 125.068, Civil Practice and Remedies Code;

22 and

23 (5) Section 20A.02(a-1), Penal Code.

24 SECTION 27. (a) Sections 11.44(b), 11.46(c), and 61.42(c),
25 Alcoholic Beverage Code, as amended by this Act, apply to an
26 application for an alcoholic beverage permit or license filed on or
27 after the effective date of this Act or pending on the effective

1 date of this Act.

2 (b) The change in law made to the Civil Practice and
3 Remedies Code by this Act applies only to a cause of action that
4 accrues on or after the effective date of this Act. A cause of
5 action that accrues before the effective date of this Act is
6 governed by the law applicable to the cause of action immediately
7 before the effective date of this Act, and that law is continued in
8 effect for that purpose.

9 (c) The change in law made to Section [481.134](#), Health and
10 Safety Code, and the Penal Code by this Act applies only to an
11 offense committed on or after the effective date of this Act. An
12 offense committed before the effective date of this Act is governed
13 by the law in effect on the date the offense was committed, and the
14 former law is continued in effect for that purpose. For purposes of
15 this section, an offense was committed before the effective date of
16 this Act if any element of the offense occurred before that date.

17 SECTION 28. This Act takes effect September 1, 2021.