

1-1 By: Huffman, Blanco S.B. No. 1527
 1-2 (In the Senate - Filed March 3, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 March 30, 2023, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; March 30, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to human trafficking, including the prosecution and
 1-18 punishment of compelling and solicitation of prostitution and other
 1-19 sexual or assaultive offenses; increasing a criminal penalty;
 1-20 creating a criminal offense.

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

1-22 ARTICLE 1. HUMAN TRAFFICKING PREVENTION COORDINATING COUNCIL AND
 1-23 HUMAN TRAFFICKING PREVENTION TASK FORCE

1-24 SECTION 1.01. Sections 402.034(c), (f), and (g), Government
 1-25 Code, are amended to read as follows:

1-26 (c) The council is composed of the following:

1-27 (1) the governor or the governor's designee;
 1-28 (2) the attorney general or the attorney general's
 1-29 designee;

1-30 (3) the commissioner of the Department of Family and
 1-31 Protective Services or the commissioner's designee;

1-32 (4) the public safety director of the Department of
 1-33 Public Safety or the director's designee;

1-34 (5) one representative from each of the following
 1-35 state agencies, appointed by the chief administrative officer of
 1-36 the respective agency:

- 1-37 (A) the Texas Workforce Commission;
- 1-38 (B) the Texas Alcoholic Beverage Commission;
- 1-39 (C) the Parks and Wildlife Department; ~~and~~
- 1-40 (D) the Texas Department of Licensing and
 1-41 Regulation;

1-42 (E) the Texas Education Agency; and

1-43 (F) the Texas Department of Transportation; and

1-44 (6) one representative of any other state agency
 1-45 appointed by the chief administrative officer of the agency, if the
 1-46 ~~[human trafficking prevention task force established under Section~~
 1-47 ~~402.035 and the]~~ council determines ~~[determine]~~ that a
 1-48 representative from the state agency is a necessary member of the
 1-49 council.

1-50 (f) The strategic plan must include:

1-51 (1) an inventory of human trafficking prevention
 1-52 programs and services in this state that are administered by state
 1-53 agencies, including an institution ~~[institutions]~~ of higher
 1-54 education as defined by Section 61.003, Education Code, or a
 1-55 private college or university that receives state funds ~~[, and~~
 1-56 ~~political subdivisions]~~;

1-57 (2) regarding the programs and services described by
 1-58 Subdivision (1):

1-59 (A) a report on the number of persons served by
 1-60 the programs and services; and

1-61 (B) a plan to coordinate the programs and

2-1 services to achieve the following goals:
 2-2 (i) eliminate redundancy;
 2-3 (ii) ensure the agencies' use of best
 2-4 practices in preventing human trafficking; and
 2-5 (iii) identify and collect data regarding
 2-6 the efficacy of the programs and services; and
 2-7 (3) in relation to the goals for programs and services
 2-8 as described by Subdivision (2)(B), a plan to coordinate the
 2-9 expenditure of state funds allocated to prevent human trafficking
 2-10 in this state, including the expenditure of state funds by the human
 2-11 trafficking prevention task force established under Section
 2-12 402.035.

2-13 (g) Not later than December 1 of each even-numbered year,
 2-14 the council shall submit to the legislature a report detailing the
 2-15 progress of the strategic plan's implementation. The report must
 2-16 include:

2-17 (1) a description of the level of participation in the
 2-18 strategic plan by each agency represented on the council and how the
 2-19 implementation of the strategic plan serves to coordinate the
 2-20 programs and services described by Subsection (f)(1) and achieve
 2-21 the goals described by Subsection (f)(2)(B); and

2-22 (2) an update of the inventory of programs and
 2-23 services described by Subsection (f)(1) that further ~~[and how each~~
 2-24 ~~program or service furthers]~~ the goals of the strategic plan.

2-25 SECTION 1.02. Section 402.035, Government Code, is amended
 2-26 by amending Subsections (c), (d), and (f-1) and adding Subsection
 2-27 (c-1) to read as follows:

2-28 (c) The task force is composed of the following:

2-29 (1) the governor or the governor's designee;

2-30 (2) the attorney general or the attorney general's
 2-31 designee;

2-32 (3) the executive commissioner of the Health and Human
 2-33 Services Commission or the executive commissioner's designee;

2-34 (4) the commissioner of the Department of Family and
 2-35 Protective Services or the commissioner's designee;

2-36 (5) the commissioner of the Department of State Health
 2-37 Services or the commissioner's designee;

2-38 (6) the public safety director of the Department of
 2-39 Public Safety or the director's designee;

2-40 (7) one representative from each of the following
 2-41 state agencies, appointed by the chief administrative officer of
 2-42 the respective agency:

2-43 (A) the Texas Workforce Commission;

2-44 (B) the Texas Department of Criminal Justice;

2-45 (C) the Texas Juvenile Justice Department;

2-46 (D) the Texas Education Agency;

2-47 (E) the Texas Alcoholic Beverage Commission;

2-48 (F) the Parks and Wildlife Department;

2-49 (G) the Supreme Court of Texas Permanent Judicial
 2-50 Commission for Children, Youth and Families;

2-51 (H) the Texas Department of Licensing and
 2-52 Regulation;

2-53 (I) the Office of Court Administration of the
 2-54 Texas Judicial System;

2-55 (J) the office of the secretary of state; ~~[and]~~

2-56 (K) the Texas Commission on Law Enforcement; and

2-57 (L) the Texas Department of Transportation; and

2-58 (8) as appointed by the attorney general:

2-59 (A) a chief public defender employed by a public
 2-60 defender's office, as defined by Article 26.044(a), Code of
 2-61 Criminal Procedure, or an attorney designated by the chief public
 2-62 defender;

2-63 (B) an attorney representing the state;

2-64 (C) a representative of:

2-65 (i) a hotel and motel association;

2-66 (ii) a district and county attorneys
 2-67 association;

2-68 (iii) a state police association; and

2-69 (iv) a statewide medical association;

3-1 (D) a representative [~~representatives~~] of a
3-2 sheriff's department [~~departments~~];
3-3 (E) a representative [~~representatives~~] of a
3-4 local law enforcement agency [~~agencies~~] affected by human
3-5 trafficking; [~~and~~]
3-6 (F) a representative [~~representatives~~] of a
3-7 nongovernmental entity [~~entities~~] making comprehensive efforts to
3-8 combat human trafficking by:
3-9 (i) identifying human trafficking victims;
3-10 (ii) providing legal or other services to
3-11 human trafficking victims;
3-12 (iii) participating in community outreach
3-13 or public awareness efforts regarding human trafficking;
3-14 (iv) providing or developing training
3-15 regarding the prevention of human trafficking; and [~~or~~]
3-16 (v) engaging in other activities designed
3-17 to prevent human trafficking; and
3-18 (G) representatives of regional human
3-19 trafficking task forces or coalitions.
3-20 (c-1) The attorney general shall annually evaluate the
3-21 input and participation of members appointed under Subsection
3-22 (c)(8) and, if necessary, appoint new members who will collaborate
3-23 and contribute to the task force.
3-24 (d) The task force shall:
3-25 (1) collaborate, as needed to fulfill the duties of
3-26 the task force, with:
3-27 (A) United States attorneys' offices for all of
3-28 the federal districts of Texas; and
3-29 (B) special agents or customs and border
3-30 protection officers and border patrol agents of:
3-31 (i) the Federal Bureau of Investigation;
3-32 (ii) the United States Drug Enforcement
3-33 Administration;
3-34 (iii) the Bureau of Alcohol, Tobacco,
3-35 Firearms and Explosives;
3-36 (iv) United States Immigration and Customs
3-37 Enforcement; or
3-38 (v) the United States Department of
3-39 Homeland Security;
3-40 (2) collect, organize, and periodically publish
3-41 statistical data on the nature and extent of human trafficking in
3-42 this state, including:
3-43 (A) the number of investigations concerning,
3-44 arrests and prosecutions for, and convictions of:
3-45 (i) the offense of trafficking of persons;
3-46 (ii) the offense of forgery or an offense
3-47 under Chapter 43, Penal Code, if the offense was committed as part
3-48 of a criminal episode involving the trafficking of persons; and
3-49 (iii) an offense punishable as a felony of
3-50 the second degree under Section 43.021, Penal Code, regardless of
3-51 whether the offense was committed as part of a criminal episode
3-52 involving the trafficking of persons;
3-53 (B) demographic information on persons who are
3-54 convicted of offenses described by Paragraph (A) and persons who
3-55 are the victims of those offenses;
3-56 (C) geographic routes by which human trafficking
3-57 victims are trafficked, including routes by which victims are
3-58 trafficked across this state's international border, and
3-59 geographic patterns in human trafficking, including the country or
3-60 state of origin and the country or state of destination;
3-61 (D) means of transportation and methods used by
3-62 persons who engage in trafficking to transport their victims; and
3-63 (E) social and economic factors that create a
3-64 demand for the labor or services that victims of human trafficking
3-65 are forced to provide [~~data described by Subdivisions (4)(A), (B),~~
3-66 (C), (D), and (E)];
3-67 (3) solicit cooperation and assistance from state and
3-68 local governmental agencies, political subdivisions of the state,
3-69 nongovernmental organizations, and other persons, as appropriate,

4-1 for the purpose of collecting and organizing statistical data under
 4-2 Subdivision (2);
 4-3 (4) ~~[ensure that each state or local governmental~~
 4-4 ~~agency and political subdivision of the state and each state or~~
 4-5 ~~local law enforcement agency, district attorney, or county attorney~~
 4-6 ~~that assists in the prevention of human trafficking collects~~
 4-7 ~~statistical data related to human trafficking, including, as~~
 4-8 ~~appropriate:~~
 4-9 ~~[(A) the number of investigations concerning,~~
 4-10 ~~arrests and prosecutions for, and convictions of:~~
 4-11 ~~[(i) the offense of trafficking of persons,~~
 4-12 ~~[(ii) the offense of forgery or an offense~~
 4-13 ~~under Chapter 43, Penal Code, if the offense was committed as part~~
 4-14 ~~of a criminal episode involving the trafficking of persons; and~~
 4-15 ~~[(iii) an offense punishable as a felony of~~
 4-16 ~~the second degree under Section 43.021, Penal Code, regardless of~~
 4-17 ~~whether the offense was committed as part of a criminal episode~~
 4-18 ~~involving the trafficking of persons;~~
 4-19 ~~[(B) demographic information on persons who are~~
 4-20 ~~convicted of offenses described by Paragraph (A) and persons who~~
 4-21 ~~are the victims of those offenses;~~
 4-22 ~~[(C) geographic routes by which human~~
 4-23 ~~trafficking victims are trafficked, including routes by which~~
 4-24 ~~victims are trafficked across this state's international border,~~
 4-25 ~~and geographic patterns in human trafficking, including the country~~
 4-26 ~~or state of origin and the country or state of destination;~~
 4-27 ~~[(D) means of transportation and methods used by~~
 4-28 ~~persons who engage in trafficking to transport their victims; and~~
 4-29 ~~[(E) social and economic factors that create a~~
 4-30 ~~demand for the labor or services that victims of human trafficking~~
 4-31 ~~are forced to provide;~~
 4-32 ~~[(5)]~~ work with the Texas Commission on Law
 4-33 Enforcement to develop and conduct training for law enforcement
 4-34 personnel, victim service providers, and medical service providers
 4-35 to identify victims of human trafficking;
 4-36 (5) ~~[(6)]~~ work with the Texas Education Agency, the
 4-37 Department of Family and Protective Services, and the Health and
 4-38 Human Services Commission to:
 4-39 (A) develop a list of key indicators that a
 4-40 person is a victim of human trafficking;
 4-41 (B) develop a standardized curriculum for
 4-42 training doctors, nurses, emergency medical services personnel,
 4-43 teachers, school counselors, school administrators, and personnel
 4-44 from the Department of Family and Protective Services and the
 4-45 Health and Human Services Commission to identify and assist victims
 4-46 of human trafficking;
 4-47 (C) train doctors, nurses, emergency medical
 4-48 services personnel, teachers, school counselors, school
 4-49 administrators, and personnel from the Department of Family and
 4-50 Protective Services and the Health and Human Services Commission to
 4-51 identify and assist victims of human trafficking;
 4-52 (D) develop and conduct training for personnel
 4-53 from the Department of Family and Protective Services and the
 4-54 Health and Human Services Commission on methods for identifying
 4-55 children in foster care who may be at risk of becoming victims of
 4-56 human trafficking; and
 4-57 (E) develop a process for referring identified
 4-58 human trafficking victims and individuals at risk of becoming
 4-59 victims to appropriate entities for services;
 4-60 (6) ~~[(7)]~~ on the request of a judge of a county court,
 4-61 county court at law, or district court or a county attorney,
 4-62 district attorney, or criminal district attorney, assist and train
 4-63 the judge or the judge's staff or the attorney or the attorney's
 4-64 staff in the recognition and prevention of human trafficking;
 4-65 (7) ~~[(8)]~~ examine training protocols related to human
 4-66 trafficking issues, as developed and implemented by federal, state,
 4-67 and local law enforcement agencies;
 4-68 (8) ~~[(9)]~~ collaborate with state and local
 4-69 governmental agencies, political subdivisions of the state, and

5-1 nongovernmental organizations to implement a media awareness
 5-2 campaign in communities affected by human trafficking;
 5-3 (9) [~~(10)~~] develop recommendations on how to
 5-4 strengthen state and local efforts to prevent human trafficking,
 5-5 protect and assist human trafficking victims, curb markets and
 5-6 other economic avenues that facilitate human trafficking and
 5-7 investigate and prosecute human trafficking offenders;

5-8 (10) [~~(11)~~] examine:
 5-9 (A) the extent to which human trafficking is
 5-10 associated with the operation of:

5-11 (i) sexually oriented businesses, as
 5-12 defined by Section 243.002, Local Government Code; ~~[7]~~ and

5-13 (ii) message establishments permitting
 5-14 conduct described by Section 455.202(b)(4), Occupations Code; and

5-15 (B) the workplace or public health concerns that
 5-16 are created by the association of human trafficking and the
 5-17 operation of sexually oriented businesses and message
 5-18 establishments described by Paragraph (A);

5-19 (11) [~~(12)~~] develop recommendations for addressing
 5-20 the demand for forced labor or services or sexual conduct involving
 5-21 victims of human trafficking, including recommendations for
 5-22 increased penalties for individuals who engage or attempt to engage
 5-23 in solicitation of prostitution with victims younger than 18 years
 5-24 of age; and

5-25 (12) [~~(13)~~] identify and report to the governor and
 5-26 legislature on laws, licensure requirements, or other regulations
 5-27 that can be passed at the state and local level to curb trafficking
 5-28 using the Internet and in sexually oriented businesses and message
 5-29 establishments.

5-30 (f-1) The following state agencies shall designate an
 5-31 individual who is authorized to coordinate the agency's resources
 5-32 to strengthen state and local efforts to prevent human trafficking,
 5-33 protect and assist human trafficking victims, and investigate and
 5-34 prosecute human trafficking offenders:

5-35 (1) the Texas Alcoholic Beverage Commission;

5-36 (2) the Department of Family and Protective Services;

5-37 (3) the Department of Public Safety;

5-38 (4) the Department of State Health Services;

5-39 (5) the Health and Human Services Commission;

5-40 (6) the Texas Juvenile Justice Department;

5-41 (7) the Texas Education Agency;

5-42 (8) the Texas Department of Transportation;

5-43 (9) the office of the attorney general; and

5-44 (10) [~~(8)~~] the office of the governor.

5-45 SECTION 1.03. As soon as practicable after the effective
 5-46 date of this Act, the Texas Education Agency and the Texas
 5-47 Department of Transportation, as applicable, shall appoint
 5-48 representatives and designate individuals as required by Sections
 5-49 402.034(c) and 402.035(c) and (f-1), Government Code, as amended by
 5-50 this article.

5-51 ARTICLE 2. TRAFFICKING OF PERSONS, SOLICITATION OF PROSTITUTION,
 5-52 AND COMPELLING PROSTITUTION

5-53 SECTION 2.01. Section 20A.01, Penal Code, is amended by
 5-54 adding Subdivision (1-b) to read as follows:

5-55 (1-b) "Disabled individual" has the meaning assigned by
 5-56 Section 22.021(b).

5-57 SECTION 2.02. Sections 20A.02(a) and (b), Penal Code, are
 5-58 amended to read as follows:

5-59 (a) A person commits an offense if the person knowingly:

5-60 (1) traffics another person with the intent that the
 5-61 trafficked person engage in forced labor or services;

5-62 (2) receives a benefit from participating in a venture
 5-63 that involves an activity described by Subdivision (1), including
 5-64 by receiving labor or services the person knows are forced labor or
 5-65 services;

5-66 (3) traffics another person and, through force, fraud,
 5-67 or coercion, causes the trafficked person to engage in conduct
 5-68 prohibited by:

5-69 (A) Section 43.02 (Prostitution);

6-1 (B) Section 43.03 (Promotion of Prostitution);
6-2 (B-1) Section 43.031 (Online Promotion of
6-3 Prostitution);
6-4 (C) Section 43.04 (Aggravated Promotion of
6-5 Prostitution);
6-6 (C-1) Section 43.041 (Aggravated Online
6-7 Promotion of Prostitution); or
6-8 (D) Section 43.05 (Compelling Prostitution);
6-9 (4) receives a benefit from participating in a venture
6-10 that involves an activity described by Subdivision (3) or engages
6-11 in sexual conduct with a person trafficked in the manner described
6-12 in Subdivision (3);
6-13 (5) traffics a child or disabled individual with the
6-14 intent that the trafficked child or disabled individual engage in
6-15 forced labor or services;
6-16 (6) receives a benefit from participating in a venture
6-17 that involves an activity described by Subdivision (5), including
6-18 by receiving labor or services the person knows are forced labor or
6-19 services;
6-20 (7) traffics a child or disabled individual and by any
6-21 means causes the trafficked child or disabled individual to engage
6-22 in, or become the victim of, conduct prohibited by:
6-23 (A) Section 21.02 (Continuous Sexual Abuse of
6-24 Young Child or Disabled Individual);
6-25 (B) Section 21.11 (Indecency with a Child);
6-26 (C) Section 22.011 (Sexual Assault);
6-27 (D) Section 22.021 (Aggravated Sexual Assault);
6-28 (E) Section 43.02 (Prostitution);
6-29 (E-1) Section 43.021 (Solicitation of
6-30 Prostitution);
6-31 (F) Section 43.03 (Promotion of Prostitution);
6-32 (F-1) Section 43.031 (Online Promotion of
6-33 Prostitution);
6-34 (G) Section 43.04 (Aggravated Promotion of
6-35 Prostitution);
6-36 (G-1) Section 43.041 (Aggravated Online
6-37 Promotion of Prostitution);
6-38 (H) Section 43.05 (Compelling Prostitution);
6-39 (I) Section 43.25 (Sexual Performance by a
6-40 Child);
6-41 (J) Section 43.251 (Employment Harmful to
6-42 Children); or
6-43 (K) Section 43.26 (Possession or Promotion of
6-44 Child Pornography); or
6-45 (8) receives a benefit from participating in a venture
6-46 that involves an activity described by Subdivision (7) or engages
6-47 in sexual conduct with a child or disabled individual trafficked in
6-48 the manner described in Subdivision (7).
6-49 (b) Except as otherwise provided by this subsection and
6-50 Subsection (b-1), an offense under this section is a felony of the
6-51 second degree. An offense under this section is a felony of the
6-52 first degree if:
6-53 (1) the applicable conduct constitutes an offense
6-54 under Subsection (a)(5), (6), (7), or (8), regardless of whether
6-55 the actor knows the age of the child or whether the actor knows the
6-56 victim is disabled at the time of the offense;
6-57 (2) the commission of the offense results in serious
6-58 bodily injury to or the death of the person who is trafficked;
6-59 (3) the commission of the offense results in the death
6-60 of an unborn child of the person who is trafficked; or
6-61 (4) the actor:
6-62 (A) used or exhibited a deadly weapon during the
6-63 commission of the offense;
6-64 (B) intentionally, knowingly, or recklessly
6-65 impeded the normal breathing or circulation of the blood of the
6-66 trafficked person by applying pressure to the person's throat or
6-67 neck or by blocking the person's nose or mouth; or
6-68 (C) recruited, enticed, or obtained the
6-69 trafficked person [~~victim of the offense~~] from a shelter or

7-1 facility operating as a residential treatment center that serves
7-2 runaway youth, foster children, the homeless, or persons subjected
7-3 to human trafficking, domestic violence, or sexual assault.

7-4 SECTION 2.03. Section 43.021(b), Penal Code, is amended to
7-5 read as follows:

7-6 (b) An offense under Subsection (a) is a state jail felony,
7-7 except that the offense is:

7-8 (1) a felony of the third degree if the actor has
7-9 previously been convicted of an offense under Subsection (a) or
7-10 under Section 43.02(b), as that law existed before September 1,
7-11 2021; or

7-12 (2) a felony of the second degree if the person to
7-13 ~~[with]~~ whom the actor offers or agrees to pay the fee for the
7-14 purpose of engaging ~~[to engage]~~ in sexual conduct is:

7-15 (A) younger than 18 years of age, regardless of
7-16 whether the actor knows the age of the person at the time of the
7-17 offense;

7-18 (B) represented to the actor as being younger
7-19 than 18 years of age; or

7-20 (C) believed by the actor to be younger than 18
7-21 years of age.

7-22 SECTION 2.04. Section 43.02(c-2), Penal Code, as added by
7-23 Chapters 807 (H.B. 1540) and 1049 (S.B. 1831), Acts of the 87th
7-24 Legislature, Regular Session, 2021, is transferred to Section
7-25 43.021, Penal Code, redesignated as Section 43.021(b-1), Penal
7-26 Code, and amended to read as follows:

7-27 (b-1) ~~[(c-2)]~~ The punishment prescribed for an offense
7-28 under Subsection (a) ~~[(b)]~~ is increased to the punishment
7-29 prescribed for the next highest category of offense if it is shown
7-30 on the trial of the offense that the actor committed the offense in
7-31 a location that was:

7-32 (1) on the premises of or within 1,000 feet of the
7-33 premises of a school; or

7-34 (2) on premises or within 1,000 feet of premises
7-35 where:

7-36 (A) an official school function was taking place;
7-37 or

7-38 (B) an event sponsored or sanctioned by the
7-39 University Interscholastic League was taking place.

7-40 SECTION 2.05. Section 43.05(a), Penal Code, is amended to
7-41 read as follows:

7-42 (a) A person commits an offense if the person knowingly:

7-43 (1) causes another by force, threat, coercion, or
7-44 fraud to commit prostitution; ~~[or]~~

7-45 (2) causes by any means a child younger than 18 years
7-46 to commit prostitution, regardless of whether the actor knows the
7-47 age of the child at the time of the offense; or

7-48 (3) causes by any means a disabled individual, as
7-49 defined by Section 22.021(b), to commit prostitution, regardless of
7-50 whether the actor knows the individual is disabled at the time of
7-51 the offense.

7-52 SECTION 2.06. Section 16.0045(a), Civil Practice and
7-53 Remedies Code, is amended to read as follows:

7-54 (a) A person must bring suit for personal injury not later
7-55 than 30 years after the day the cause of action accrues if the
7-56 injury arises as a result of conduct that violates:

7-57 (1) Section 22.011(a)(2), Penal Code (sexual assault
7-58 of a child);

7-59 (2) Section 22.021(a)(1)(B), Penal Code (aggravated
7-60 sexual assault of a child);

7-61 (3) Section 21.02, Penal Code (continuous sexual abuse
7-62 of young child or disabled individual);

7-63 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
7-64 Section 20A.02(a)(8), Penal Code, involving an activity described
7-65 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
7-66 with a child or disabled individual trafficked in the manner
7-67 described by Section 20A.02(a)(7), Penal Code (certain sexual
7-68 trafficking ~~[of a child]~~);

7-69 (5) Section 43.05(a)(2) or (3), Penal Code (compelling

8-1 prostitution by a child or disabled individual); or
8-2 (6) Section 21.11, Penal Code (indecenty with a
8-3 child).
8-4 SECTION 2.07. Article 12.01, Code of Criminal Procedure, is
8-5 amended to read as follows:
8-6 Art. 12.01. FELONIES. Except as provided in Article 12.03,
8-7 felony indictments may be presented within these limits, and not
8-8 afterward:
8-9 (1) no limitation:
8-10 (A) murder and manslaughter;
8-11 (B) sexual assault under Section 22.011(a)(2),
8-12 Penal Code, or aggravated sexual assault under Section
8-13 22.021(a)(1)(B), Penal Code;
8-14 (C) sexual assault, if:
8-15 (i) during the investigation of the offense
8-16 biological matter is collected and the matter:
8-17 (a) has not yet been subjected to
8-18 forensic DNA testing; or
8-19 (b) has been subjected to forensic DNA
8-20 testing and the testing results show that the matter does not match
8-21 the victim or any other person whose identity is readily
8-22 ascertained; or
8-23 (ii) probable cause exists to believe that
8-24 the defendant has committed the same or a similar sex offense
8-25 against five or more victims;
8-26 (D) continuous sexual abuse of young child or
8-27 disabled individual under Section 21.02, Penal Code;
8-28 (E) indecenty with a child under Section 21.11,
8-29 Penal Code;
8-30 (F) an offense involving leaving the scene of an
8-31 accident under Section 550.021, Transportation Code, if the
8-32 accident resulted in the death of a person;
8-33 (G) trafficking of persons under Section
8-34 20A.02(a)(7) or (8), Penal Code;
8-35 (H) continuous trafficking of persons under
8-36 Section 20A.03, Penal Code; or
8-37 (I) compelling prostitution under Section
8-38 43.05(a)(2) or (3), Penal Code;
8-39 (2) ten years from the date of the commission of the
8-40 offense:
8-41 (A) theft of any estate, real, personal or mixed,
8-42 by an executor, administrator, guardian or trustee, with intent to
8-43 defraud any creditor, heir, legatee, ward, distributee,
8-44 beneficiary or settlor of a trust interested in such estate;
8-45 (B) theft by a public servant of government
8-46 property over which the public servant exercises control in the
8-47 public servant's official capacity;
8-48 (C) forgery or the uttering, using, or passing of
8-49 forged instruments;
8-50 (D) injury to an elderly or disabled individual
8-51 punishable as a felony of the first degree under Section 22.04,
8-52 Penal Code;
8-53 (E) sexual assault, except as provided by
8-54 Subdivision (1) or (7);
8-55 (F) arson;
8-56 (G) trafficking of persons under Section
8-57 20A.02(a)(1), (2), (3), or (4), Penal Code; or
8-58 (H) compelling prostitution under Section
8-59 43.05(a)(1), Penal Code;
8-60 (3) seven years from the date of the commission of the
8-61 offense:
8-62 (A) misapplication of fiduciary property or
8-63 property of a financial institution;
8-64 (B) fraudulent securing of document execution;
8-65 (C) a felony violation under Chapter 162, Tax
8-66 Code;
8-67 (D) false statement to obtain property or credit
8-68 under Section 32.32, Penal Code;
8-69 (E) money laundering;

9-1 (F) credit card or debit card abuse under Section
9-2 32.31, Penal Code;
9-3 (G) fraudulent use or possession of identifying
9-4 information under Section 32.51, Penal Code;
9-5 (H) exploitation of a child, elderly individual,
9-6 or disabled individual under Section 32.53, Penal Code;
9-7 (I) health care fraud under Section 35A.02, Penal
9-8 Code; or
9-9 (J) bigamy under Section 25.01, Penal Code,
9-10 except as provided by Subdivision (6);
9-11 (4) five years from the date of the commission of the
9-12 offense:
9-13 (A) theft or robbery;
9-14 (B) except as provided by Subdivision (5),
9-15 kidnapping or burglary;
9-16 (C) injury to an elderly or disabled individual
9-17 that is not punishable as a felony of the first degree under Section
9-18 22.04, Penal Code;
9-19 (D) abandoning or endangering a child; or
9-20 (E) insurance fraud;
9-21 (5) if the investigation of the offense shows that the
9-22 victim is younger than 17 years of age at the time the offense is
9-23 committed, 20 years from the 18th birthday of the victim of one of
9-24 the following offenses:
9-25 (A) sexual performance by a child under Section
9-26 43.25, Penal Code;
9-27 (B) aggravated kidnapping under Section
9-28 20.04(a)(4), Penal Code, if the defendant committed the offense
9-29 with the intent to violate or abuse the victim sexually; or
9-30 (C) burglary under Section 30.02, Penal Code, if
9-31 the offense is punishable under Subsection (d) of that section and
9-32 the defendant committed the offense with the intent to commit an
9-33 offense described by Subdivision (1)(B) or (D) of this article or
9-34 Paragraph (B) of this subdivision;
9-35 (6) ten years from the 18th birthday of the victim of
9-36 the offense:
9-37 (A) trafficking of a child [~~persons~~] under
9-38 Section 20A.02(a)(5) or (6), Penal Code;
9-39 (B) injury to a child under Section 22.04, Penal
9-40 Code; or
9-41 (C) bigamy under Section 25.01, Penal Code, if
9-42 the investigation of the offense shows that the person, other than
9-43 the legal spouse of the defendant, whom the defendant marries or
9-44 purports to marry or with whom the defendant lives under the
9-45 appearance of being married is younger than 18 years of age at the
9-46 time the offense is committed;
9-47 (7) ten years from the date the offense was
9-48 discovered: trafficking of a disabled individual under Section
9-49 20A.02(a)(5) or (6), Penal Code;
9-50 (8) two years from the date the offense was
9-51 discovered: sexual assault punishable as a state jail felony under
9-52 Section 22.011(f)(2), Penal Code; or
9-53 (9) [~~(8)~~] three years from the date of the commission
9-54 of the offense: all other felonies.
9-55 SECTION 2.08. Section 2(a), Article 38.37, Code of Criminal
9-56 Procedure, is amended to read as follows:
9-57 (a) Subsection (b) applies only to the trial of a defendant
9-58 for:
9-59 (1) an offense under any of the following provisions
9-60 of the Penal Code:
9-61 (A) Section 20A.02, if punishable as a felony of
9-62 the first degree under Section 20A.02(b)(1) (Labor or Sex
9-63 Trafficking of a Child or Disabled Individual);
9-64 (B) Section 21.02 (Continuous Sexual Abuse of
9-65 Young Child or Disabled Individual);
9-66 (C) Section 21.11 (Indecency With a Child);
9-67 (D) Section 22.011(a)(2) (Sexual Assault of a
9-68 Child);
9-69 (E) Sections 22.021(a)(1)(B) and (2) (Aggravated

10-1 Sexual Assault of a Child);
 10-2 (F) Section 33.021 (Online Solicitation of a
 10-3 Minor);
 10-4 (G) Section 43.25 (Sexual Performance by a
 10-5 Child); or
 10-6 (H) Section 43.26 (Possession or Promotion of
 10-7 Child Pornography), Penal Code; or
 10-8 (2) an attempt or conspiracy to commit an offense
 10-9 described by Subdivision (1).
 10-10 SECTION 2.09. Article 62.101(a), Code of Criminal
 10-11 Procedure, is amended to read as follows:
 10-12 (a) Except as provided by Subsection (b) and Subchapter I,
 10-13 the duty to register for a person ends when the person dies if the
 10-14 person has a reportable conviction or adjudication, other than an
 10-15 adjudication of delinquent conduct, for:
 10-16 (1) a sexually violent offense;
 10-17 (2) an offense under Section 20A.02(a)(3), (4), (7),
 10-18 or (8), 25.02, 43.05(a)(2) or (3), or 43.26, Penal Code;
 10-19 (3) an offense under Section 20A.03, Penal Code, if
 10-20 based partly or wholly on conduct that constitutes an offense under
 10-21 Section 20A.02(a)(3), (4), (7), or (8) of that code;
 10-22 (4) an offense under Section 21.11(a)(2), Penal Code,
 10-23 if before or after the person is convicted or adjudicated for the
 10-24 offense under Section 21.11(a)(2), Penal Code, the person receives
 10-25 or has received another reportable conviction or adjudication,
 10-26 other than an adjudication of delinquent conduct, for an offense or
 10-27 conduct that requires registration under this chapter;
 10-28 (5) an offense under Section 20.02, 20.03, or 20.04,
 10-29 Penal Code, if:
 10-30 (A) the judgment in the case contains an
 10-31 affirmative finding under Article 42.015 or, for a deferred
 10-32 adjudication, the papers in the case contain an affirmative finding
 10-33 that the victim or intended victim was younger than 17 years of age;
 10-34 and
 10-35 (B) before or after the person is convicted or
 10-36 adjudicated for the offense under Section 20.02, 20.03, or 20.04,
 10-37 Penal Code, the person receives or has received another reportable
 10-38 conviction or adjudication, other than an adjudication of
 10-39 delinquent conduct, for an offense or conduct that requires
 10-40 registration under this chapter; or
 10-41 (6) an offense under Section 43.23, Penal Code, that
 10-42 is punishable under Subsection (h) of that section.
 10-43 SECTION 2.10. Section 772.0062(a)(1), Government Code, is
 10-44 amended to read as follows:
 10-45 (1) "Child sex trafficking" means conduct
 10-46 constituting an offense [prohibited] under Section 20A.02(a)(7) or
 10-47 (8), Penal Code, that is committed against a child.
 10-48 SECTION 2.11. The change in law made by this article applies
 10-49 only to an offense committed on or after the effective date of this
 10-50 Act. An offense committed before the effective date of this Act is
 10-51 governed by the law in effect on the date the offense was committed,
 10-52 and the former law is continued in effect for that purpose. For
 10-53 purposes of this section, an offense was committed before the
 10-54 effective date of this Act if any element of the offense occurred
 10-55 before that date.
 10-56 SECTION 2.12. To the extent of any conflict, this article
 10-57 prevails over another Act of the 88th Legislature, Regular Session,
 10-58 2023, relating to nonsubstantive additions to and corrections in
 10-59 enacted codes.
 10-60 ARTICLE 3. ADMISSIBILITY OF CERTAIN HEARSAY STATEMENTS AND
 10-61 EXTRANEOUS OFFENSES OR ACTS
 10-62 SECTION 3.01. Section 1, Article 38.072, Code of Criminal
 10-63 Procedure, is amended to read as follows:
 10-64 Sec. 1. This article applies to a proceeding in the
 10-65 prosecution of an offense under any of the following provisions of
 10-66 the Penal Code, if committed against a child younger than 18 [14]
 10-67 years of age or a person with a disability:
 10-68 (1) Chapter 21 (Sexual Offenses) or 22 (Assaultive
 10-69 Offenses);

- 11-1 (2) Section 25.02 (Prohibited Sexual Conduct);
- 11-2 (3) Section 43.25 (Sexual Performance by a Child);
- 11-3 (4) Section 43.05(a)(2) or (3) (Compelling
- 11-4 Prostitution);
- 11-5 (5) Section 20A.02(a)(5), (6), (7), [20A.02(a)(7)] or
- 11-6 (8) (Trafficking of Persons); ~~[or]~~
- 11-7 (6) Section 20A.03 (Continuous Trafficking of
- 11-8 Persons), if based partly or wholly on conduct that constitutes an
- 11-9 offense under Section 20A.02(a)(5), (6), (7), or (8); or
- 11-10 (7) Section 15.01 (Criminal Attempt), if the offense
- 11-11 attempted is described by Subdivision (1), (2), (3), (4), ~~[or]~~ (5),
- 11-12 or (6) of this section.

11-13 SECTION 3.02. Section 1(a), Article 38.37, Code of Criminal

11-14 Procedure, is amended to read as follows:

11-15 (a) Subsection (b) applies to a proceeding in the

11-16 prosecution of a defendant for an offense, or an attempt or

11-17 conspiracy to commit an offense, under the following provisions of

11-18 the Penal Code:

- 11-19 (1) if committed against a child under 17 years of age:
 - 11-20 (A) Chapter 21 (Sexual Offenses);
 - 11-21 (B) Chapter 22 (Assaultive Offenses); or
 - 11-22 (C) Section 25.02 (Prohibited Sexual Conduct);
- 11-23 or
- 11-24 (2) if committed against a person younger than 18
- 11-25 years of age:
 - 11-26 (A) Section 43.25 (Sexual Performance by a
 - 11-27 Child);
 - 11-28 (B) Section 20A.02(a)(5), (6), (7),
 - 11-29 [20A.02(a)(7)] or (8) (Trafficking of Persons); ~~[or]~~
 - 11-30 (C) Section 20A.03 (Continuous Trafficking of
 - 11-31 Persons), if based partly or wholly on conduct that constitutes an
 - 11-32 offense under Section 20A.02(a)(5), (6), (7), or (8); or
 - 11-33 (D) Section 43.05(a)(2) (Compelling
 - 11-34 Prostitution).

11-35 SECTION 3.03. The change in law made by this article applies

11-36 to the admissibility of evidence in a criminal proceeding that

11-37 commences on or after the effective date of this Act. The

11-38 admissibility of evidence in a criminal proceeding that commences

11-39 before the effective date of this Act is governed by the law in

11-40 effect on the date the proceeding commenced, and the former law is

11-41 continued in effect for that purpose.

11-42 ARTICLE 4. REQUIRED REPORTING CONCERNING INVESTIGATIONS OF HUMAN

11-43 TRAFFICKING OFFENSES

11-44 SECTION 4.01. Article 2.305, Code of Criminal Procedure, is

11-45 amended to read as follows:

11-46 Art. 2.305. REPORT REQUIRED CONCERNING HUMAN TRAFFICKING

11-47 CASES. (a) This article applies only to:

- 11-48 (1) a municipal police department, sheriff's
- 11-49 department, or constable's office, ~~county attorney's office,~~
- 11-50 ~~district attorney's office, and criminal district attorney's~~
- 11-51 ~~office, as applicable,~~ in a county with a population of more than
- 11-52 50,000; and
- 11-53 (2) the Department of Public Safety.

11-54 (b) An entity described by Subsection (a) that investigates

11-55 the alleged commission of an offense under Chapter 20A, Penal Code,

11-56 or the alleged commission of an offense under Chapter 43, Penal

11-57 Code, which may involve human trafficking, shall submit to the

11-58 attorney general ~~[a report]~~ in the manner and form prescribed by the

11-59 attorney general a report containing the following information:

- 11-60 (1) the offense being investigated, including the
- 11-61 offense code designated by the Department of Public Safety under
- 11-62 Article 66.052 [a brief description of the alleged prohibited
- 11-63 conduct];
- 11-64 (2) regarding each person suspected of committing the
- 11-65 offense ~~[and each victim of the offense]~~:
 - 11-66 (A) the person's:
 - 11-67 (i) full name ~~[age]~~;
 - 11-68 (ii) gender; ~~[and]~~
 - 11-69 (iii) race or ethnicity, as defined by

12-1 Article 2.132; ~~[and]~~
 12-2 (iv) country of origin, if the person is not
 12-3 a United States citizen or legal permanent resident;
 12-4 (v) date of birth; and
 12-5 (vi) age at the time of the offense, if
 12-6 available; and
 12-7 (B) the case number associated with the person
 12-8 and the offense ~~[and the person suspected of committing the~~
 12-9 ~~offense]~~;
 12-10 (3) the date~~[, time,]~~ and location of the alleged
 12-11 offense, including the city and county;
 12-12 (4) ~~[the type of human trafficking involved,~~
 12-13 ~~including:~~
 12-14 ~~[(A) forced labor or services, as defined by~~
 12-15 ~~Section 20A.01, Penal Code,~~
 12-16 ~~[(B) causing the victim by force, fraud, or~~
 12-17 ~~coercion to engage in prohibited conduct involving one or more~~
 12-18 ~~sexual activities, including conduct described by Section~~
 12-19 ~~20A.02(a)(3), Penal Code, or~~
 12-20 ~~[(C) causing a child victim by any means to engage~~
 12-21 ~~in, or become the victim of, prohibited conduct involving one or~~
 12-22 ~~more sexual activities, including conduct described by Section~~
 12-23 ~~20A.02(a)(7), Penal Code,~~
 12-24 ~~[(5) if available, information regarding any victims'~~
 12-25 ~~service organization or program to which the victim was referred as~~
 12-26 ~~part of the investigation; and~~
 12-27 ~~[(6)] the disposition of the investigation, if any,~~
 12-28 ~~regardless of the manner of disposition; and~~
 12-29 (5) regarding the victim of the offense:
 12-30 (A) the victim's:
 12-31 (i) age;
 12-32 (ii) gender;
 12-33 (iii) race or ethnicity, as defined by
 12-34 Article 2.132; and
 12-35 (iv) country of origin, if the victim is not
 12-36 a United States citizen or legal permanent resident; and
 12-37 (B) if available, information regarding any
 12-38 victims' service organization or program to which the victim was
 12-39 referred as part of the investigation.
 12-40 (c) An entity described by Subsection (a) that does not have
 12-41 any investigations or offenses required to be reported under this
 12-42 article during a period specified by the attorney general shall
 12-43 submit to the attorney general a notice stating there are no cases
 12-44 to report, in the manner and form prescribed by the attorney general
 12-45 [An attorney representing the state who prosecutes the alleged
 12-46 commission of an offense under Chapter 20A, Penal Code, or the
 12-47 alleged commission of an offense under Chapter 43, Penal Code,
 12-48 which may involve human trafficking, shall submit to the attorney
 12-49 general the following information:
 12-50 [(1) the offense being prosecuted, including a brief
 12-51 description of the alleged prohibited conduct,
 12-52 [(2) any other charged offense that is part of the same
 12-53 criminal episode out of which the offense described by Subdivision
 12-54 (1) arose,
 12-55 [(3) the information described by Subsections (b)(2),
 12-56 (3), (4), and (5), and
 12-57 [(4) the disposition of the prosecution, regardless of
 12-58 the manner of disposition].
 12-59 (d) The attorney general may enter into a contract with a
 12-60 university or organization to assist with ~~[that provides for the~~
 12-61 ~~university's assistance in]~~ the collection and analysis of
 12-62 information received under this article. The attorney general
 12-63 shall ensure that all sensitive information is properly protected.
 12-64 (e) Information described by Subsections (b)(2)(A)(i) and
 12-65 (v) and (b)(2)(B) is not subject to disclosure under Chapter 552,
 12-66 Government Code.
 12-67 (f) In consultation with the entities described by
 12-68 Subsection (a), the attorney general shall adopt rules to
 12-69 administer this article, including rules prescribing:

13-1 (1) the form and manner of submission of a report or
13-2 notice required by Subsection (b) or (c); and

13-3 (2) additional information to include in a report or
13-4 notice required by Subsection (b) or (c).

13-5 SECTION 4.02. As soon as practicable after the effective
13-6 date of this Act, the attorney general shall update forms and
13-7 procedures as necessary to implement Article 2.305, Code of
13-8 Criminal Procedure, as amended by this article.

13-9 ARTICLE 5. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION
13-10 CERTIFICATES ISSUED TO CERTAIN SEX OFFENDERS

13-11 SECTION 5.01. Article 42.016, Code of Criminal Procedure,
13-12 is amended to read as follows:

13-13 Art. 42.016. SPECIAL DRIVER'S LICENSE OR IDENTIFICATION
13-14 REQUIREMENTS FOR CERTAIN SEX OFFENDERS. If a person is convicted
13-15 of, receives a grant of deferred adjudication for, or is
13-16 adjudicated as having engaged in delinquent conduct based on a
13-17 violation of an offense for which a conviction or adjudication
13-18 requires registration as a sex offender under Chapter 62, the court
13-19 shall:

13-20 (1) issue an order requiring the Texas Department of
13-21 Public Safety to include in any driver's license record or personal
13-22 identification certificate record maintained by the department for
13-23 the person:

13-24 (A) an indication that the person is subject to
13-25 the registration requirements of Chapter 62; and

13-26 (B) if applicable, an indication that the person
13-27 is subject to registration because the person was convicted of an
13-28 offense involving human trafficking under Chapter 20A, Penal Code;

13-29 (2) require the person to apply to the Texas
13-30 Department of Public Safety in person for an original or renewal
13-31 driver's license or personal identification certificate not later
13-32 than the 30th day after the date the person is released or the date
13-33 the department sends written notice to the person of the
13-34 requirements of Article 62.060, as applicable, and to annually
13-35 renew the license or certificate;

13-36 (3) notify the person of the consequence of the
13-37 conviction or order of deferred adjudication as it relates to the
13-38 order issued under this article; and

13-39 (4) send to the Texas Department of Public Safety a
13-40 copy of the record of conviction, a copy of the order granting
13-41 deferred adjudication, or a copy of the juvenile adjudication, as
13-42 applicable, and a copy of the order issued under this article.

13-43 SECTION 5.02. Section 521.057(a), Transportation Code, is
13-44 amended to read as follows:

13-45 (a) On receipt of a court order issued under Article 42.016,
13-46 Code of Criminal Procedure, the department shall ensure that any
13-47 driver's license record or personal identification certificate
13-48 record maintained by the department for the person includes an
13-49 indication that the person:

13-50 (1) is subject to the registration requirements of
13-51 Chapter 62, Code of Criminal Procedure; and

13-52 (2) if applicable, is subject to registration because
13-53 the person was convicted of an offense involving human trafficking
13-54 under Chapter 20A, Penal Code.

13-55 SECTION 5.03. The changes in law made by this article apply
13-56 only to a driver's license or personal identification certificate
13-57 issued or renewed on or after the effective date of this Act. A
13-58 driver's license or personal identification certificate issued or
13-59 renewed before the effective date of this Act is governed by the law
13-60 in effect when the license or certificate was issued or renewed, and
13-61 the former law is continued in effect for that purpose.

13-62 ARTICLE 6. CHILD GROOMING AND POSSESSION OF CHILD PORNOGRAPHY

13-63 SECTION 6.01. Chapter 15, Penal Code, is amended by adding
13-64 Section 15.032 to read as follows:

13-65 Sec. 15.032. CHILD GROOMING. (a) A person commits an
13-66 offense if, with the intent that an offense under Chapter 43 or an
13-67 offense involving sexual activity, the occurrence of which would
13-68 subject the actor to criminal liability under Chapter 20A, 21, or
13-69 22, be committed, the person knowingly persuades, induces, entices,

14-1 or coerces, or attempts to persuade, induce, entice, or coerce, a
 14-2 child younger than 18 years of age to engage in specific conduct
 14-3 that, under the circumstances surrounding the actor's conduct as
 14-4 the actor believes them to be, would:

14-5 (1) constitute an offense under Chapter 43 or an
 14-6 offense involving sexual activity the occurrence of which would
 14-7 subject the actor to criminal liability under Chapter 20A, 21, or
 14-8 22; or

14-9 (2) make the child a party to the commission of an
 14-10 offense described by Subdivision (1).

14-11 (b) An offense under this section is a felony of the third
 14-12 degree, except that the offense is a felony of the second degree if
 14-13 the actor has previously been convicted of an offense under:

14-14 (1) Chapter 20A, if the offense involved conduct
 14-15 described by Section 20A.02(a)(7) or (8);

14-16 (2) Section 21.02;

14-17 (3) Section 21.11;

14-18 (4) Section 22.011, if the victim of the offense was a
 14-19 child under 18 years of age; or

14-20 (5) Section 22.021, if the victim of the offense was a
 14-21 child under 18 years of age.

14-22 (c) It is an affirmative defense to prosecution under this
 14-23 section that the actor is under the age of 18 and:

14-24 (1) the actor engaged in conduct described by
 14-25 Subsection (a) with respect to another child under the age of 18:

14-26 (A) who is not more than three years older or
 14-27 younger than the actor and with whom the actor had a dating
 14-28 relationship at the time of the offense; or

14-29 (B) who was the spouse of the actor at the time of
 14-30 the offense; and

14-31 (2) the conduct occurred only between the actor and
 14-32 the other child described by Subdivision (1).

14-33 (d) If conduct constituting an offense under this section
 14-34 also constitutes an offense under another section of this code, the
 14-35 actor may be prosecuted under either section but not both sections.

14-36 SECTION 6.02. Section 43.26, Penal Code, is amended by
 14-37 amending Subsections (c) and (d) and adding Subsections (d-1) and
 14-38 (d-2) to read as follows:

14-39 (c) The affirmative defenses provided by Sections
 14-40 43.25(f)(2) and (3) [~~Section 43.25(f)~~] also apply to a prosecution
 14-41 under this section.

14-42 (d) An offense under Subsection (a) is a felony of the third
 14-43 degree, except that the offense is:

14-44 (1) a felony of the second degree if:

14-45 (A) it is shown on the trial of the offense that
 14-46 the person has been previously convicted one time of an offense
 14-47 under that subsection; or

14-48 (B) the person possesses visual material that
 14-49 contains 10 or more visual depictions of a child as described by
 14-50 Subsection (a)(1) but fewer than 50 such depictions; and

14-51 (2) a felony of the first degree if:

14-52 (A) it is shown on the trial of the offense that
 14-53 the person has been previously convicted two or more times of an
 14-54 offense under that subsection; or

14-55 (B) the person possesses visual material that
 14-56 contains:

14-57 (i) 50 or more visual depictions of a child
 14-58 as described by Subsection (a)(1); or

14-59 (ii) a videotape or film that visually
 14-60 depicts conduct constituting an offense under Section
 14-61 22.011(a)(2).

14-62 (d-1) If it is shown on the trial of an offense under
 14-63 Subsection (a) that the person engaged in conduct that constituted
 14-64 an offense under Subsection (e) during the same criminal episode:

14-65 (1) an offense described for purposes of punishment by
 14-66 Subsection (d)(1) is a felony of the first degree; or

14-67 (2) the minimum term of confinement for an offense
 14-68 described for purposes of punishment by Subsection (d)(2) is
 14-69 increased to 15 years.

15-1 (d-2) The enhancement provided by Subsection (d-1) is
15-2 unavailable if the person is also prosecuted under Subsection (e)
15-3 for conduct occurring during the same criminal episode.

15-4 SECTION 6.03. Section 43.26(f), Penal Code, is repealed.

15-5 SECTION 6.04. The change in law made by this article applies
15-6 only to an offense committed on or after the effective date of this
15-7 Act. An offense committed before the effective date of this Act is
15-8 governed by the law in effect on the date the offense was committed,
15-9 and the former law is continued in effect for that purpose. For
15-10 purposes of this section, an offense was committed before the
15-11 effective date of this Act if any element of the offense occurred
15-12 before that date.

15-13 ARTICLE 7. EFFECTIVE DATE

15-14 SECTION 7.01. This Act takes effect September 1, 2023.

15-15 * * * * *