

1-1 By: Bettencourt S.B. No. 1970
 1-2 (In the Senate - Filed March 8, 2023; March 21, 2023, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 17, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 17, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1970 By: Flores

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the prosecution of certain criminal conduct involving a
 1-20 reckless driving exhibition or racing on a highway and to the
 1-21 forfeiture of contraband as a result of a reckless driving
 1-22 exhibition or racing on a highway.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Article 59.01(2), Code of Criminal Procedure, is
 1-25 amended to read as follows:

1-26 (2) "Contraband" means property of any nature,
 1-27 including real, personal, tangible, or intangible, that is:

1-28 (A) used in the commission of:

1-29 (i) any first or second degree felony under
 1-30 the Penal Code;

1-31 (ii) any felony under Section 15.031(b),
 1-32 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal
 1-33 Code;

1-34 (iii) any felony under Chapter 43, Penal
 1-35 Code, except as provided by Paragraph (B);

1-36 (iv) any felony under The Securities Act
 1-37 (Title 12, Government Code); or

1-38 (v) any offense under Chapter 49, Penal
 1-39 Code, that is punishable as a felony of the third degree or state
 1-40 jail felony, if the defendant has been previously convicted three
 1-41 times of an offense under that chapter;

1-42 (B) used or intended to be used in the commission
 1-43 of:

1-44 (i) any felony under Chapter 481, Health
 1-45 and Safety Code (Texas Controlled Substances Act);

1-46 (ii) any felony under Chapter 483, Health
 1-47 and Safety Code;

1-48 (iii) a felony under Chapter 151, Finance
 1-49 Code;

1-50 (iv) any felony under Chapter 20A or 34,
 1-51 Penal Code;

1-52 (v) a Class A misdemeanor under Subchapter
 1-53 B, Chapter 365, Health and Safety Code, if the defendant has been
 1-54 previously convicted twice of an offense under that subchapter;

1-55 (vi) any felony under Chapter 32, Human
 1-56 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that
 1-57 involves a health care program, as defined by Section 35A.01, Penal
 1-58 Code;

1-59 (vii) a Class B misdemeanor under Chapter
 1-60 522, Business & Commerce Code;

2-1 (viii) a Class A misdemeanor under Section
2-2 306.051, Business & Commerce Code;
2-3 (ix) any offense under Section 42.10, Penal
2-4 Code;
2-5 (x) any offense under Section 46.06(a)(1)
2-6 or 46.14, Penal Code;
2-7 (xi) any offense under Chapter 71, Penal
2-8 Code;
2-9 (xii) any offense under Section 20.05,
2-10 20.06, 20.07, 43.04, or 43.05, Penal Code;
2-11 (xiii) an offense under Section 326.002,
2-12 Business & Commerce Code; ~~[or]~~
2-13 (xiv) ~~[a Class A misdemeanor or]~~ any
2-14 offense ~~[felony]~~ under Section 545.420, Transportation Code~~[,~~
2-15 ~~other than a Class A misdemeanor that is classified as a Class A~~
2-16 ~~misdemeanor based solely on conduct constituting a violation of~~
2-17 ~~Subsection (e)(2)(B) of that section]; or~~
2-18 (xv) any offense punishable under Section
2-19 42.03(d) or (e), Penal Code;
2-20 (C) the proceeds gained from the commission of a
2-21 felony listed in Paragraph (A) or (B) of this subdivision, a
2-22 misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), ~~[or]~~
2-23 (xii), (xiv), or (xv) of this subdivision, or a crime of violence;
2-24 (D) acquired with proceeds gained from the
2-25 commission of a felony listed in Paragraph (A) or (B) of this
2-26 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),
2-27 (xi), ~~[or]~~ (xii), (xiv), or (xv) of this subdivision, or a crime of
2-28 violence;
2-29 (E) used to facilitate or intended to be used to
2-30 facilitate the commission of a felony under Section 15.031 or
2-31 Chapter 43, Penal Code; or
2-32 (F) used to facilitate or intended to be used to
2-33 facilitate the commission of an offense under Section 20.05, 20.06,
2-34 or 20.07 or Chapter 20A, Penal Code.
2-35 SECTION 2. Section 42.03, Penal Code, is amended by adding
2-36 Subsection (g) to read as follows:
2-37 (g) If conduct that constitutes an offense under this
2-38 section also constitutes an offense under any other law, the actor
2-39 may be prosecuted under this section or the other law, but not both.
2-40 SECTION 3. Section 71.02(a), Penal Code, is amended to read
2-41 as follows:
2-42 (a) A person commits an offense if, with the intent to
2-43 establish, maintain, or participate in a combination or in the
2-44 profits of a combination or as a member of a criminal street gang,
2-45 the person commits or conspires to commit one or more of the
2-46 following:
2-47 (1) murder, capital murder, arson, aggravated
2-48 robbery, robbery, burglary, theft, aggravated kidnapping,
2-49 kidnapping, aggravated assault, aggravated sexual assault, sexual
2-50 assault, continuous sexual abuse of young child or disabled
2-51 individual, solicitation of a minor, forgery, deadly conduct,
2-52 assault punishable as a Class A misdemeanor, burglary of a motor
2-53 vehicle, or unauthorized use of a motor vehicle;
2-54 (2) any gambling offense punishable as a Class A
2-55 misdemeanor;
2-56 (3) promotion of prostitution, aggravated promotion
2-57 of prostitution, or compelling prostitution;
2-58 (4) unlawful manufacture, transportation, repair, or
2-59 sale of firearms or prohibited weapons;
2-60 (5) unlawful manufacture, delivery, dispensation, or
2-61 distribution of a controlled substance or dangerous drug, or
2-62 unlawful possession of a controlled substance or dangerous drug
2-63 through forgery, fraud, misrepresentation, or deception;
2-64 (5-a) causing the unlawful delivery, dispensation, or
2-65 distribution of a controlled substance or dangerous drug in
2-66 violation of Subtitle B, Title 3, Occupations Code;
2-67 (6) any unlawful wholesale promotion or possession of
2-68 any obscene material or obscene device with the intent to wholesale
2-69 promote the same;

- 3-1 (7) any offense under Subchapter B, Chapter 43,
- 3-2 depicting or involving conduct by or directed toward a child
- 3-3 younger than 18 years of age;
- 3-4 (8) any felony offense under Chapter 32;
- 3-5 (9) any offense under Chapter 36;
- 3-6 (10) any offense under Chapter 34, 35, or 35A;
- 3-7 (11) any offense under Section 37.11(a);
- 3-8 (12) any offense under Chapter 20A;
- 3-9 (13) any offense under Section 37.10;
- 3-10 (14) any offense under Section 38.06, 38.07, 38.09, or
- 3-11 38.11;
- 3-12 (15) any offense under Section 42.10;
- 3-13 (16) any offense under Section 46.06(a)(1) or 46.14;
- 3-14 (17) any offense under Section 20.05 or 20.06;
- 3-15 (18) any offense under Section 16.02;
- 3-16 (19) any offense punishable under Section 42.03(d) or
- 3-17 (e);
- 3-18 (20) any offense under Section 545.420,
- 3-19 Transportation Code; or
- 3-20 (21) [~~(19)~~] any offense classified as a felony under
- 3-21 the Tax Code.

3-22 SECTION 4. The change in law made by this Act applies only
 3-23 to an offense committed on or after the effective date of this Act.
 3-24 An offense committed before the effective date of this Act is
 3-25 governed by the law in effect on the date the offense was committed,
 3-26 and the former law is continued in effect for that purpose. For
 3-27 purposes of this section, an offense was committed before the
 3-28 effective date of this Act if any element of the offense occurred
 3-29 before that date.

3-30 SECTION 5. This Act takes effect September 1, 2023.

3-31 * * * * *