

By: Bettencourt

S.B. No. 1972

A BILL TO BE ENTITLED

AN ACT

1
2 relating to employment and retirement consequences for an educator
3 convicted of or placed on deferred adjudication community
4 supervision for the sale, distribution, or display of harmful
5 material to a minor.

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

7 SECTION 1. Article 42.018(a), Code of Criminal Procedure,
8 is amended to read as follows:

9 (a) This article applies only to:

10 (1) conviction or deferred adjudication community
11 supervision granted on the basis of an offense for which a
12 conviction or grant of deferred adjudication community supervision
13 requires the defendant to register as a sex offender under Chapter
14 62; ~~[or]~~

15 (2) conviction of an offense under Title 5, Penal
16 Code, if the victim of the offense was under 18 years of age at the
17 time the offense was committed; or

18 (3) conviction or deferred adjudication community
19 supervision granted on the basis of an offense under Section 43.24,
20 Penal Code.

21 SECTION 2. Section 21.058(a), Education Code, is amended to
22 read as follows:

23 (a) The procedures described by Subsections (b) and (c)
24 apply only to:

1 (1) [~~to~~] conviction of or placement on deferred
2 adjudication community supervision for an offense for which a
3 defendant is required to register as a sex offender under Chapter
4 [62](#), Code of Criminal Procedure; [~~or~~]

5 (2) [~~to~~] conviction of a felony offense under Title 5,
6 Penal Code, if the victim of the offense was under 18 years of age at
7 the time the offense was committed; or

8 (3) conviction of or placement on deferred
9 adjudication community supervision for an offense under Section
10 [43.24](#), Penal Code.

11 SECTION 3. Section [824.009](#)(a), Government Code, is amended
12 to read as follows:

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

16 (1) Section [21.02](#) (continuous sexual abuse of young
17 child or disabled individual);

18 (2) Section [21.12](#) (improper relationship between
19 educator and student); [~~or~~]

20 (3) Section [22.011](#) (sexual assault) or Section [22.021](#)
21 (aggravated sexual assault); or

22 (4) Section [43.24](#) (sale, distribution, or display of
23 harmful material to minor).

24 SECTION 4. (a) Article [42.018](#), Code of Criminal Procedure,
25 as amended by this Act, applies only to a judgment of conviction or
26 order granting deferred adjudication community supervision entered
27 on or after the effective date of this Act.

1 (b) Section 824.009, Government Code, as amended by this
2 Act, applies only to an offense committed on or after the effective
3 date of this Act. An offense committed before that date is governed
4 by the law in effect on the date the offense was committed, and the
5 former law is continued in effect for that purpose. For purposes of
6 this section, an offense was committed before the effective date of
7 this Act if any element of the offense occurred before that date.

8 SECTION 5. This Act takes effect September 1, 2023.