

By: Leach

H.B. No. 734

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the failure to report child abuse or neglect;  
3 increasing a criminal penalty.

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

5 SECTION 1. Section 261.109(c), Family Code, is amended to  
6 read as follows:

7 (c) An offense under Subsection (a-1) is a Class A  
8 misdemeanor, except that the offense is a state jail felony if it is  
9 shown on the trial of the offense that:

10 (1) the actor intended to conceal the abuse or  
11 neglect; or

12 (2) the conduct the actor failed to report:

13 (A) constitutes the offense of:

14 (i) continuous sexual abuse of young child  
15 under Section 21.02, Penal Code;

16 (ii) indecency with a child under Section  
17 21.11, Penal Code;

18 (iii) sexual assault under Section 22.011,  
19 Penal Code;

20 (iv) aggravated sexual assault under  
21 Section 22.021, Penal Code;

22 (v) trafficking of persons under Section  
23 20A.02(a)(7) or (8), Penal Code;

24 (vi) solicitation of prostitution under

1 Section 43.021, Penal Code; or  
2 (vii) compelling prostitution under  
3 Section 43.05(a)(2), Penal Code;  
4 (B) is compelling or encouraging the child to  
5 engage in sexual conduct as defined by Section 43.01, Penal Code;  
6 (C) is causing, permitting, encouraging,  
7 engaging in, or allowing the photographing, filming, or depicting  
8 of the child if the person knew or should have known that the  
9 resulting photograph, film, or depiction of the child is obscene as  
10 defined by Section 43.21, Penal Code, or pornographic; or  
11 (D) is causing, permitting, encouraging,  
12 engaging in, or allowing a sexual performance by a child as defined  
13 by Section 43.25, Penal Code.

14 SECTION 2. The changes in law made by this Act apply only to  
15 an offense committed on or after the effective date of this Act. An  
16 offense committed before the effective date of this Act is governed  
17 by the law in effect on the date the offense was committed, and that  
18 law is continued in effect for that purpose. For purposes of this  
19 section, an offense was committed before the effective date of this  
20 Act if any element of the offense occurred before that date.

21 SECTION 3. This Act takes effect September 1, 2025.