

By: Hull, et al.

H.B. No. 1422

Substitute the following for H.B. No. 1422:

By: Louderback

C.S.H.B. No. 1422

A BILL TO BE ENTITLED

AN ACT

relating to the rights of victims of sexual assault and other sex offenses, the offense of continuous sexual abuse, and the prosecution, punishment, and collateral consequences of certain sex offenses; creating a criminal offense; increasing criminal penalties; changing the eligibility for community supervision, mandatory supervision, and parole for persons convicted of certain sex offenses.

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

SECTION 1. Section 42A.054(a), Code of Criminal Procedure, is amended to read as follows:

(a) Article 42A.053 does not apply to a defendant adjudged guilty of an offense under:

(1) Section 15.03, Penal Code, if the offense is punishable as a felony of the first degree;

(2) Section 19.02, Penal Code (Murder);

(3) Section 19.03, Penal Code (Capital Murder);

(4) Section 20.04, Penal Code (Aggravated Kidnapping);

(5) Section 20A.02, Penal Code (Trafficking of Persons);

(6) Section 20A.03, Penal Code (Continuous Trafficking of Persons);

(7) Section 21.11, Penal Code (Indecency with a

1 Child);

2 (8) Section 22.011, Penal Code (Sexual Assault);

3 (9) Section 22.021, Penal Code (Aggravated Sexual

4 Assault);

5 (10) Section 22.04(a)(1), Penal Code (Injury to a

6 Child, Elderly Individual, or Disabled Individual), if:

7 (A) the offense is punishable as a felony of the

8 first degree; and

9 (B) the victim of the offense is a child;

10 (11) Section 29.03, Penal Code (Aggravated Robbery);

11 (12) Section 30.02, Penal Code (Burglary), if:

12 (A) the offense is punishable under Subsection

13 (d) of that section; and

14 (B) the actor committed the offense with the

15 intent to commit a felony under Section 21.02, 21.03, 21.11,

16 22.011, 22.021, or 25.02, Penal Code;

17 (13) Section 43.04, Penal Code (Aggravated Promotion

18 of Prostitution);

19 (14) Section 43.05, Penal Code (Compelling

20 Prostitution);

21 (15) Section 43.25, Penal Code (Sexual Performance by

22 a Child);

23 (16) Section 43.26, Penal Code (Possession or

24 Promotion of Child Pornography);

25 (17) Chapter 481, Health and Safety Code, for which

26 punishment is increased under:

27 (A) Section 481.140 of that code (Use of Child in

Commission of Offense); or

(B) Section 481.134(c), (d), (e), or (f) of that code (Drug-free Zones) if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any of those subsections; or

(18) Section 481.1123, Health and Safety Code (Manufacture or Delivery of Substance in Penalty Group 1-B), if the offense is punishable under Subsection (d), (e), or (f) of that section.

SECTION 2. Article 42A.102(b), Code of Criminal Procedure, is amended to read as follows:

(b) In all other cases, the judge may grant deferred adjudication community supervision unless:

(1) the defendant is charged with an offense:

(A) under Section 20A.02, 20A.03, 49.045, 49.05, 49.061, 49.065, 49.07, or 49.08, Penal Code;

(B) under Section 49.04 or 49.06, Penal Code, and, at the time of the offense:

(i) the defendant held a commercial driver's license or a commercial learner's permit; or

(ii) the defendant's alcohol concentration, as defined by Section 49.01, Penal Code, was 0.15 or more;

(C) for which punishment may be increased under Section 49.09, Penal Code;

(D) for which punishment may be increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an

offense for which punishment was increased under any one of those subsections; or

(E) under Section 481.1123, Health and Safety Code, that is punishable under Subsection (d), (e), or (f) of that section;

(2) the defendant:

(A) is charged with an offense under Section 21.11, 22.011, 22.021, 43.04, or 43.05, Penal Code, regardless of the age of the victim, or a felony described by Article 42A.453(b), other than a felony described by Subdivision (1)(A) or (3)(B) of this subsection; and

(B) has previously been placed on community supervision for an offense under Paragraph (A);

(3) the defendant is charged with an offense under:

(A) Section 21.02, Penal Code; ~~or~~

(B) Section 21.03, Penal Code; or

(C) Section 22.021, Penal Code, that is punishable under Subsection (f) of that section or under Section 12.42(c)(3) or (4), Penal Code; or

(4) the defendant is charged with an offense under Section 19.02, Penal Code, except that the judge may grant deferred adjudication community supervision on determining that the defendant did not cause the death of the deceased, did not intend to kill the deceased or another, and did not anticipate that a human life would be taken.

SECTION 3. Article 56A.306(a), Code of Criminal Procedure, is amended to read as follows:

1 (a) The department, consistent with Chapter 420, Government
2 Code, shall develop procedures for the transfer, ~~[and]~~
3 preservation, and testing of evidence collected during a forensic
4 medical examination for a sexual assault that was not reported to a
5 law enforcement agency, including procedures for:

6 (1) the transfer of the evidence to a crime laboratory
7 or other suitable location designated by the public safety director
8 of the department;

9 (2) the preservation of the evidence by the entity
10 receiving the evidence; ~~[and]~~

11 (3) the notification of the survivor ~~[victim]~~ of the
12 offense through the statewide electronic tracking system before a
13 planned destruction of evidence under this article; and

14 (4) forensic DNA testing performed in accordance with
15 the limited consent of a survivor or other authorized person, as
16 described by Section 420.0736, Government Code.

17 SECTION 4. Articles 62.001(5) and (6), Code of Criminal
18 Procedure, are amended to read as follows:

19 (5) "Reportable conviction or adjudication" means a
20 conviction or adjudication, including an adjudication of
21 delinquent conduct or a deferred adjudication, that, regardless of
22 the pendency of an appeal, is a conviction for or an adjudication
23 for or based on:

24 (A) a violation of Section 21.02 (Continuous
25 sexual abuse of young child or disabled individual), 21.03
26 (Continuous sexual abuse), 21.09 (Bestiality), 21.11 (Indecency
27 with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual

1 assault), or 25.02 (Prohibited sexual conduct), Penal Code;

2 (B) a violation of Section 43.04 (Aggravated
3 promotion of prostitution), 43.05 (Compelling prostitution), 43.25
4 (Sexual performance by a child), or 43.26 (Possession or promotion
5 of child pornography), Penal Code;

6 (B-1) a violation of Section 43.021
7 (Solicitation of Prostitution), Penal Code, if the offense is
8 punishable as a felony of the second degree;

9 (C) a violation of Section 20.04(a)(4)
10 (Aggravated kidnapping), Penal Code, if the actor committed the
11 offense or engaged in the conduct with intent to violate or abuse
12 the victim sexually;

13 (D) a violation of Section 30.02 (Burglary),
14 Penal Code, if the offense or conduct is punishable under
15 Subsection (d) of that section and the actor committed the offense
16 or engaged in the conduct with intent to commit a felony listed in
17 Paragraph (A) or (C);

18 (E) a violation of Section 20.02 (Unlawful
19 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
20 Penal Code, if, as applicable:

21 (i) the judgment in the case contains an
22 affirmative finding under Article 42.015; or

23 (ii) the order in the hearing or the papers
24 in the case contain an affirmative finding that the victim or
25 intended victim was younger than 17 years of age;

26 (F) the second violation of Section 21.08
27 (Indecent exposure), Penal Code, but not if the second violation

1 results in a deferred adjudication;

2 (G) an attempt, conspiracy, or solicitation, as
3 defined by Chapter 15, Penal Code, to commit an offense or engage in
4 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

5 (H) a violation of the laws of another state,
6 federal law, the laws of a foreign country, or the Uniform Code of
7 Military Justice for or based on the violation of an offense
8 containing elements that are substantially similar to the elements
9 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
10 (G), (J), (K), or (L), but not if the violation results in a
11 deferred adjudication;

12 (I) the second violation of the laws of another
13 state, federal law, the laws of a foreign country, or the Uniform
14 Code of Military Justice for or based on the violation of an offense
15 containing elements that are substantially similar to the elements
16 of the offense of indecent exposure, but not if the second violation
17 results in a deferred adjudication;

18 (J) a violation of Section 33.021 (Online
19 solicitation of a minor), Penal Code;

20 (K) a violation of Section 20A.02(a)(3), (4),
21 (7), or (8) (Trafficking of persons), Penal Code; or

22 (L) a violation of Section 20A.03 (Continuous
23 trafficking of persons), Penal Code, if the offense is based partly
24 or wholly on conduct that constitutes an offense under Section
25 20A.02(a)(3), (4), (7), or (8) of that code.

26 (6) "Sexually violent offense" means any of the
27 following offenses committed by a person 17 years of age or older:

1 (A) an offense under Section 21.02 (Continuous
2 sexual abuse of young child or disabled individual), 21.03
3 (Continuous sexual abuse), 21.11(a)(1) (Indecency with a child),
4 22.011 (Sexual assault), or 22.021 (Aggravated sexual assault),
5 Penal Code;

6 (B) an offense under Section 43.25 (Sexual
7 performance by a child), Penal Code;

8 (C) an offense under Section 20.04(a)(4)
9 (Aggravated kidnapping), Penal Code, if the defendant committed the
10 offense with intent to violate or abuse the victim sexually;

11 (D) an offense under Section 30.02 (Burglary),
12 Penal Code, if the offense is punishable under Subsection (d) of
13 that section and the defendant committed the offense with intent to
14 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
15 or

16 (E) an offense under the laws of another state,
17 federal law, the laws of a foreign country, or the Uniform Code of
18 Military Justice if the offense contains elements that are
19 substantially similar to the elements of an offense listed under
20 Paragraph (A), (B), (C), or (D).

21 SECTION 5. Section 420.0735, Government Code, is amended by
22 adding Subsection (g) to read as follows:

23 (g) The reason or purpose for the release of evidence
24 described by Subsection (d)(2) may be limited to permit only the
25 acts of forensic DNA testing by the department in the manner
26 provided by Section 420.0736, regardless of whether a report of the
27 applicable offense is made to a law enforcement agency.

SECTION 6. Subchapter D, Chapter 420, Government Code, is amended by adding Section 420.0736 to read as follows:

Sec. 420.0736. LIMITED CONSENT FOR DNA TESTING OF CERTAIN EVIDENCE. (a) To encourage the reporting of sexual assaults or other sex offenses that would otherwise remain unreported and notwithstanding Sections 420.0431 and 420.0432, a survivor or other person authorized to consent to the release of evidence contained in an evidence collection kit under Section 420.0735 may choose to limit the scope of the consent under that section to only permit, without regard to whether a report of the offense is made to a law enforcement agency, the performance of forensic DNA testing by the department on biological evidence contained in the evidence collection kit.

(b) The department by rule shall adopt a form to enable a survivor or other authorized person to provide the limited consent described by this section. The form must include the following statement: "IT IS NOT NECESSARY TO REPORT AN OFFENSE TO A LAW ENFORCEMENT AGENCY IN ORDER TO OBTAIN FORENSIC DNA TESTING OF BIOLOGICAL EVIDENCE COLLECTED DURING YOUR FORENSIC MEDICAL EXAMINATION. HOWEVER, IF YOU AUTHORIZE FORENSIC DNA TESTING OF THE BIOLOGICAL EVIDENCE COLLECTED DURING YOUR EXAMINATION WITHOUT REPORTING THE OFFENSE TO LAW ENFORCEMENT, ANY RESULTS OF THE FORENSIC DNA TESTING WILL NOT BE COMPARED TO DNA PROFILES MAINTAINED IN DNA DATABASES AND WILL NOT BE SUBJECT TO USE IN A CRIMINAL INVESTIGATION OR TRIAL."

(c) The department shall provide to the survivor or other authorized person who provides limited consent to forensic DNA

1 testing, as described by Subsection (a), the results of the
2 forensic DNA testing through the statewide electronic tracking
3 system established under Section 420.034. The department may not
4 notify any other entity of the results of the forensic DNA testing
5 and may not use those results for any other reason or purpose,
6 unless the department first obtains additional written consent from
7 the person for that reason or purpose under Section 420.0735.

8 (d) The department shall provide to the survivor or other
9 authorized person who provides limited consent to forensic DNA
10 testing, as described by Subsection (a), information regarding how
11 to report an offense to a law enforcement agency in order to have
12 the results of the forensic DNA testing compared to DNA profiles
13 maintained in DNA databases and used in a criminal investigation or
14 trial.

15 SECTION 7. Section 499.027(b), Government Code, is amended
16 to read as follows:

17 (b) An inmate is not eligible under this subchapter to be
18 considered for release to intensive supervision parole if:

19 (1) the inmate is awaiting transfer to the
20 institutional division, or serving a sentence, for an offense for
21 which the judgment contains an affirmative finding under Article
22 42A.054(c) or (d), Code of Criminal Procedure;

23 (2) the inmate is awaiting transfer to the
24 institutional division, or serving a sentence, for an offense
25 listed in one of the following sections of the Penal Code:

26 (A) Section 19.02 (murder);

27 (B) Section 19.03 (capital murder);

- 1 (C) Section 19.04 (manslaughter);
- 2 (D) Section 20.03 (kidnapping);
- 3 (E) Section 20.04 (aggravated kidnapping);
- 4 (F) Section 21.11 (indecent with a child);
- 5 (G) Section 22.011 (sexual assault);
- 6 (H) Section 22.02 (aggravated assault);
- 7 (I) Section 22.021 (aggravated sexual assault);
- 8 (J) Section 22.04 (injury to a child, elderly
- 9 individual, or disabled individual);
- 10 (K) Section 25.02 (prohibited sexual conduct);
- 11 (L) Section 25.08 (sale or purchase of a child);
- 12 (M) Section 28.02 (arson);
- 13 (N) Section 29.02 (robbery);
- 14 (O) Section 29.03 (aggravated robbery);
- 15 (P) Section 30.02 (burglary), if the offense is
- 16 punished as a first-degree felony under that section;
- 17 (Q) Section 43.04 (aggravated promotion of
- 18 prostitution);
- 19 (R) Section 43.05 (compelling prostitution);
- 20 (S) Section 43.24 (sale, distribution, or
- 21 display of harmful material to minor);
- 22 (T) Section 43.25 (sexual performance by a
- 23 child);
- 24 (U) Section 46.10 (deadly weapon in penal
- 25 institution);
- 26 (V) Section 15.01 (criminal attempt), if the
- 27 offense attempted is listed in this subsection;

(W) Section 15.02 (criminal conspiracy), if the offense that is the subject of the conspiracy is listed in this subsection;

(X) Section 15.03 (criminal solicitation), if the offense solicited is listed in this subsection;

(Y) Section 21.02 (continuous sexual abuse of young child or disabled individual);

(Z) Section 20A.02 (trafficking of persons);

(AA) Section 20A.03 (continuous trafficking of persons); ~~[or]~~

(BB) Section 43.041 (aggravated online promotion of prostitution); or

(CC) Section 21.03 (continuous sexual abuse); or

(3) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense under Chapter 481, Health and Safety Code, punishable by a minimum term of imprisonment or a maximum fine that is greater than the minimum term of imprisonment or the maximum fine for a first degree felony.

SECTION 8. Section 508.145(a), Government Code, is amended to read as follows:

(a) An inmate is not eligible for release on parole if the inmate is under sentence of death, serving a sentence of life imprisonment without parole, or serving a sentence for any of the following offenses under the Penal Code:

(1) Section 20A.03, if the offense is based partly or wholly on conduct constituting an offense under Section 20A.02(a)(5), (6), (7), or (8);

(2) Section 21.02;

(3) Section 21.03;

(4) Section 22.021, if the offense is punishable under Subsection (f) of that section; or

(5) [~~(4)~~] Section 51.03 or 51.04.

SECTION 9. Section 508.149(a), Government Code, is amended to read as follows:

(a) An inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of:

(1) an offense for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure;

(2) a first degree felony or a second degree felony under Section 19.02, Penal Code;

(3) a capital felony under Section 19.03, Penal Code;

(4) a first degree felony or a second degree felony under Section 20.04, Penal Code;

(5) an offense under Section 21.11, Penal Code;

(6) a felony under Section 22.011, Penal Code;

(7) a first degree felony or a second degree felony under Section 22.02, Penal Code;

(8) a first degree felony under Section 22.021, Penal Code;

(9) a first degree felony under Section 22.04, Penal Code;

(10) a first degree felony under Section 28.02, Penal

Code;

(11) a second degree felony under Section 29.02, Penal

Code;

(12) a first degree felony under Section 29.03, Penal

Code;

(13) a first degree felony under Section 30.02, Penal

Code;

(14) a felony for which the punishment is increased
under Section 481.134 or 481.140, Health and Safety Code;

(15) an offense under Section 43.25, Penal Code;

(16) an offense under Section 21.02, Penal Code;

(17) a first degree felony under Section 15.03, Penal
Code;

(18) an offense under Section 43.05, Penal Code;

(19) an offense under Section 20A.02, Penal Code;

(20) an offense under Section 20A.03, Penal Code;

(21) a first degree felony under Section 71.02 or
71.023, Penal Code;

(22) an offense under Section 481.1123, Health and
Safety Code, punished under Subsection (d), (e), or (f) of that
section;

(23) a second degree felony under Section 22.01, Penal
Code; ~~or~~

(24) an offense under Section 22.01, Penal Code,
punished under Subsection (b)(2), (7), or (8) of that section; or

(25) an offense under Section 21.03, Penal Code.

SECTION 10. Section 508.151(a), Government Code, is amended

to read as follows:

(a) For the purpose of diverting inmates to halfway houses under Section 508.118, a parole panel, after reviewing all available pertinent information, may designate a presumptive parole date for an inmate who:

(1) has never been convicted of an offense listed under Article 42A.054(a), Code of Criminal Procedure, or an offense under Section 21.02 or 21.03, Penal Code; and

(2) has never had a conviction with a judgment that contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure.

SECTION 11. Section 508.189(a), Government Code, is amended to read as follows:

(a) A parole panel shall require as a condition of parole or mandatory supervision that a releasee convicted of an offense under Section 21.02, 21.03, 21.08, 21.11, 22.011, 22.021, 25.02, 43.25, or 43.26, Penal Code, pay to the division a parole supervision fee of \$5 each month during the period of parole supervision.

SECTION 12. Section 3.03(b), Penal Code, is amended to read as follows:

(b) If the accused is found guilty of more than one offense arising out of the same criminal episode, the sentences may run concurrently or consecutively if each sentence is for a conviction of:

(1) an offense:

(A) under Section 49.07 or 49.08, regardless of whether the accused is convicted of violations of the same section

1 more than once or is convicted of violations of both sections; or

2 (B) for which a plea agreement was reached in a
3 case in which the accused was charged with more than one offense
4 listed in Paragraph (A), regardless of whether the accused is
5 charged with violations of the same section more than once or is
6 charged with violations of both sections;

7 (2) an offense:

8 (A) under Section 33.021 or an offense under
9 Section 21.02, 21.11, [~~22.011, 22.021~~] 25.02, or 43.25 committed
10 against a victim younger than 17 years of age at the time of the
11 commission of the offense regardless of whether the accused is
12 convicted of violations of the same section more than once or is
13 convicted of violations of more than one section; or

14 (B) for which a plea agreement was reached in a
15 case in which the accused was charged with more than one offense
16 listed in Paragraph (A) committed against a victim younger than 17
17 years of age at the time of the commission of the offense regardless
18 of whether the accused is charged with violations of the same
19 section more than once or is charged with violations of more than
20 one section;

21 (2-a) an offense:

22 (A) under Section 22.011 or 22.021, regardless of
23 whether the accused is convicted of violations of the same section
24 more than once or is convicted of violations of more than one
25 section; or

26 (B) for which a plea agreement was reached in a
27 case in which the accused was charged with more than one offense

1 listed in Paragraph (A), regardless of whether the accused is
2 charged with violations of the same section more than once or is
3 charged with violations of more than one section;

4 (3) an offense:

5 (A) under Section 21.15 or 43.26, regardless of
6 whether the accused is convicted of violations of the same section
7 more than once or is convicted of violations of both sections; or

8 (B) for which a plea agreement was reached in a
9 case in which the accused was charged with more than one offense
10 listed in Paragraph (A), regardless of whether the accused is
11 charged with violations of the same section more than once or is
12 charged with violations of both sections;

13 (4) an offense for which the judgment in the case
14 contains an affirmative finding under Article 42.0197, Code of
15 Criminal Procedure;

16 (5) an offense:

17 (A) under Section 20A.02, 20A.03, or 43.05,
18 regardless of whether the accused is convicted of violations of the
19 same section more than once or is convicted of violations of more
20 than one section; or

21 (B) for which a plea agreement was reached in a
22 case in which the accused was charged with more than one offense
23 listed in Paragraph (A), regardless of whether the accused is
24 charged with violations of the same section more than once or is
25 charged with violations of more than one section;

26 (6) an offense:

27 (A) under Section 22.04(a)(1) or (2) or Section

1 22.04(a-1)(1) or (2) that is punishable as a felony of the first
2 degree, regardless of whether the accused is convicted of
3 violations of the same section more than once or is convicted of
4 violations of more than one section; or

5 (B) for which a plea agreement was reached in a
6 case in which the accused was charged with more than one offense
7 listed in Paragraph (A) and punishable as described by that
8 paragraph, regardless of whether the accused is charged with
9 violations of the same section more than once or is charged with
10 violations of more than one section; or

11 (7) any combination of offenses listed in Subdivisions
12 (1)-(6).

13 SECTION 13. Section 12.35(c), Penal Code, is amended to
14 read as follows:

15 (c) An individual adjudged guilty of a state jail felony
16 shall be punished for a third degree felony if it is shown on the
17 trial of the offense that:

18 (1) a deadly weapon as defined by Section 1.07 was used
19 or exhibited during the commission of the offense or during
20 immediate flight following the commission of the offense, and that
21 the individual used or exhibited the deadly weapon or was a party to
22 the offense and knew that a deadly weapon would be used or
23 exhibited; or

24 (2) the individual has previously been finally
25 convicted of any felony:

26 (A) under Section 21.02 or 21.03 or listed in
27 Article 42A.054(a), Code of Criminal Procedure; or

(B) for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure.

SECTION 14. Section 12.42(c)(2), Penal Code, is amended to read as follows:

(2) Notwithstanding Subdivision (1), a defendant shall be punished by imprisonment in the Texas Department of Criminal Justice for life if:

(A) the defendant is convicted of an offense:

(i) under Section 20A.02(a)(7) or (8), 21.11(a)(1), 22.021, or 22.011, Penal Code;

(ii) under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or

(iii) under Section 30.02, Penal Code, punishable under Subsection (d) of that section, if the defendant committed the offense with the intent to commit a felony described by Subparagraph (i) or (ii) or a felony under Section 21.11, Penal Code; and

(B) the defendant has been previously convicted of an offense:

(i) under Section 43.25 or 43.26, Penal Code, or an offense under Section 43.23, Penal Code, punishable under Subsection (h) of that section;

(ii) under Section 20A.02(a)(7) or (8), 21.02, 21.03, 21.11, 22.011, 22.021, or 25.02, Penal Code;

(iii) under Section 20.04(a)(4), Penal

Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually;

(iv) under Section 30.02, Penal Code, punishable under Subsection (d) of that section, if the defendant committed the offense with the intent to commit a felony described by Subparagraph (ii) or (iii); or

(v) under the laws of another state containing elements that are substantially similar to the elements of an offense listed in Subparagraph (i), (ii), (iii), or (iv).

SECTION 15. Sections 12.502(b), (c), and (d), Penal Code, are amended to read as follows:

(b) Except as provided by Subsection (c), if it is shown on the trial of an offense under Section 21.07, 21.08, or 21.15~~[, or 21.17]~~ that the offense was committed in a location that was on the premises of a postsecondary educational institution, the category of punishment for the offense is increased to a higher category of offense as follows:

(1) a Class C misdemeanor is increased to a Class B misdemeanor;

(2) a Class B misdemeanor is increased to a Class A misdemeanor;

(3) a Class A misdemeanor is increased to a state jail felony; and

(4) a state jail felony is increased to a felony of the third degree.

(c) For an offense otherwise punishable under Subsection (b), if it is shown on the trial of the offense that the person has

1 been previously convicted twice of an offense under Section 21.07,
2 21.08, or 21.15 [~~, or 21.17~~] for which the punishment was increased
3 under Subsection (b), the category of punishment for the offense is
4 increased to a higher category of offense as follows:

5 (1) a Class C misdemeanor is increased to a Class A
6 misdemeanor;

7 (2) a Class B misdemeanor is increased to a state jail
8 felony;

9 (3) a Class A misdemeanor is increased to a felony of
10 the third degree; and

11 (4) a state jail felony is increased to a felony of the
12 second degree.

13 (d) If the punishment scheme for an offense under Section
14 21.07, 21.08, or 21.15 [~~, or 21.17~~] contains a specific enhancement
15 provision increasing punishment to a higher minimum term of
16 punishment than the minimum term required by the applicable higher
17 category of offense prescribed by Subsection (b) or (c), the
18 specific enhancement provision controls over this section.

19 SECTION 16. Section 15.031(b), Penal Code, is amended to
20 read as follows:

21 (b) A person commits an offense if, with intent that an
22 offense under Section 20A.02(a)(7) or (8), 21.02, 21.03, 21.11,
23 22.011, 22.021, 43.02, 43.021, 43.05(a)(2), or 43.25 be committed,
24 the person by any means requests, commands, or attempts to induce a
25 minor or another whom the person believes to be a minor to engage in
26 specific conduct that, under the circumstances surrounding the
27 actor's conduct as the actor believes them to be, would constitute

1 an offense under one of those sections or would make the minor or
2 other believed by the person to be a minor a party to the commission
3 of an offense under one of those sections.

4 SECTION 17. Section 15.032(b), Penal Code, is amended to
5 read as follows:

6 (b) An offense under this section is a felony of the third
7 degree, except that the offense is a felony of the second degree if
8 the actor has previously been convicted of an offense under:

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

11 (2) Section 21.02;

12 (3) Section 21.03;

13 (4) Section 21.11;

14 (5) [~~4~~] Section 22.011, if the victim of the offense
15 was a child under 18 years of age; or

16 (6) [~~5~~] Section 22.021, if the victim of the offense
17 was a child under 18 years of age.

18 SECTION 18. Chapter 21, Penal Code, is amended by adding
19 Section 21.03 to read as follows:

20 Sec. 21.03. CONTINUOUS SEXUAL ABUSE. (a) A person commits
21 an offense if:

22 (1) during a period that is 30 or more days in
23 duration, the person commits two or more acts of sexual abuse
24 against two or more victims; and

25 (2) at the time of the commission of each of the acts
26 of sexual abuse, the actor is 17 years of age or older.

27 (b) For purposes of this section, "act of sexual abuse"

means any act that is a violation of one or more of the following
penal laws:

(1) aggravated kidnapping under Section 20.04(a)(4),
if the actor committed the offense with the intent to violate or
abuse the victim sexually;

(2) indecency with a child under Section 21.11(a)(1),
if the actor committed the offense in a manner other than by
touching, including touching through clothing, the breast of a
child;

(3) sexual assault under Section 22.011;

(4) aggravated sexual assault under Section 22.021;

(5) burglary under Section 30.02, if the offense is
punishable under Subsection (d) of that section and the actor
committed the offense with the intent to commit an offense listed in
Subdivisions (1)-(4);

(6) sexual performance by a child under Section 43.25;

(7) trafficking of persons under Section
20A.02(a)(3), (4), (7), or (8); and

(8) compelling prostitution under Section 43.05.

(c) If a jury is the trier of fact, members of the jury are
not required to agree unanimously on which specific acts of sexual
abuse were committed by the defendant or the exact date when those
acts were committed. The jury must agree unanimously that the
defendant, during a period that is 30 or more days in duration,
committed two or more acts of sexual abuse against two or more
victims.

(d) A defendant may not be convicted in the same criminal

1 action of an offense listed under Subsection (b) the victim of which
2 is the same victim as a victim of the offense under Subsection (a)
3 unless the offense listed in Subsection (b):

4 (1) is charged in the alternative;

5 (2) occurred outside the period in which the offense
6 alleged under Subsection (a) was committed; or

7 (3) is considered by the trier of fact to be a lesser
8 included offense of the offense alleged under Subsection (a).

9 (e) A defendant may not be charged with more than one count
10 under Subsection (a) if all of the specific acts of sexual abuse
11 that are alleged to have been committed are alleged to have been
12 committed against only two victims.

13 (f) With respect to a prosecution under this section
14 involving only two or more victims younger than 17 years of age, it
15 is an affirmative defense to prosecution under this section that
16 the actor:

17 (1) was not more than five years older than the
18 youngest victim of the offense;

19 (2) did not use duress, force, or a threat against a
20 victim at the time of the commission of any of the acts of sexual
21 abuse alleged as an element of the offense; and

22 (3) at the time of the commission of any of the acts of
23 sexual abuse alleged as an element of the offense:

24 (A) was not required under Chapter 62, Code of
25 Criminal Procedure, to register for life as a sex offender; or

26 (B) was not a person who under Chapter 62 had a
27 reportable conviction or adjudication for an offense under this

section or an act of sexual abuse as described by Subsection (b).

(g) An offense under this section is a felony of the first degree.

SECTION 19. Section 21.17, Penal Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (f) to read as follows:

(b) Except as provided by Subsection (c) or (d), an offense under this section is a Class A ~~[C]~~ misdemeanor.

(c) An offense under this section is a state jail felony ~~[Class B misdemeanor]~~ if it is shown on the trial of the offense that:

(1) the actor has previously been convicted ~~[two or more times]~~ of an offense under this section;

(2) the victim was a child younger than 18 years of age at the time of the offense; or

(3) the offense was committed in a location that was on the premises of a postsecondary educational institution.

(d) An offense under this section is a ~~[state jail]~~ felony of the third degree if it is shown on the trial of the offense that:

(1) the victim was a child younger than 18 ~~[14]~~ years of age at the time of the offense; and

(2) the actor has previously been convicted of an offense punishable under Subsection (c)(2).

(f) In this section, "postsecondary educational institution" and "premises" have the meanings assigned by Section 12.502.

SECTION 20. Section 21.18(b), Penal Code, is amended to

1 read as follows:

2 (b) A person commits an offense if the person intentionally
3 threatens, including by coercion or extortion, to commit an offense
4 under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02,
5 21.03, 21.08, 21.11, 21.12, 21.15, 21.16, 21.17, 22.011, or 22.021
6 to obtain, in return for not committing the threatened offense or in
7 connection with the threatened offense, any of the following
8 benefits:

9 (1) intimate visual material;

10 (2) an act involving sexual conduct causing arousal or
11 gratification; or

12 (3) a monetary benefit or other benefit of value.

13 SECTION 21. Section 22.021(f), Penal Code, is amended to
14 read as follows:

15 (f) The minimum term of imprisonment for an offense under
16 this section is increased to 25 years if:

17 (1) the victim of the offense is younger than 11 [~~six~~]
18 years of age at the time the offense is committed; or

19 (2) the victim of the offense is younger than 14 years
20 of age at the time the offense is committed and the actor commits
21 the offense in a manner described by Subsection (a)(2)(A).

22 SECTION 22. Not later than December 1, 2025, the Department
23 of Public Safety of the State of Texas shall adopt the form required
24 by Section 420.0736, Government Code, as added by this Act.

25 SECTION 23. (a) Except as provided by Subsection (b) of
26 this section, the changes in law made by this Act apply only to an
27 offense committed on or after the effective date of this Act. An

1 offense committed before the effective date of this Act is governed
2 by the law in effect on the date the offense was committed, and the
3 former law is continued in effect for that purpose. For purposes of
4 this subsection, an offense was committed before the effective date
5 of this Act if any element of the offense occurred before that date.

6 (b) Article [56A.306](#), Code of Criminal Procedure, and
7 Section [420.0735](#), Government Code, as amended by this Act, and
8 Section 420.0736, Government Code, as added by this Act, apply only
9 to biological evidence collected on or after December 1, 2025.
10 Biological evidence collected before December 1, 2025, is governed
11 by the law in effect on the date the evidence was collected, and the
12 former law is continued in effect for that purpose.

13 SECTION 24. This Act takes effect September 1, 2025.