

By: Reynolds

H.B. No. 2113

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the criminal offense of hindering the investigation or prosecution of certain sexual offenses committed against a child.

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

SECTION 1. Section 38.17, Penal Code, is amended to read as follows:

Sec. 38.17. HINDERING INVESTIGATION OR PROSECUTION OF CERTAIN [FAILURE TO STOP OR REPORT AGGRAVATED] SEXUAL OFFENSES COMMITTED AGAINST A [ASSAULT OF] CHILD. (a) In this section, "sexual offense against a child" means conduct that constitutes an offense under:

(1) Section 20A.02(a)(7) or (8) (Trafficking of Persons);

(2) Section 20A.03 (Continuous Trafficking of Persons), if the offense is based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(7) or (8);

(3) Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual);

(4) Section 21.11(a)(1) (Indecency with a Child);

(5) Section 22.011(a)(2) (Sexual Assault of a Child);

(6) Section 22.021(a)(1)(B) (Aggravated Sexual Assault of a Child);

(7) Section 43.05(a)(2) (Compelling Prostitution); or

1           (8) Section 43.25 (Sexual Performance by a Child).

2           (b) A person 17 years of age or older~~[, other than a person~~  
3 ~~who has a relationship with a child described by Section 22.04(b),]~~  
4 commits an offense if the person:

5           (1) commits an offense under Section 261.109, Family  
6 Code, by failing to report a sexual offense against a child as  
7 provided by Chapter 261 of that code ~~[the actor observes the~~  
8 ~~commission or attempted commission of an offense prohibited by~~  
9 ~~Section 21.02 or 22.021(a)(2)(B) under circumstances in which a~~  
10 ~~reasonable person would believe that an offense of a sexual or~~  
11 ~~assaultive nature was being committed or was about to be committed~~  
12 ~~against the child]; and~~

13           (2) engages in conduct intended to hinder the  
14 investigation or prosecution of the sexual offense against a child,  
15 including by:

16                   (A) altering, destroying, or concealing any  
17 record, document, or thing to impair its verity, legibility, or  
18 availability as evidence in the investigation or prosecution;

19                   (B) interfering with the willingness of a witness  
20 to the sexual offense to report that offense to, or cooperate in the  
21 investigation or prosecution of the offense with, a law enforcement  
22 agency or the Department of Family and Protective Services or  
23 otherwise preventing the report by or cooperation of the witness;

24                   (C) harboring or concealing the person who  
25 committed the sexual offense;

26                   (D) providing or aiding in providing the person  
27 who committed the sexual offense with a means to avoid

1 investigation or arrest, including by assisting the person in  
2 relocating to another area; or

3 (E) providing false information regarding the  
4 sexual offense to a law enforcement agency or to the Department of  
5 Family and Protective Services ~~[the actor fails to assist the child~~  
6 ~~or immediately report the commission of the offense to a peace~~  
7 ~~officer or law enforcement agency; and~~

8 ~~[(3) the actor could assist the child or immediately~~  
9 ~~report the commission of the offense without placing the actor in~~  
10 ~~danger of suffering serious bodily injury or death].~~

11 (c) [(b)] An offense under this section is a felony of the  
12 third degree, except that the offense is a felony of the second  
13 degree if:

14 (1) the person who committed the sexual offense  
15 against a child commits a subsequent sexual offense against a  
16 child; and

17 (2) the actor's failure to report the sexual offense  
18 against a child enabled or facilitated the person's commission of  
19 the subsequent offense ~~[Class A misdemeanor].~~

20 (d) The following information is confidential and not  
21 subject to disclosure under Chapter 552, Government Code:

22 (1) the name of the child who is the victim of the  
23 sexual offense described by Subsection (b);

24 (2) the name of the actor, until the actor is charged  
25 with an offense under this section; and

26 (3) the name of the person whom the actor believes to  
27 have committed the sexual offense described by Subsection (b),

1 until the person is charged with the applicable offense.

2       SECTION 2. The change in law made by this Act applies only  
3 to an offense committed on or after the effective date of this Act.  
4 An offense committed before the effective date of this Act is  
5 governed by the law in effect on the date the offense was committed,  
6 and the former law is continued in effect for that purpose. For  
7 purposes of this section, an offense was committed before the  
8 effective date of this Act if any element of the offense occurred  
9 before that date.

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