

By: Moody

H.B. No. 2086

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of
engaging in organized criminal activity.

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

SECTION 1. Section 71.02(a), Penal Code, is amended to read
as follows:

(a) A person commits an offense if, with the intent to
establish, maintain, or participate in a combination or in the
profits of a combination or as a member of a criminal street gang,
he commits or conspires to commit one or more of the following:

(1) murder, capital murder, arson, aggravated
robbery, robbery, burglary, theft, aggravated kidnapping,
kidnapping, aggravated assault, aggravated sexual assault, sexual
assault, forgery, deadly conduct, assault punishable as a Class A
misdemeanor, burglary of a motor vehicle, or unauthorized use of a
motor vehicle;

(2) any gambling offense punishable as a Class A
misdemeanor;

(3) promotion of prostitution, aggravated promotion
of prostitution, or compelling prostitution;

(4) unlawful manufacture, transportation, repair, or
sale of firearms or prohibited weapons;

(5) unlawful manufacture, delivery, dispensation, or
distribution of a controlled substance or dangerous drug, or

1 unlawful possession of a controlled substance or dangerous drug
2 through forgery, fraud, misrepresentation, or deception;

3 (6) any unlawful wholesale promotion or possession of
4 any obscene material or obscene device with the intent to wholesale
5 promote the same;

6 (7) any offense under Subchapter B, Chapter 43,
7 depicting or involving conduct by or directed toward a child
8 younger than 18 years of age;

9 (8) any felony offense under Chapter 32;

10 (9) any offense under Chapter 36;

11 (10) any offense under Chapter 34 or 35;

12 (11) any offense under Section 37.11(a);

13 (12) any offense under Chapter 20A; ~~[or]~~

14 (13) any offense under Section 37.10; or

15 (14) any offense under Section 38.06, 38.07, 38.09, or
16 38.11.

17 SECTION 2. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 covered by the law in effect when the offense was committed, and the
21 former law is continued in effect for that purpose. For purposes of
22 this section, an offense was committed before the effective date of
23 this Act if any element of the offense occurred before that date.

24 SECTION 3. This Act takes effect September 1, 2009.