

1-1 By: Moody (Senate Sponsor - Whitmire) H.B. No. 2086
1-2 (In the Senate - Received from the House April 27, 2009;
1-3 May 6, 2009, read first time and referred to Committee on Criminal
1-4 Justice; May 22, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 22, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2086 By: Seliger

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the prosecution and punishment of the offense of
1-11 engaging in organized criminal activity.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 71.02(a), Penal Code, is amended to read
1-14 as follows:

1-15 (a) A person commits an offense if, with the intent to
1-16 establish, maintain, or participate in a combination or in the
1-17 profits of a combination or as a member of a criminal street gang,
1-18 he commits or conspires to commit one or more of the following:

1-19 (1) murder, capital murder, arson, aggravated
1-20 robbery, robbery, burglary, theft, aggravated kidnapping,
1-21 kidnapping, aggravated assault, aggravated sexual assault, sexual
1-22 assault, forgery, deadly conduct, assault punishable as a Class A
1-23 misdemeanor, burglary of a motor vehicle, or unauthorized use of a
1-24 motor vehicle;

1-25 (2) any gambling offense punishable as a Class A
1-26 misdemeanor;

1-27 (3) promotion of prostitution, aggravated promotion
1-28 of prostitution, or compelling prostitution;

1-29 (4) unlawful manufacture, transportation, repair, or
1-30 sale of firearms or prohibited weapons;

1-31 (5) unlawful manufacture, delivery, dispensation, or
1-32 distribution of a controlled substance or dangerous drug, or
1-33 unlawful possession of a controlled substance or dangerous drug
1-34 through forgery, fraud, misrepresentation, or deception;

1-35 (6) any unlawful wholesale promotion or possession of
1-36 any obscene material or obscene device with the intent to wholesale
1-37 promote the same;

1-38 (7) any offense under Subchapter B, Chapter 43,
1-39 depicting or involving conduct by or directed toward a child
1-40 younger than 18 years of age;

1-41 (8) any felony offense under Chapter 32;

1-42 (9) any offense under Chapter 36;

1-43 (10) any offense under Chapter 34 or 35;

1-44 (11) any offense under Section 37.11(a);

1-45 (12) any offense under Chapter 20A; ~~or~~

1-46 (13) any offense under Section 37.10; or

1-47 (14) any offense under Section 38.06, 38.07, 38.09, or
1-48 38.11.

1-49 SECTION 2. The change in law made by this Act applies only
1-50 to an offense committed on or after the effective date of this Act.
1-51 An offense committed before the effective date of this Act is
1-52 covered by the law in effect when the offense was committed, and the
1-53 former law is continued in effect for that purpose. For purposes of
1-54 this section, an offense was committed before the effective date of
1-55 this Act if any element of the offense occurred before that date.

1-56 SECTION 3. This Act takes effect September 1, 2009.

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