

1-1 By: Moody, et al. (Senate Sponsor - Carona) H.B. No. 2187
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
1-4 Transportation and Homeland Security; May 12, 2009, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 9, Nays 0; May 12, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2187 By: Carona

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

1-10 relating to the prosecution and punishment of offenses involving
1-11 coercing, inducing, or soliciting membership in a criminal street
1-12 gang.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. The heading to Section 71.022, Penal Code, is
1-15 amended to read as follows:

1-16 Sec. 71.022. COERCING, INDUCING, OR SOLICITING MEMBERSHIP
1-17 IN A CRIMINAL STREET GANG.

1-18 SECTION 2. Section 71.022, Penal Code, is amended by adding
1-19 Subsections (a-1) and (d) to read as follows:

1-20 (a-1) A person commits an offense if, with intent to coerce,
1-21 induce, or solicit a child to actively participate in the
1-22 activities of a criminal street gang, the person:

1-23 (1) threatens the child or a member of the child's
1-24 family with imminent bodily injury; or

1-25 (2) causes bodily injury to the child or a member of
1-26 the child's family.

1-27 (d) In this section:

1-28 (1) "Child" means an individual younger than 17 years
1-29 of age.

1-30 (2) "Family" has the meaning assigned by Section
1-31 71.003, Family Code.

1-32 SECTION 3. Section 22.015, Penal Code, is repealed.

1-33 SECTION 4. (a) The change in law made by this Act in
1-34 amending Section 71.022, Penal Code, applies only to an offense
1-35 committed on or after the effective date of this Act. An offense
1-36 committed before the effective date of this Act is covered by the
1-37 law in effect when the offense was committed, and the former law is
1-38 continued in effect for that purpose. For purposes of this section,
1-39 an offense was committed before the effective date of this Act if
1-40 any element of the offense occurred before that date.

1-41 (b) The repeal by this Act of Section 22.015, Penal Code,
1-42 does not apply to an offense committed under that section before the
1-43 effective date of the repeal. An offense committed before the
1-44 effective date of the repeal is covered by that section as it
1-45 existed on the date on which the offense was committed, and the
1-46 former law is continued in effect for that purpose. For purposes of
1-47 this subsection, an offense is committed before the effective date
1-48 of the repeal if any element of the offense occurs before that date.

1-49 SECTION 5. This Act takes effect September 1, 2009.

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