

By: Gallego

H.B. No. 4310

A BILL TO BE ENTITLED

AN ACT

relating to the investigation, prosecution, and punishment for certain gang-related and other offenses and to the civil consequences of engaging in certain activities of a criminal street gang; providing penalties.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 100B to read as follows:

CHAPTER 100B. CRIMINAL STREET GANG LIABILITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 100B.001. DEFINITIONS. In this chapter:

(1) "Child" means a person younger than 18 years of age.

(2) "Criminal street gang" means three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

(3) "Continuously or regularly" means at least five times in a period of not more than 12 months.

(4) "Gang activity" has the meaning assigned by Section 125.061.

(5) "Governmental entity" means:

(A) this state and any agency of the state; and

(B) a political subdivision of this state,

1 including any city, county, school district, junior college
2 district, levee improvement district, drainage district,
3 irrigation district, water improvement district, water control and
4 improvement district, water control and preservation district,
5 freshwater supply district, navigation district, conservation and
6 reclamation district, soil conservation district, communication
7 district, public health district, and river authority.

8 (6) "Parent" means a natural or adoptive parent,
9 managing or possessory conservator, or legal guardian of a person.

10 [Sections 100B.002-100B.050 reserved for expansion]

11 SUBCHAPTER B. LIABILITY TO PARENT

12 Sec. 100B.051. LIABILITY. A criminal street gang or a
13 member of a criminal street gang is liable to the parent of a child
14 for damages arising from the criminal street gang's or a member of
15 the criminal street gang's recruitment or inducement of the child
16 to become a member of the criminal street gang.

17 Sec. 100B.052. DAMAGES. (a) A plaintiff who prevails in a
18 suit under this chapter may recover economic and noneconomic
19 damages.

20 (b) In addition to an award under Subsection (a), a
21 plaintiff who prevails in a suit under this chapter may recover
22 exemplary damages and court costs and reasonable attorney's fees.

23 [Sections 100B.053-100B.100 reserved for expansion]

24 SUBCHAPTER C. LIABILITY TO GOVERNMENTAL ENTITY

25 Sec. 100B.101. LIABILITY. A criminal street gang or a
26 member of a criminal street gang is liable to a governmental entity
27 for damages arising from activities of a criminal street gang,

1 including:

2 (1) the cost of:

3 (A) policing property owned by the governmental
4 entity; and

5 (B) governmental services provided as a result of
6 the criminal street gang activity; and

7 (2) the amount by which the value of property owned by
8 the governmental entity or the entity's revenue from ad valorem
9 taxes on property in the entity's jurisdiction or any other taxes
10 collected in the entity's jurisdiction is reduced.

11 Sec. 100B.102. DAMAGES. (a) A governmental entity that
12 prevails in a suit under this chapter may recover economic damages.

13 (b) In addition to an award under Subsection (a), a
14 governmental entity that prevails in a suit under this chapter may
15 recover exemplary damages and court costs and reasonable attorney's
16 fees.

17 [Sections 100B.103-100B.150 reserved for expansion]

18 SUBCHAPTER D. LIABILITY TO NEIGHBORHOOD OR COMMUNITY

19 Sec. 100B.151. LIABILITY. A criminal street gang or a
20 member of a criminal street gang is liable to a neighborhood or
21 community injured by a public nuisance described by Subchapter D,
22 Chapter 125, arising out of gang activity engaged in by the gang.

23 Sec. 100B.152. DAMAGES. (a) A district, county, or city
24 attorney, the attorney general, or a resident of the state may sue
25 for money damages on behalf of a neighborhood or community injured
26 by a public nuisance described by Subchapter D, Chapter 125.

27 (b) In addition to an award under Subsection (a), a

1 neighborhood or community that prevails in a suit under this
2 subchapter may recover exemplary damages and court costs and
3 reasonable attorney's fees.

4 [Sections 100B.153-100B.200 reserved for expansion]

5 SUBCHAPTER E. EXECUTION ON JUDGMENT

6 Sec. 100B.201. LEVY ON PROPERTY OF GANG OR MEMBER. The
7 property of the criminal street gang or a member of the street gang
8 may be seized in execution on a judgment under this chapter.

9 SECTION 2. Article 42.01, Code of Criminal Procedure, is
10 amended by adding Section 9 to read as follows:

11 Sec. 9. In addition to the information described by Section
12 1, the judgment should reflect affirmative findings entered
13 pursuant to Article 42.0197.

14 SECTION 3. Chapter 42, Code of Criminal Procedure, is
15 amended by adding Article 42.0197 to read as follows:

16 Art. 42.0197. FINDING REGARDING GANG-RELATED CONDUCT. In
17 the trial of an offense, on the motion of the attorney representing
18 the state the judge shall make an affirmative finding of fact and
19 enter the affirmative finding in the judgment in the case if the
20 judge determines that the applicable conduct was engaged in as part
21 of the activities of a criminal street gang as defined by Section
22 71.01, Penal Code.

23 SECTION 4. Section 11(a), Article 42.12, Code of Criminal
24 Procedure, is amended to read as follows:

25 (a) The judge of the court having jurisdiction of the case
26 shall determine the conditions of community supervision and may, at
27 any time[~~7~~] during the period of community supervision, alter or

1 modify the conditions. The judge may impose any reasonable
2 condition that is designed to protect or restore the community,
3 protect or restore the victim, or punish, rehabilitate, or reform
4 the defendant. Conditions of community supervision may include, but
5 shall not be limited to, the conditions that the defendant shall:

6 (1) Commit no offense against the laws of this State or
7 of any other State or of the United States;

8 (2) Avoid injurious or vicious habits;

9 (3) Avoid persons or places of disreputable or harmful
10 character, including any person convicted of an offense involving
11 or furthering criminal street gang activity;

12 (4) Report to the supervision officer as directed by
13 the judge or supervision officer and obey all rules and regulations
14 of the community supervision and corrections department;

15 (5) Permit the supervision officer to visit the
16 defendant at the defendant's home or elsewhere;

17 (6) Work faithfully at suitable employment as far as
18 possible;

19 (7) Remain within a specified place;

20 (8) Pay the defendant's fine, if one is [~~be~~] assessed,
21 and all court costs whether a fine is [~~be~~] assessed or not, in one or
22 several sums;

23 (9) Support the defendant's dependents;

24 (10) Participate, for a time specified by the judge,
25 in any community-based program, including a community-service work
26 program under Section 16 of this article;

27 (11) Reimburse the county in which the prosecution was

1 instituted for compensation paid to appointed counsel for defending
2 the defendant in the case, if counsel was appointed, or if the
3 defendant was represented by a county-paid public defender, in an
4 amount that would have been paid to an appointed attorney had the
5 county not had a public defender;

6 (12) Remain under custodial supervision in a community
7 corrections facility, obey all rules and regulations of the [~~such~~]
8 facility, and pay a percentage of the defendant's income to the
9 facility for room and board;

10 (13) Pay a percentage of the defendant's income to the
11 defendant's dependents for their support while under custodial
12 supervision in a community corrections facility;

13 (14) Submit to testing for alcohol or controlled
14 substances;

15 (15) Attend counseling sessions for substance abusers
16 or participate in substance abuse treatment services in a program
17 or facility approved or licensed by the Texas Commission on Alcohol
18 and Drug Abuse;

19 (16) With the consent of the victim of a misdemeanor
20 offense or of any offense under Title 7, Penal Code, participate in
21 victim-defendant mediation;

22 (17) Submit to electronic monitoring;

23 (18) Reimburse the compensation to victims of crime
24 fund for any amounts paid from that fund to or on behalf of a victim,
25 as defined by Article 56.32, of the defendant's offense or if no
26 reimbursement is required, make one payment to the compensation to
27 victims of crime fund in an amount not to exceed \$50 if the offense

1 is a misdemeanor or not to exceed \$100 if the offense is a felony;

2 (19) Reimburse a law enforcement agency for the
3 analysis, storage, or disposal of raw materials, controlled
4 substances, chemical precursors, drug paraphernalia, or other
5 materials seized in connection with the offense;

6 (20) Pay all or part of the reasonable and necessary
7 costs incurred by the victim for psychological counseling made
8 necessary by the offense or for counseling and education relating
9 to acquired immune deficiency syndrome or human immunodeficiency
10 virus made necessary by the offense;

11 (21) Make one payment in an amount not to exceed \$50 to
12 a crime stoppers organization as defined by Section 414.001,
13 Government Code, and as certified by the Crime Stoppers Advisory
14 Council;

15 (22) Submit a DNA sample to the Department of Public
16 Safety under Subchapter G, Chapter 411, Government Code, for the
17 purpose of creating a DNA record of the defendant;

18 (23) In any manner required by the judge, provide
19 public notice of the offense for which the defendant was placed on
20 community supervision in the county in which the offense was
21 committed; and

22 (24) Reimburse the county in which the prosecution was
23 instituted for compensation paid to any interpreter in the case.

24 SECTION 5. Article 59.01(2), Code of Criminal Procedure, as
25 amended by Chapters 127 (S.B. 1694), 822 (H.B. 73), and 885 (H.B.
26 2278), Acts of the 80th Legislature, Regular Session, 2007, is
27 amended to read as follows:

1 (2) "Contraband" means property of any nature,
2 including real, personal, tangible, or intangible, that is:

3 (A) used in the commission of:

4 (i) any first or second degree felony under
5 the Penal Code;

6 (ii) any felony under Section 15.031(b),
7 20.05, 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 29, 30,
8 31, 32, 33, 33A, or 35, Penal Code;

9 (iii) any felony under The Securities Act
10 (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

11 (iv) any offense under Chapter 49, Penal
12 Code, that is punishable as a felony of the third degree or state
13 jail felony, if the defendant has been previously convicted three
14 times of an offense under that chapter;

15 (B) used or intended to be used in the commission
16 of:

17 (i) any felony under Chapter 481, Health
18 and Safety Code (Texas Controlled Substances Act);

19 (ii) any felony under Chapter 483, Health
20 and Safety Code;

21 (iii) a felony under Chapter 153, Finance
22 Code;

23 (iv) any felony under Chapter 34, Penal
24 Code;

25 (v) a Class A misdemeanor under Subchapter
26 B, Chapter 365, Health and Safety Code, if the defendant has been
27 previously convicted twice of an offense under that subchapter;

1 (vi) any felony under Chapter 152, Finance
2 Code;

3 (vii) any felony under Chapter 32, Human
4 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that
5 involves the state Medicaid program;

6 (viii) a Class B misdemeanor under Chapter
7 522, Business & Commerce Code; ~~[or]~~

8 (ix) a Class A misdemeanor under Section
9 35.153, Business & Commerce Code; or

10 (x) any offense under Chapter 71, Penal
11 Code;

12 (C) the proceeds gained from the commission of a
13 felony listed in Paragraph (A) or (B) of this subdivision, a
14 misdemeanor listed in Paragraph (B)(viii) or (x) of this
15 subdivision, or a crime of violence;

16 (D) acquired with proceeds gained from the
17 commission of a felony listed in Paragraph (A) or (B) of this
18 subdivision, a misdemeanor listed in Paragraph (B)(viii) or (x) of
19 this subdivision, or a crime of violence; or

20 (E) used to facilitate or intended to be used to
21 facilitate the commission of a felony under Section 15.031 or
22 43.25, Penal Code.

23 SECTION 6. Chapter 59, Code of Criminal Procedure, is
24 amended by adding Article 59.011 to read as follows:

25 Art. 59.011. ELECTION OF FORFEITURE PROCEEDING. If
26 property described by Article 59.01(2)(B)(x) is subject to
27 forfeiture under this chapter and Article 18.18, the attorney

1 representing the state may proceed under either provision.

2 SECTION 7. Chapter 54, Family Code, is amended by adding
3 Section 54.0491 to read as follows:

4 Sec. 54.0491. GANG-RELATED CONDUCT. (a) In this section:

5 (1) "Criminal street gang" has the meaning assigned by
6 Section 71.01, Penal Code.

7 (2) "Gang-related conduct" means conduct that
8 violates a penal law of the grade of Class B misdemeanor or higher
9 and in which a child engages with the intent to:

10 (A) further the criminal activities of a criminal
11 street gang of which the child is a member;

12 (B) gain membership in a criminal street gang; or

13 (C) avoid detection as a member of a criminal
14 street gang.

15 (b) A juvenile court, in a disposition hearing under Section
16 54.04 regarding a child who has been adjudicated to have engaged in
17 delinquent conduct that is also gang-related conduct, shall order
18 the child to participate in a criminal street gang intervention
19 program that is appropriate for the child based on the child's level
20 of involvement in the criminal activities of a criminal street
21 gang. The intervention program:

22 (1) must include at least 12 hours of instruction; and

23 (2) may include voluntary tattoo removal.

24 (c) If a child required to attend a criminal street gang
25 intervention program is committed to the Texas Youth Commission as
26 a result of the gang-related conduct, the child must complete the
27 intervention program before being discharged from the custody of or

1 released under supervision by the commission.

2 SECTION 8. Subchapter A, Chapter 411, Government Code, is
3 amended by adding Section 411.0207 to read as follows:

4 Sec. 411.0207. LAW ENFORCEMENT INTERNAL AFFAIRS UNIT. (a)
5 In this section, "organized criminal activity" means conduct that
6 constitutes an offense under Section 71.02, Penal Code.

7 (b) A law enforcement internal affairs unit is created
8 within the department to assist in the management of allegations of
9 participation in organized criminal activity by:

10 (1) an individual elected, appointed, or employed to
11 serve as a peace officer for a governmental entity of this state
12 under Article 2.12, Code of Criminal Procedure; or

13 (2) a federal law enforcement officer while performing
14 duties in this state.

15 (c) The unit shall:

16 (1) assist district attorneys and county attorneys in
17 the investigation and prosecution of allegations described by
18 Subsection (b);

19 (2) if requested by the agency, assist a state or local
20 law enforcement agency with the investigation of complaints against
21 law enforcement officers in the agency;

22 (3) assist the United States Department of Justice or
23 any other appropriate federal department or agency in the
24 investigation and prosecution of allegations described by
25 Subsection (b);

26 (4) if requested by the agency, assist a federal law
27 enforcement agency with the investigation of complaints against law

1 enforcement officers in the agency;

2 (5) serve as a clearinghouse for information relating
3 to the investigation and prosecution of allegations described by
4 Subsection (b); and

5 (6) report to the highest-ranking officer of the Texas
6 Rangers division of the department.

7 (d) The commission may direct an investigation by the unit
8 if the commission determines that providing direction is in the
9 best interest of this state.

10 (e) To the extent allowed by law, a state or local law
11 enforcement agency shall cooperate with the law enforcement
12 internal affairs unit by providing information requested by the
13 unit as necessary to carry out the purposes of this section.
14 Information described by this subsection is excepted from required
15 disclosure under Chapter 552 in the manner provided by Section
16 552.108.

17 SECTION 9. Section 3.03(a), Penal Code, is amended to read
18 as follows:

19 (a) When the accused is found guilty of more than one
20 offense arising out of the same criminal episode prosecuted in a
21 single criminal action, a sentence for each offense for which he has
22 been found guilty shall be pronounced. Except as provided by
23 Subsection (b) and Section 3.05, the sentences shall run
24 concurrently.

25 SECTION 10. Section 3.04(b), Penal Code, is amended to read
26 as follows:

27 (b) In the event of severance under this section, the

1 provisions of Section 3.03 do not apply, and, except as provided by
2 Section 3.05, the court in its discretion may order the sentences to
3 run either concurrently or consecutively.

4 SECTION 11. Section 15.031(e), Penal Code, is amended to
5 read as follows:

6 (e) An offense under this section is one category lower than
7 the solicited offense, except that an offense under this section is
8 the same category as the solicited offense if it is shown on the
9 trial of the offense that the actor:

10 (1) was at the time of the offense a member of a
11 criminal street gang, as defined by Section 71.01; and

12 (2) committed the offense with the intent to:

13 (A) further the criminal activities of the
14 criminal street gang; or

15 (B) avoid detection as a member of a criminal
16 street gang.

17 SECTION 12. Section 22.015(a), Penal Code, is amended by
18 adding Subdivision (3) to read as follows:

19 (3) "Family" has the meaning assigned by Section
20 71.003, Family Code.

21 SECTION 13. Section 22.015(b), Penal Code, is amended to
22 read as follows:

23 (b) A person commits an offense if, with intent to coerce,
24 induce, or solicit a child to actively participate in the
25 activities of a criminal street gang, the person:

26 (1) threatens the child or a member of the child's
27 family with imminent bodily injury; or

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

3 SECTION 14. Chapter 33, Penal Code, is amended by adding
4 Section 33.06 to read as follows:

5 Sec. 33.06. ONLINE PROMOTION OF A CRIMINAL STREET GANG. (a)
6 In this section, "criminal street gang" has the meaning assigned by
7 Section 71.01.

8 (b) A person commits an offense if, with the intent to
9 benefit, to promote, or to further the interests of a criminal
10 street gang or to increase the person's standing, position, or
11 status in the criminal street gang, the person uses the Internet,
12 including distributing, selling, transmitting, or posting on the
13 Internet an audio, video, or still representation of a person
14 engaged in criminal activity, to:

15 (1) intimidate or harass another person; or

16 (2) advertise the presence of the criminal street gang
17 in a specific geographic location.

18 (c) An offense under this section is a state jail felony.

19 SECTION 15. Section 37.10, Penal Code, is amended by adding
20 Subsection (j) to read as follows:

21 (j) It is not a defense to prosecution under Subsection
22 (a)(2) that the record, document, or thing made, presented, or used
23 displays or contains the statement "NOT A GOVERNMENT DOCUMENT" or
24 another substantially similar statement intended to alert a person
25 to the falsity of the record, document, or thing, unless the record,
26 document, or thing displays the statement diagonally printed
27 clearly and indelibly on both the front and back of the record,

1 document, or thing in solid red capital letters at least one-fourth
2 inch in height.

3 SECTION 16. Section 38.02, Penal Code, is amended by
4 amending Subsection (c) and adding Subsection (d-1) to read as
5 follows:

6 (c) Except as provided by Subsections (d) and (d-1) [~~(e)~~],
7 an offense under this section is:

8 (1) a Class C misdemeanor if the offense is committed
9 under Subsection (a); or

10 (2) a Class B misdemeanor if the offense is committed
11 under Subsection (b).

12 (d-1) An offense under Subsection (b) is a state jail felony
13 if it is shown on the trial of the offense that the actor:

14 (1) was at the time of the offense a member of a
15 criminal street gang, as defined by Section 71.01; and

16 (2) committed the offense with the intent to:

17 (A) further the criminal activities of the
18 criminal street gang; or

19 (B) avoid detection as a member of a criminal
20 street gang.

21 SECTION 17. Chapter 71, Penal Code, is amended by adding
22 Section 71.024 to read as follows:

23 Sec. 71.024. CAUSING OR ENCOURAGING CHILD TO PARTICIPATE IN
24 GANG-RELATED CRIMINAL ACTIVITY. (a) In this section, "child"
25 means an individual younger than 17 years of age.

26 (b) A person commits an offense if the person intentionally,
27 knowingly, or recklessly, by act or omission, causes or encourages

1 a child to participate in any criminal activity that is:

2 (1) committed by a criminal street gang; and

3 (2) punishable as a Class A misdemeanor or a felony.

4 (c) An offense under this section is a felony of the third
5 degree if the offense is committed intentionally or knowingly. An
6 offense under this section is a Class A misdemeanor if the offense
7 is committed recklessly.

8 (d) If conduct, including an omission, constituting an
9 offense under this section also constitutes an offense under
10 another section of this code, the actor may be prosecuted under
11 either section or under both sections.

12 SECTION 18. Section 521.343(a), Transportation Code, is
13 amended to read as follows:

14 (a) Except as provided by Sections 521.342(b), 521.344(a),
15 (b), (d), (e), (f), (g), (h), and (i), 521.345, 521.346, 521.3465,
16 [~~and~~ 521.351, and 521.352, a suspension under this subchapter is
17 for one year.

18 SECTION 19. Subchapter O, Chapter 521, Transportation Code,
19 is amended by adding Section 521.352 to read as follows:

20 Sec. 521.352. SUSPENSION FOR CERTAIN ORGANIZED CRIME
21 OFFENSES. (a) A person's license is automatically suspended on
22 conviction of the person for an offense under Chapter 71, Penal
23 Code.

24 (b) The department may not issue a driver's license to a
25 person convicted of an offense specified in Subsection (a) who, on
26 the date of the conviction, did not hold a license.

27 (c) The period of license suspension or prohibition under

1 this section begins on a date set by the court that is not earlier
2 than the date of conviction or later than the 30th day after the
3 date of conviction. Except as provided by Subsection (d), the
4 period of license suspension or prohibition under this section
5 expires on the first anniversary of the date the suspension or
6 prohibition began.

7 (d) If on the date of conviction the defendant is younger
8 than 21 years of age, the period of license suspension or
9 prohibition continues until the later of:

10 (1) the first anniversary of the date the suspension
11 or prohibition began; or

12 (2) the date on which the defendant attains the age of
13 21.

14 SECTION 20. Section 521.457, Transportation Code, is
15 amended by amending Subsection (e) and adding Subsection (f-2) to
16 read as follows:

17 (e) Except as provided by Subsections (f), ~~and~~ (f-1), and
18 (f-2), an offense under this section is a Class C misdemeanor.

19 (f-2) If it is shown on the trial of an offense under this
20 section that the person operated a motor vehicle on a highway during
21 a period that the person's driver's license was suspended under
22 Section 521.352 or the person was prohibited from obtaining a
23 driver's license under that section, the offense is a Class A
24 misdemeanor.

25 SECTION 21. To the extent of any conflict, this Act prevails
26 over another Act of the 81st Legislature, Regular Session, 2009,
27 relating to nonsubstantive additions to and corrections in enacted

1 codes.

2 SECTION 22. Chapter 100B, Civil Practice and Remedies Code,
3 as added by this Act, applies only to a cause of action that accrues
4 on or after the effective date of this Act. A cause of action that
5 accrued before the effective date of this Act is governed by the law
6 in effect immediately before the effective date of this Act, and
7 that law is continued in effect for that purpose.

8 SECTION 23. Section 9, Article 42.01, Code of Criminal
9 Procedure, and Article 42.0197, Code of Criminal Procedure, as
10 added by this Act, apply only to a judgment of conviction entered on
11 or after the effective date of this Act.

12 SECTION 24. Section 11(a), Article 42.12, Code of Criminal
13 Procedure, as amended by this Act, applies only to a person who is
14 placed on community supervision for an offense committed on or
15 after the effective date of this Act. A person who is placed on
16 community supervision for an offense committed before the effective
17 date of this Act is governed by the law in effect on the date the
18 offense was committed, and the former law is continued in effect for
19 that purpose. For purposes of this section, an offense was
20 committed before the effective date of this Act if any element of
21 the offense occurred before that date.

22 SECTION 25. Article 59.01(2), Code of Criminal Procedure,
23 as amended by this Act, and Article 59.011, Code of Criminal
24 Procedure, as added by this Act, apply only to the forfeiture of
25 property used in the commission of an offense committed on or after
26 the effective date of this Act. Forfeiture of property used in the
27 commission of an offense committed before the effective date of

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

6 SECTION 26. Section 54.0491, Family Code, as added by this
7 Act, applies only to conduct that violates a penal law of this state
8 and occurs on or after the effective date of this Act. Conduct that
9 violates a penal law of this state and occurs before the effective
10 date of this Act is covered by the law in effect at the time the
11 conduct occurred, and the former law is continued in effect for that
12 purpose. For purposes of this section, conduct occurs before the
13 effective date of this Act if each element of the violation occurred
14 before that date.

15 SECTION 27. Not later than December 1, 2010, the Department
16 of Public Safety shall establish the law enforcement internal
17 affairs unit under Section 411.0207, Government Code, as added by
18 this Act.

19 SECTION 28. Sections 15.031(e) and 22.015(b), Penal Code,
20 as amended by this Act, and Sections 3.05, 37.10(j), 38.02(d-1),
21 and 71.028, Penal Code, and Sections 521.352 and 521.457(f-2),
22 Transportation Code, as added by this Act, apply only to an offense
23 committed on or after the effective date of this Act. An offense
24 committed before the effective date of this Act is covered by the
25 law in effect when the offense was committed, and the former law is
26 continued in effect for that purpose. For purposes of this section,
27 an offense was committed before the effective date of this Act if

1 any element of the offense occurred before that date.

2 SECTION 29. This Act takes effect September 1, 2009.