

By: Carona, et al.

S.B. No. 11

Substitute the following for S.B. No. 11:

By: Miklos

C.S.S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

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

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

ARTICLE 1. CRIMINAL PENALTIES RELATED TO ORGANIZED CRIMINAL ACTIVITY AND CRIMINAL STREET GANGS; GANG PREVENTION EFFORTS

SECTION 1.01. Subsection (e), Section 15.031, Penal Code, is amended to read as follows:

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

(1) was at the time of the offense 17 years of age or older and a member of a criminal street gang, as defined by Section 71.01; and

(2) committed the offense with the intent to:

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

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

SECTION 1.02. Subsection (a), Section 22.015, Penal Code,

1 is amended by adding Subdivision (3) to read as follows:

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

4           SECTION 1.03. Subsection (b), Section 22.015, Penal Code,  
5 is amended to read as follows:

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

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

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

13           SECTION 1.04. Subsection (a), Section 71.02, Penal Code, is  
14 amended to read as follows:

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

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

26           (2) any gambling offense punishable as a Class A  
27 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 unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;

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

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

(8) any felony offense under Chapter 32;

(9) any offense under Chapter 36;

(10) any offense under Chapter 34 or 35;

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

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

(13) any offense under Section 37.10; or

(14) any offense under Section 46.06(a)(1).

SECTION 1.05. Chapter 71, Penal Code, is amended by adding Sections 71.023, 71.028, and 71.029 to read as follows:

Sec. 71.023. DIRECTING ACTIVITIES OF CERTAIN CRIMINAL STREET GANGS. (a) A person commits an offense if the person knowingly initiates, organizes, plans, finances, directs, manages, or supervises a criminal street gang or members of a criminal street

1 gang with the intent to benefit, promote, or further the interests  
2 of the criminal street gang or to increase the person's standing,  
3 position, or status in the criminal street gang.

4 (b) An offense under this section is a felony of the first  
5 degree.

6 (c) Notwithstanding Section 71.01, in this section,  
7 "criminal street gang" means:

8 (1) an organization that:

9 (A) has more than 10 members whose names are  
10 included in an intelligence database under Chapter 61, Code of  
11 Criminal Procedure;

12 (B) has a hierarchical structure that has been  
13 documented in an intelligence database under Chapter 61, Code of  
14 Criminal Procedure;

15 (C) engages in profit-sharing among two or more  
16 members of the organization; and

17 (D) in one or more regions of this state served by  
18 different regional councils of government, continuously or  
19 regularly engages in conduct:

20 (i) that constitutes an offense listed in  
21 Section 39(a)(1), Article 42.12, Code of Criminal Procedure;

22 (ii) in which it is alleged that a deadly  
23 weapon is used or exhibited during the commission of or immediate  
24 flight from the commission of any felony offense; or

25 (iii) that is punishable as a felony of the  
26 first or second degree under Chapter 481, Health and Safety Code; or

27 (2) an organization that, in collaboration with an

organization described by Subdivision (1), engages in conduct or commits an offense or conspires to engage in conduct or commit an offense described by Subdivision (1)(D).

Sec. 71.028. GANG-FREE ZONES. (a) In this section:

(1) "Institution of higher education," "playground," "premises," "school," "video arcade facility," and "youth center" have the meanings assigned by Section 481.134, Health and Safety Code.

(2) "Shopping mall" means an enclosed public walkway or hall area that connects retail, service, or professional establishments.

(b) Except as provided by Subsection (c), the punishment prescribed for an offense under Section 71.02 is increased to the punishment prescribed for the next highest category of offense if the actor is 17 years of age or older and it is shown beyond a reasonable doubt on the trial of the offense that the actor committed the offense at a location that was:

(1) in, on, or within 1,000 feet of any:

(A) real property that is owned, rented, or leased by a school or school board;

(B) premises owned, rented, or leased by an institution of higher education;

(C) shopping mall;

(D) movie theater;

(E) premises of a public or private youth center;

or

(F) playground;

1           (2) in, on, or within 300 feet of the premises of a  
2 public swimming pool or video arcade facility; or

3           (3) on a school bus.

4           (c) The punishment prescribed for an offense under Section  
5 71.02 may not be increased under this section if the offense is  
6 punishable under Section 71.02 as a felony of the first degree.

7           Sec. 71.029. MAPS AS EVIDENCE OF LOCATION OR AREA. (a) In a  
8 prosecution of an offense for which punishment is increased under  
9 Section 71.028, a map produced or reproduced by a municipal or  
10 county engineer for the purpose of showing the location and  
11 boundaries of gang-free zones is admissible in evidence and is  
12 prima facie evidence of the location or boundaries of those zones if  
13 the governing body of the municipality or county adopts a  
14 resolution or ordinance approving the map as an official finding  
15 and record of the location or boundaries of those zones.

16           (b) A municipal or county engineer may, on request of the  
17 governing body of the municipality or county, revise a map that has  
18 been approved by the governing body of the municipality or county as  
19 provided by Subsection (a).

20           (c) A municipal or county engineer shall file the original  
21 or a copy of every approved or revised map approved as provided by  
22 Subsection (a) with the county clerk of each county in which the  
23 zone is located.

24           (d) This section does not prevent the prosecution from:

25           (1) introducing or relying on any other evidence or  
26 testimony to establish any element of an offense for which  
27 punishment is increased under Section 71.028; or

1           (2) using or introducing any other map or diagram  
2 otherwise admissible under the Texas Rules of Evidence.

3           SECTION 1.06. Subchapter D, Chapter 37, Education Code, is  
4 amended by adding Section 37.110 to read as follows:

5           Sec. 37.110. INFORMATION REGARDING GANG-FREE ZONES. The  
6 superintendent of each public school district and the administrator  
7 of each private elementary or secondary school located in the  
8 public school district shall ensure that the student handbook for  
9 each campus in the public school district includes information on  
10 gang-free zones and the consequences of engaging in organized  
11 criminal activity within those zones.

12          SECTION 1.07. Subchapter Z, Chapter 51, Education Code, is  
13 amended by adding Section 51.973 to read as follows:

14          Sec. 51.973. INFORMATION REGARDING GANG-FREE ZONES. The  
15 governing board of each institution of higher education shall  
16 ensure that any student handbook or similar publication for the  
17 institution includes information on gang-free zones and the  
18 consequences of engaging in organized criminal activity within  
19 those zones.

20          SECTION 1.08. Subchapter C, Chapter 42, Human Resources  
21 Code, is amended by adding Section 42.064 to read as follows:

22          Sec. 42.064. INFORMATION REGARDING GANG-FREE ZONES. Each  
23 day-care center shall, in accordance with rules adopted by the  
24 executive commissioner, distribute to parents and guardians of  
25 children who attend the center information on gang-free zones and  
26 the consequences of engaging in organized criminal activity within  
27 those zones.

SECTION 1.09. Section 37.110, Education Code, as added by this Act, applies beginning with the public school district's 2009-2010 school year.

SECTION 1.10. Section 51.973, Education Code, as added by this Act, applies beginning with the 2009 fall semester.

SECTION 1.11. Subsection (e), Section 15.031, Subsection (b), Section 22.015, and Subsection (a), Section 71.02, Penal Code, as amended by this Act, and Section 71.028, Penal Code, as added by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

ARTICLE 2. CIVIL CONSEQUENCES AND LIABILITY

SECTION 2.01. Subchapter D, Chapter 125, Civil Practice and Remedies Code, is amended by adding Section 125.070 to read as follows:

Sec. 125.070. CIVIL ACTION FOR VIOLATION OF INJUNCTION.  
(a) In this section, "governmental entity" means a political subdivision of this state, including any city, county, school district, junior college district, levee improvement district, drainage district, irrigation district, water improvement district, water control and improvement district, water control and preservation district, freshwater supply district, navigation district, conservation and reclamation district, soil conservation



1 district, communication district, public health district, and  
2 river authority.

3 (b) A criminal street gang or a member of a criminal street  
4 gang is liable to the state or a governmental entity injured by the  
5 violation of a temporary or permanent injunctive order under this  
6 subchapter.

7 (c) In an action brought against a member of a criminal  
8 street gang, the plaintiff must show that the member violated the  
9 temporary or permanent injunctive order.

10 (d) A district, county, or city attorney or the attorney  
11 general may sue for money damages on behalf of the state or a  
12 governmental entity. If the state or a governmental entity  
13 prevails in a suit under this section, the state or governmental  
14 entity may recover:

15 (1) actual damages;

16 (2) a civil penalty in an amount not to exceed \$20,000  
17 for each violation; and

18 (3) court costs and attorney's fees.

19 (e) The property of the criminal street gang or a member of  
20 the criminal street gang may be seized in execution on a judgment  
21 under this section. Property may not be seized under this  
22 subsection if the owner or interest holder of the property proves by  
23 a preponderance of the evidence that the owner or interest holder  
24 was not a member of the criminal street gang and did not violate the  
25 temporary or permanent injunctive order. The owner or interest  
26 holder of property that is in the possession of a criminal street  
27 gang or a member of the criminal street gang and that is subject to

execution under this subsection must show that the property:

(1) was stolen from the owner or interest holder; or

(2) was used or intended to be used without the effective consent of the owner or interest holder by the criminal street gang or a member of the criminal street gang.

(f) The attorney general shall deposit money received under this section for damages or as a civil penalty in the neighborhood and community recovery fund held by the attorney general outside the state treasury. Money in the fund is held by the attorney general in trust for the benefit of the community or neighborhood harmed by the violation of a temporary or permanent injunctive order. Money in the fund may be used only for the benefit of the community or neighborhood harmed by the violation of the injunctive order. Interest earned on money in the fund shall be credited to the fund. The attorney general shall account for money in the fund so that money held for the benefit of a community or neighborhood, and interest earned on that money, are not commingled with money in the fund held for the benefit of a different community or neighborhood.

(g) A district, county, or city attorney who brings suit on behalf of a governmental entity shall deposit money received for damages or as a civil penalty in an account to be held in trust for the benefit of the community or neighborhood harmed by the violation of a temporary or permanent injunctive order. Money in the account may be used only for the benefit of the community or neighborhood harmed by the violation of the injunctive order. Interest earned on money in the account shall be credited to the

1 account. The district, county, or city attorney shall account for  
2 money in the account so that money held for the benefit of a  
3 community or neighborhood, and interest earned on that money, are  
4 not commingled with money in the account held for the benefit of a  
5 different community or neighborhood.

6 (h) An action under this section brought by the state or a  
7 governmental entity does not waive sovereign or governmental  
8 immunity for any purpose.

9 SECTION 2.02. Subdivision (2), Article 59.01, Code of  
10 Criminal Procedure, as amended by Chapters 127 (S.B. 1694), 822  
11 (H.B. 73), and 885 (H.B. 2278), Acts of the 80th Legislature,  
12 Regular Session, 2007, is reenacted and amended to read as follows:

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

15 (A) used in the commission of:

16 (i) any first or second degree felony under  
17 the Penal Code;

18 (ii) any felony under Section 15.031(b),  
19 20.05, 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 29, 30,  
20 31, 32, 33, 33A, or 35, Penal Code;

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

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

27 (B) used or intended to be used in the commission

1 of:

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

4 (ii) any felony under Chapter 483, Health  
5 and Safety Code;

6 (iii) a felony under Chapter 153, Finance  
7 Code;

8 (iv) any felony under Chapter 34, Penal  
9 Code;

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

13 (vi) any felony under Chapter 152, Finance  
14 Code;

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

18 (viii) a Class B misdemeanor under Chapter  
19 522, Business & Commerce Code; ~~[or]~~

20 (ix) a Class A misdemeanor under Section  
21 35.153, Business & Commerce Code;

22 (x) any offense under Chapter 71, Penal  
23 Code; or

24 (xi) any offense under Section 46.06(a)(1),  
25 Penal Code;

26 (C) the proceeds gained from the commission of a  
27 felony listed in Paragraph (A) or (B) of this subdivision, a

1 misdemeanor listed in Paragraph (B)(viii), (x), or (xi) of this  
2 subdivision, or a crime of violence;

3 (D) acquired with proceeds gained from the  
4 commission of a felony listed in Paragraph (A) or (B) of this  
5 subdivision, a misdemeanor listed in Paragraph (B)(viii), (x), or  
6 (xi) of this subdivision, or a crime of violence; or

7 (E) used to facilitate or intended to be used to  
8 facilitate the commission of a felony under Section 15.031 or  
9 43.25, Penal Code.

10 SECTION 2.03. Chapter 59, Code of Criminal Procedure, is  
11 amended by adding Article 59.011 to read as follows:

12 Art. 59.011. ELECTION OF FORFEITURE PROCEEDING. If  
13 property described by Article 59.01(2)(B)(x) or (xi) is subject to  
14 forfeiture under this chapter and Article 18.18, the attorney  
15 representing the state may proceed under either this chapter or  
16 that article.

17 SECTION 2.04. Section 125.070, Civil Practice and Remedies  
18 Code, as added by this Act, applies only to a cause of action that  
19 accrues on or after the effective date of this Act. A cause of  
20 action that accrued before the effective date of this Act is  
21 governed by the law in effect immediately before the effective date  
22 of this Act, and that law is continued in effect for that purpose.

23 SECTION 2.05. Subdivision (2), Article 59.01, Code of  
24 Criminal Procedure, as amended by this Act, and Article 59.011,  
25 Code of Criminal Procedure, as added by this Act, apply only to the  
26 forfeiture of property used in the commission of an offense  
27 committed on or after the effective date of this Act. Forfeiture of

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

ARTICLE 3. POST-CONVICTION AND POST-ADJUDICATION PROVISIONS

SECTION 3.01. Article 42.01, Code of Criminal Procedure, is amended by adding Section 9 to read as follows:

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

SECTION 3.02. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0197 to read as follows:

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

SECTION 3.03. Subsection (a), Section 11, Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(a) The judge of the court having jurisdiction of the case shall determine the conditions of community supervision and may, at any time[7] during the period of community supervision, alter or modify the conditions. The judge may impose any reasonable

1 condition that is designed to protect or restore the community,  
2 protect or restore the victim, or punish, rehabilitate, or reform  
3 the defendant. Conditions of community supervision may include,  
4 but shall not be limited to, the conditions that the defendant  
5 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, other than a family member of the  
11 defendant, who is an active member of a criminal street gang;

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 3.04. Article 42.12, Code of Criminal Procedure, is  
25 amended by adding Section 13E to read as follows:

26 Sec. 13E. ELECTRONIC MONITORING OF CERTAIN MEMBERS OF  
27 CRIMINAL STREET GANG WHO ARE PLACED ON COMMUNITY SUPERVISION. (a)

This section applies only to a defendant who:

(1) is identified as a member of a criminal street gang in an intelligence database established under Chapter 61; and

(2) has two or more times been previously convicted of, or received a grant of deferred adjudication community supervision or another functionally equivalent form of community supervision or probation for, a felony offense under the laws of this state, another state, or the United States.

(b) A court granting community supervision to a defendant described by Subsection (a) may, on the defendant's conviction of a felony offense, require as a condition of community supervision that the defendant submit to tracking under an electronic monitoring service or other appropriate technological service designed to track a person's location.

SECTION 3.05. Chapter 54, Family Code, is amended by adding Section 54.0491 to read as follows:

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

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

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

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

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

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

1        (b) A juvenile court, in a disposition hearing under Section  
2 54.04 regarding a child who has been adjudicated to have engaged in  
3 delinquent conduct that is also gang-related conduct, shall order  
4 the child to participate in a criminal street gang intervention  
5 program that is appropriate for the child based on the child's level  
6 of involvement in the criminal activities of a criminal street  
7 gang. The intervention program:

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

9                (2) may include voluntary tattoo removal.

10        (c) If a child required to attend a criminal street gang  
11 intervention program is committed to the Texas Youth Commission as  
12 a result of the gang-related conduct, the child must complete the  
13 intervention program before being discharged from the custody of or  
14 released under supervision by the commission.

15        SECTION 3.06. Subchapter G, Chapter 508, Government Code,  
16 is amended by adding Section 508.227 to read as follows:

17        Sec. 508.227. ELECTRONIC MONITORING OF CERTAIN MEMBERS OF  
18 CRIMINAL STREET GANG. (a) This section applies only to a releasee  
19 who:

20                (1) is identified as a member of a criminal street gang  
21 in an intelligence database established under Chapter 61, Code of  
22 Criminal Procedure; and

23                (2) has three or more times been convicted of, or  
24 received a grant of deferred adjudication community supervision or  
25 another functionally equivalent form of community supervision or  
26 probation for, a felony offense under the laws of this state,  
27 another state, or the United States.

1        (b) A parole panel may require as a condition of release on  
2 parole or to mandatory supervision that a releasee described by  
3 Subsection (a) submit to tracking under an electronic monitoring  
4 service or other appropriate technological service designed to  
5 track a person's location.

6        SECTION 3.07. Section 3.03, Penal Code, is amended by  
7 amending Subsection (b) and adding Subsection (b-1) to read as  
8 follows:

9        (b) If the accused is found guilty of more than one offense  
10 arising out of the same criminal episode, the sentences may run  
11 concurrently or consecutively if each sentence is for a conviction  
12 of:

13                (1) an offense:

14                        (A) under Section 49.07 or 49.08, regardless of  
15 whether the accused is convicted of violations of the same section  
16 more than once or is convicted of violations of both sections; or

17                        (B) for which a plea agreement was reached in a  
18 case in which the accused was charged with more than one offense  
19 listed in Paragraph (A), regardless of whether the accused is  
20 charged with violations of the same section more than once or is  
21 charged with violations of both sections;

22                (2) an offense:

23                        (A) under Section 33.021 or an offense under  
24 Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed  
25 against a victim younger than 17 years of age at the time of the  
26 commission of the offense regardless of whether the accused is  
27 convicted of violations of the same section more than once or is

convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section; ~~or~~

(3) an offense:

(A) under Section 21.15 or 43.26, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections; or

(4) an offense for which the judgment in the case contains an affirmative finding under Article 42.0197, Code of Criminal Procedure.

(b-1) Subsection (b)(4) does not apply to a defendant whose case was transferred to the court under Section 54.02, Family Code.

SECTION 3.08. Section 9, Article 42.01, Code of Criminal Procedure, and Article 42.0197, Code of Criminal Procedure, as added by this Act, apply only to a judgment of conviction entered on or after the effective date of this Act.

SECTION 3.09. Subsection (a), Section 11, Article 42.12,

1 Code of Criminal Procedure, as amended by this Act, and Section 13E,  
2 Article 42.12, Code of Criminal Procedure, as added by this Act,  
3 apply only to a person who is placed on community supervision for an  
4 offense committed on or after the effective date of this Act. A  
5 person who is placed on community supervision for an offense  
6 committed before the effective date of this Act is governed by the  
7 law in effect on the date the offense was committed, and the former  
8 law is continued in effect for that purpose. For purposes of this  
9 section, an offense was committed before the effective date of this  
10 Act if any element of the offense occurred before that date.

11 SECTION 3.10. Section 54.0491, Family Code, as added by  
12 this Act, applies only to conduct that violates a penal law of this  
13 state and that occurs on or after the effective date of this Act.  
14 Conduct that violates a penal law of this state and that occurs  
15 before the effective date of this Act is covered by the law in  
16 effect at the time the conduct occurred, and the former law is  
17 continued in effect for that purpose. For purposes of this section,  
18 conduct occurs before the effective date of this Act if each element  
19 of the violation occurred before that date.

20 SECTION 3.11. Section 508.227, Government Code, as added by  
21 this Act, applies only to a person released on parole or to  
22 mandatory supervision for an offense committed on or after the  
23 effective date of this Act. A person released on parole or to  
24 mandatory supervision for an offense committed before the effective  
25 date of this Act is governed by the law in effect on the date the  
26 offense was committed, and the former law is continued in effect for  
27 that purpose. For purposes of this section, an offense was

committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3.12. Subsection (b), Section 3.03, Penal Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

ARTICLE 4. GRAFFITI

SECTION 4.01. Subchapter C, Chapter 101, Civil Practice and Remedies Code, is amended by adding Section 101.067 to read as follows:

Sec. 101.067. GRAFFITI REMOVAL. This chapter does not apply to a claim for property damage caused by the removal of graffiti under Section 250.006, Local Government Code.

SECTION 4.02. Subsections (a) and (c), Article 102.0171, Code of Criminal Procedure, are amended to read as follows:

(a) A defendant convicted of an offense under Section 28.08, Penal Code, in a county court, county court at law, or district court shall pay a [~~\$50~~] juvenile delinquency prevention and graffiti eradication fee as a cost of court. The amount of the fee under this section must be not less than \$50 or more than \$500. In setting the amount of the fee, the court shall increase the fee based on the amount of pecuniary loss in the case and the number of times the defendant has been previously convicted of an offense

under Section 28.08, Penal Code.

(c) The clerks of the respective courts shall collect the costs and pay them to the county treasurer or to any other official who discharges the duties commonly delegated to the county treasurer for deposit in a fund to be known as the county juvenile delinquency prevention fund. A fund designated by this subsection may be used only to:

(1) repair damage caused by the commission of offenses under Section 28.08, Penal Code;

(2) provide educational and intervention programs and materials, including printed educational materials for distribution to primary and secondary school students, designed to prevent individuals from committing offenses under Section 28.08, Penal Code;

(3) provide to the public rewards for identifying and aiding in the apprehension and prosecution of offenders who commit offenses under Section 28.08, Penal Code;

(4) provide funding for teen recognition and teen recreation programs;

(5) provide funding for local teen court programs;

(6) provide funding for the local juvenile probation department; ~~and~~

(7) provide educational and intervention programs designed to prevent juveniles from engaging in delinquent conduct; and

(8) provide funding for community art programs.

SECTION 4.03. Subsection (a), Section 54.0461, Family Code,



is amended to read as follows:

(a) If a child is adjudicated as having engaged in delinquent conduct that violates Section 28.08, Penal Code, the juvenile court shall order the child, parent, or other person responsible for the child's support to pay to the court a [~~\$50~~] juvenile delinquency prevention fee as a cost of court. The amount of the fee under this section must be not less than \$50 or more than \$500. In setting the amount of the fee, the court shall increase the fee based on the amount of pecuniary loss resulting from the conduct and the number of times the child has been previously adjudicated as having engaged in delinquent conduct violating Section 28.08, Penal Code.

SECTION 4.04. Section 102.041, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a security fee on a felony offense (Art. 102.017, Code of Criminal Procedure) . . . \$5;

(5) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3; and

(6) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . not less than \$50 or more than \$500 [~~\$5~~].

SECTION 4.05. Section 102.061, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . not less than \$50 or more than \$500 [~~\$5~~]; and

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5.

SECTION 4.06. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular

1 Session, 2007, is amended to read as follows:

2       Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN  
3 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county  
4 court shall collect fees and costs under the Code of Criminal  
5 Procedure on conviction of a defendant as follows:

6               (1) a jury fee (Art. 102.004, Code of Criminal  
7 Procedure) . . . \$20;

8               (2) a fee for clerk of the court services (Art.  
9 102.005, Code of Criminal Procedure) . . . \$40;

10              (3) a records management and preservation services fee  
11 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

12              (4) a security fee on a misdemeanor offense (Art.  
13 102.017, Code of Criminal Procedure) . . . \$3;

14              (5) a juvenile delinquency prevention and graffiti  
15 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .  
16 not less than \$50 or more than \$500 [~~\$5~~]; and

17              (6) a juvenile case manager fee (Art. 102.0174, Code  
18 of Criminal Procedure) . . . not to exceed \$5.

19       SECTION 4.07. Section 103.0212, Government Code, is amended  
20 to read as follows:

21       Sec. 103.0212. ADDITIONAL FEES AND COSTS IN CRIMINAL OR  
22 CIVIL CASES: FAMILY CODE. An accused or defendant, or a party to a  
23 civil suit, as applicable, shall pay the following fees and costs  
24 under the Family Code if ordered by the court or otherwise required:

25              (1) in family matters:

26                      (A) issuing writ of withholding (Sec. 8.262,  
27 Family Code) . . . \$15;

(B) filing copy of writ of withholding to subsequent employer (Sec. 8.267, Family Code) . . . \$15;

(C) issuing and delivering modified writ of withholding or notice of termination (Sec. 8.302, Family Code) . . . \$15;

(D) issuing and delivering notice of termination of withholding (Sec. 8.303, Family Code) . . . \$15;

(E) issuance of change of name certificate (Sec. 45.106, Family Code) . . . \$10;

(F) protective order fee (Sec. 81.003, Family Code) . . . \$16;

(G) filing suit requesting adoption of child (Sec. 108.006, Family Code) . . . \$15;

(H) filing fees for suits affecting parent-child relationship (Sec. 110.002, Family Code):

(i) suit or motion for modification (Sec. 110.002, Family Code) . . . \$15;

(ii) motion for enforcement (Sec. 110.002, Family Code) . . . \$15;

(iii) notice of application for judicial writ of withholding (Sec. 110.002, Family Code) . . . \$15;

(iv) motion to transfer (Sec. 110.002, Family Code) . . . \$15;

(v) petition for license suspension (Sec. 110.002, Family Code) . . . \$15;

(vi) motion to revoke a stay of license suspension (Sec. 110.002, Family Code) . . . \$15; and

- 1 (vii) motion for contempt (Sec. 110.002,  
2 Family Code) . . . \$15;
- 3 (I) order or writ of income withholding to be  
4 delivered to employer (Sec. 110.004, Family Code) . . . not to  
5 exceed \$15;
- 6 (J) filing fee for transferred case (Sec.  
7 110.005, Family Code) . . . \$45;
- 8 (K) filing a writ of withholding (Sec. 158.319,  
9 Family Code) . . . \$15;
- 10 (L) filing a request for modified writ of  
11 withholding or notice of termination (Sec. 158.403, Family Code)  
12 . . . not to exceed \$15;
- 13 (M) filing an administrative writ to employer  
14 (Sec. 158.503, Family Code) . . . not to exceed \$15; and
- 15 (N) genetic testing fees in relation to a child  
16 born to a gestational mother (Sec. 160.762, Family Code) . . . as  
17 assessed by the court; and
- 18 (2) in juvenile court:
- 19 (A) fee schedule for deferred prosecution  
20 services (Sec. 53.03, Family Code) . . . maximum fee of \$15 a month;
- 21 (B) a request fee for a teen court program  
22 [administration fee] (Sec. 54.032, Family Code) . . . \$20, if the  
23 court ordering the fee is located in the Texas-Louisiana border  
24 region, but otherwise not to exceed \$10;
- 25 (C) court costs for juvenile probation diversion  
26 fund (Sec. 54.0411, Family Code) . . . \$20;
- 27 (D) a juvenile delinquency prevention fee (Sec.

1 54.0461, Family Code) . . . not less than \$50 or more than \$500  
2 [\$5]; [and]

3 (E) a court fee for child's probationary period  
4 (Sec. 54.061, Family Code) . . . not to exceed \$15 a month; and

5 (F) a fee to cover costs of required duties of  
6 teen court (Sec. 54.032, Family Code) . . . \$20, if the court  
7 ordering the fee is located in the Texas-Louisiana border region,  
8 but otherwise not to exceed \$10.

9 SECTION 4.08. Subsection (a), Section 485.018, Health and  
10 Safety Code, is amended to read as follows:

11 (a) A political subdivision or an agency of this state may  
12 not enact an ordinance or rule that requires a business  
13 establishment to display an abusable volatile chemical, other than  
14 aerosol paint, in a manner that makes the chemical accessible to  
15 patrons of the business only with the assistance of personnel of the  
16 business.

17 SECTION 4.09. Chapter 250, Local Government Code, is  
18 amended by adding Section 250.006 to read as follows:

19 Sec. 250.006. GRAFFITI REMOVAL. (a) Except as provided by  
20 Subsection (g), a county by order or a municipality by ordinance may  
21 require the owner of property within the jurisdiction of the county  
22 or municipality to remove graffiti from the owner's property on  
23 receipt of notice from the county or municipality.

24 (b) The order or ordinance must require a property owner to  
25 remove the graffiti on or before the 10th day after the date the  
26 property owner receives notice under Subsection (a), except that if  
27 the property owner requests the county or municipality, as

applicable, to remove the graffiti or if the property owner fails to remove the graffiti on or before the 10th day after the date of receipt of the notice, the county or municipality may remove the graffiti and charge the expenses of removal to the property owner in accordance with a fee schedule adopted by the county or municipality.

(c) The notice required by Subsection (a) must be given:

(1) personally to the owner in writing;

(2) by letter sent by certified mail, addressed to the property owner at the property owner's address as contained in the records of the appraisal district in which the property is located; or

(3) if service cannot be obtained under Subdivision (1) or (2):

(A) by publication at least once in a newspaper of general circulation in the county or municipality;

(B) by posting the notice on or near the front door of each building on the property to which the notice relates; or

(C) by posting the notice on a placard attached to a stake driven into the ground on the property to which the notice relates.

(d) The county or municipality may assess expenses incurred under Subsection (b) against the property on which the work is performed to remove the graffiti.

(e) To obtain a lien against the property for expenses incurred under Subsection (b), the governing body of the county or

1 municipality must file a statement of expenses with the county  
2 clerk. The statement of expenses must contain:

- 3           (1) the name of the property owner, if known;  
4           (2) the legal description of the property; and  
5           (3) the amount of expenses incurred under Subsection  
6 (b).

7           (f) A lien described by Subsection (e) attaches to the  
8 property on the date on which the statement of expenses is filed in  
9 the real property records of the county in which the property is  
10 located and is subordinate to:

- 11           (1) any previously recorded lien; and  
12           (2) the rights of a purchaser or lender for value who  
13 acquires an interest in the property subject to the lien before the  
14 statement of expenses is filed as described by Subsection (e).

15           (g) An order or ordinance described by this section must  
16 include an exception from the requirement that an owner of property  
17 remove graffiti from the owner's property if:

- 18           (1) the graffiti is located on transportation  
19 infrastructure; and  
20           (2) the removal of the graffiti would create a hazard  
21 for the person performing the removal.

22           SECTION 4.10. Section 101.067, Civil Practice and Remedies  
23 Code, as added by this Act, applies only to a cause of action that  
24 accrues on or after the effective date of this Act. A cause of  
25 action that accrued before the effective date of this Act is  
26 governed by the law in effect immediately before the effective date  
27 of this Act, and that law is continued in effect for that purpose.



SECTION 4.11. Subsections (a) and (c), Article 102.0171, Code of Criminal Procedure, and Sections 102.041, 102.061, and 102.081, Government Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4.12. Subsection (a), Section 54.0461, Family Code, and Section 103.0212, Government Code, as amended by this Act, apply only to conduct that violates a penal law of this state and that occurs on or after the effective date of this Act. Conduct that violates a penal law of this state and that occurs before the effective date of this Act is covered by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, conduct occurs before the effective date of this Act if each element of the violation occurred before that date.

ARTICLE 5. INTELLIGENCE DATABASES

SECTION 5.01. Article 61.02, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) Criminal information collected under this chapter relating to a criminal street gang must:

(1) be relevant to the identification of an organization that is reasonably suspected of involvement in

1 criminal activity; and

2 (2) consist of:

3 (A) a judgment under any law that includes, as a  
4 finding or as an element of a criminal offense, participation in a  
5 criminal street gang;

6 (B) a self-admission by the individual of  
7 criminal street gang membership that is made during a judicial  
8 proceeding; or

9 (C) except as provided by Subsection (d), any two  
10 of the following:

11 (i) a self-admission by the individual of  
12 criminal street gang membership that is not made during a judicial  
13 proceeding, including the use of the Internet or other electronic  
14 format or medium to post photographs or other documentation  
15 identifying the individual as a member of a criminal street gang;

16 (ii) an identification of the individual as  
17 a criminal street gang member by a reliable informant or other  
18 individual;

19 (iii) a corroborated identification of the  
20 individual as a criminal street gang member by an informant or other  
21 individual of unknown reliability;

22 (iv) evidence that the individual frequents  
23 a documented area of a criminal street gang and associates with  
24 known criminal street gang members;

25 (v) evidence that the individual uses, in  
26 more than an incidental manner, criminal street gang dress, hand  
27 signals, tattoos, or symbols, including expressions of letters,

1 numbers, words, or marks, regardless of how or the means by [~~the~~  
2 ~~format or medium in~~] which the symbols are displayed, that are  
3 associated with a criminal street gang that operates in an area  
4 frequented by the individual and described by Subparagraph (iv);  
5 [~~or~~]

6 (vi) evidence that the individual has been  
7 arrested or taken into custody with known criminal street gang  
8 members for an offense or conduct consistent with criminal street  
9 gang activity;

10 (vii) evidence that the individual has  
11 visited a known criminal street gang member, other than a family  
12 member of the individual, while the gang member is confined in or  
13 committed to a penal institution; or

14 (viii) evidence of the individual's use of  
15 technology, including the Internet, to recruit new criminal street  
16 gang members.

17 (d) Evidence described by Subsections (c)(2)(C)(iv) and  
18 (vii) is not sufficient to create the eligibility of a person's  
19 information to be included in an intelligence database described by  
20 this chapter unless the evidence is combined with information  
21 described by another subparagraph of Subsection (c)(2)(C).

22 (e) In this article:

23 (1) "Family member" means a person related to another  
24 person within the third degree by consanguinity or affinity, as  
25 described by Subchapter B, Chapter 573, Government Code, except  
26 that the term does not include a person who is considered to be  
27 related to another person by affinity only as described by Section

1 573.024(b), Government Code.

2 (2) "Penal institution" means a confinement facility  
3 operated by or under a contract with any division of the Texas  
4 Department of Criminal Justice, a confinement facility operated by  
5 or under contract with the Texas Youth Commission, or a juvenile  
6 secure pre-adjudication or post-adjudication facility operated by  
7 or under a local juvenile probation department, or a county jail.

8 SECTION 5.02. Subsection (b), Article 61.06, Code of  
9 Criminal Procedure, is amended to read as follows:

10 (b) Subject to Subsection (c), information collected under  
11 this chapter relating to a criminal street gang must be removed from  
12 an intelligence database established under Article 61.02 and the  
13 intelligence database maintained by the department under Article  
14 61.03 after five [~~three~~] years if:

15 (1) the information relates to the investigation or  
16 prosecution of criminal activity engaged in by an individual other  
17 than a child; and

18 (2) the individual who is the subject of the  
19 information has not been arrested for criminal activity reported to  
20 the department under Chapter 60.

21 SECTION 5.03. Subsection (c), Article 61.06, Code of  
22 Criminal Procedure, as amended by Chapters 258 (S.B. 11), 263 (S.B.  
23 103), and 1308 (S.B. 909), Acts of the 80th Legislature, Regular  
24 Session, 2007, is reenacted and amended to read as follows:

25 (c) In determining whether information is required to be  
26 removed from an intelligence database under Subsection (b), the  
27 five-year [~~three-year~~] period does not include any period during

which the individual who is the subject of the information is:

(1) confined in a correctional facility operated by or under contract with the Texas Department of Criminal Justice;

(2) committed to a secure correctional facility operated by or under contract with the Texas Youth Commission, as defined by Section 51.02, Family Code; or

(3) confined in a county jail or confined in or committed to a facility operated by a juvenile board in lieu of being confined in a correctional facility operated by or under contract with the Texas Department of Criminal Justice or being committed to a secure correctional facility operated by or under contract with the Texas Youth Commission.

SECTION 5.04. Article 61.06, Code of Criminal Procedure, as amended by this Act, applies to any applicable information maintained in an intelligence database under Chapter 61 of that code on or after the effective date of this Act.

ARTICLE 6. LICENSE RESTRICTIONS

SECTION 6.01. Article 42.12, Code of Criminal Procedure, is amended by adding Section 13F to read as follows:

Sec. 13F. RESTRICTIONS ON OPERATION OF MOTOR VEHICLE FOR DEFENDANTS CONVICTED OF CERTAIN ORGANIZED CRIME OFFENSES. A court granting community supervision to a defendant convicted of an offense under Chapter 71, Penal Code, may impose as a condition of community supervision restrictions on the defendant's operation of a motor vehicle, including specifying:

(1) hours during which the defendant may not operate a motor vehicle; and

1           (2) locations at or in which the defendant may not  
2 operate a motor vehicle.

3           SECTION 6.02. (a) The change in law made by this article  
4 applies only to an offense committed on or after the effective date  
5 of this Act.

6           (b) An offense committed before the effective date of this  
7 Act is covered by the law in effect when the offense was committed,  
8 and the former law is continued in effect for that purpose. For  
9 purposes of this subsection, an offense was committed before the  
10 effective date of this Act if any element of the offense was  
11 committed before that date.

12           ARTICLE 7. MISCELLANEOUS PROVISIONS

13           SECTION 7.01. Chapter 772, Government Code, is amended by  
14 adding Section 772.007 to read as follows:

15           Sec. 772.007. TEXAS ANTI-GANG GRANT PROGRAM. (a) The  
16 criminal justice division established under Section 772.006 shall  
17 administer a competitive grant program to support regional,  
18 multidisciplinary approaches to combat gang violence through the  
19 coordination of gang prevention, intervention, and suppression  
20 activities.

21           (b) The grant program administered under this section must  
22 be directed toward regions of this state that have demonstrably  
23 high levels of gang violence.

24           (c) The criminal justice division shall award grants to  
25 qualified applicants, as determined by the division, that  
26 demonstrate a comprehensive approach that balances gang  
27 prevention, intervention, and suppression activities to reduce

1 gang violence.

2 (d) The criminal justice division shall include in the  
3 biennial report required by Section 772.006(a)(9) detailed  
4 reporting of the results and performance of the grant program  
5 administered under this section.

6 (e) The criminal justice division may use any revenue  
7 available for purposes of this section.

8 ARTICLE 8. CONFLICT OF LAW AND EFFECTIVE DATE PROVISIONS

9 SECTION 8.01. To the extent of any conflict, this Act  
10 prevails over another Act of the 81st Legislature, Regular Session,  
11 2009, relating to nonsubstantive additions to and corrections in  
12 enacted codes.

13 SECTION 8.02. This Act takes effect September 1, 2009,  
14 except that Sections 37.110 and 51.973, Education Code, and Section  
15 42.064, Human Resources Code, as added by this Act, take effect  
16 immediately if this Act receives a vote of two-thirds of all the  
17 members elected to each house, as provided by Section 39, Article  
18 III, Texas Constitution. If this Act does not receive the vote  
19 necessary for immediate effect, those sections of the Education  
20 Code and Human Resources Code take effect September 1, 2009.