

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of and punishment for certain criminal offenses involving a criminal street gang.

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

SECTION 1. 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 2. Subsection (a), Section 22.015, Penal Code, is amended by adding Subdivision (3) to read as follows:

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

SECTION 3. Subsection (b), Section 22.015, Penal Code, is amended to read as follows:

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

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

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

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

10 Sec. 33.06. ONLINE HARASSMENT TO FURTHER INTERESTS OF  
11 CRIMINAL STREET GANG. (a) In this section:

12 (1) "Commercial social networking site" means any  
13 business, organization, or other similar entity operating a website  
14 that permits persons to become registered users for the purpose of  
15 establishing personal relationships with other users through  
16 direct or real-time communication with other users or the creation  
17 of web pages or profiles available to the public or to other users.  
18 The term does not include an electronic mail program.

19 (2) "Criminal street gang" has the meaning assigned by  
20 Section 71.01.

21 (3) "Electronic communication" means the transmission  
22 of a sign, signal, writing, image, sound, text, or other data  
23 through the use of an electronic device, including a telephone,  
24 cellular telephone, text messaging device, personal data  
25 assistant, computer, or wireless communications device.

26 (b) A person commits an offense if the person sends an  
27 electronic communication or posts a message on an electronic

1 message board or commercial social networking site with the intent  
2 to:

3 (1) abuse, intimidate, harass, alarm, or threaten  
4 another person; and

5 (2) benefit, promote, or further the interests of a  
6 criminal street gang.

7 (c) An offense under this section is a Class B misdemeanor,  
8 except that the offense is a Class A misdemeanor if the actor has  
9 previously been convicted under this section.

10 SECTION 5. The change in law made by this Act applies only  
11 to an offense committed on or after the effective date of this Act.  
12 An offense committed before the effective date of this Act is  
13 covered by the law in effect when the offense was committed, and the  
14 former law is continued in effect for that purpose. For purposes of  
15 this section, an offense was committed before the effective date of  
16 this Act if any element of the offense occurred before that date.

17 SECTION 6. This Act takes effect September 1, 2009.