

By: Coleman

H.B. No. 2822

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for and certain other civil consequences of engaging in disorderly conduct for a lewd or unlawful purpose.

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

SECTION 1. Article 62.001(5), Code of Criminal Procedure, is amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or children), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(C) a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor committed the offense or engaged in the conduct with intent to violate or abuse the victim sexually;

(D) a violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under

1 Subsection (d) of that section and the actor committed the offense
2 or engaged in the conduct with intent to commit a felony listed in
3 Paragraph (A) or (C);

4 (E) a violation of Section 20.02 (Unlawful
5 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
6 Penal Code, if, as applicable:

7 (i) the judgment in the case contains an
8 affirmative finding under Article 42.015; or

9 (ii) the order in the hearing or the papers
10 in the case contain an affirmative finding that the victim or
11 intended victim was younger than 17 years of age;

12 (F) the second violation of Section 21.08
13 (Indecent exposure) or 42.01(a)(11) (Disorderly conduct), Penal
14 Code, but not if the second violation results in a deferred
15 adjudication;

16 (G) an attempt, conspiracy, or solicitation, as
17 defined by Chapter 15, Penal Code, to commit an offense or engage in
18 conduct listed in Paragraph (A), (B), (C), (D), or (E);

19 (H) a violation of the laws of another state,
20 federal law, the laws of a foreign country, or the Uniform Code of
21 Military Justice for or based on the violation of an offense
22 containing elements that are substantially similar to the elements
23 of an offense listed under Paragraph (A), (B), (C), (D), (E), (G),
24 or (J), but not if the violation results in a deferred adjudication;

25 (I) the second violation of the laws of another
26 state, federal law, the laws of a foreign country, or the Uniform
27 Code of Military Justice for or based on the violation of an offense

1 containing elements that are substantially similar to the elements
2 of the offense of indecent exposure or the elements of the offense
3 of disorderly conduct described by Section 42.01(a)(11), Penal
4 Code, but not if the second violation results in a deferred
5 adjudication; or

6 (J) a violation of Section 33.021 (Online
7 solicitation of a minor), Penal Code.

8 SECTION 2. Section 42.01(d), Penal Code, is amended to read
9 as follows:

10 (d) An offense under this section is a Class C misdemeanor,
11 except that the offense is:

12 (1) a Class B misdemeanor if ~~[unless]~~ committed under
13 Subsection (a)(7) or (a)(8); or

14 (2) a state jail felony if committed under Subsection
15 (a)(11) ~~[, in which event it is a Class B misdemeanor]~~.

16 SECTION 3. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect on the date the offense was committed,
20 and the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

24 SECTION 4. This Act takes effect September 1, 2011.