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ARTICLE 1. CHANGES RELATING TO ALCOHOLIC BEVERAGE CODE

Same as House version.

SECTION 1.01. Section 11.44(b), Alcoholic Beverage Code, is amended to read as follows:

SECTION 1.01. Same as House version.

(b) The commission or administrator shall refuse to issue for a period of three years a permit or license for any location to an applicant who submitted a prior application that expired or was voluntarily surrendered before the hearing on the application was held on a protest involving allegations of prostitution, a shooting, stabbing, or other violent act, or an offense involving drugs or trafficking of persons. The three-year period commences on the date the prior application expired or was voluntarily surrendered.

SECTION 1.02. Section 11.46(c), Alcoholic Beverage Code, is amended to read as follows:

SECTION 1.02. Same as House version.

(c) The commission or administrator shall refuse to issue for a period of one year after cancellation a mixed beverage permit or private club registration permit for a premises where a license or permit has been canceled during the preceding 12 months as a result of a shooting, stabbing, or other violent act, or as a result of an offense involving drugs, prostitution, or trafficking of persons.

SECTION 1.03. Section 11.64(a), Alcoholic Beverage Code, is amended to read as follows:

SECTION 1.03. Same as House version.

(a) When the commission or administrator is authorized to suspend a permit or license under this code, the commission or administrator shall give the permittee or licensee the opportunity to pay a civil penalty rather than have the permit or license suspended, unless the basis for the suspension is a violation of Section 11.61(b)(14), 22.12, 28.11, 32.17(a)(2),

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32.17(a)(3), 61.71(a)(5), 61.71(a)(6), 61.74(a)(14), 69.13, 71.09, 101.04, 101.63, 106.03, 106.06, or 106.15, the sale or offer for sale of an alcoholic beverage during hours prohibited by Chapter 105, consumption or the permitting of consumption of an alcoholic beverage on the person's licensed or permitted premises during hours prohibited by Chapter 105 or Section 32.17(a)(7), or an offense relating to prostitution, trafficking of persons, or gambling, in which case the commission or administrator shall determine whether the permittee or licensee may have the opportunity to pay a civil penalty rather than have the permit or license suspended. The commission shall adopt rules addressing when suspension may be imposed pursuant to this section without the opportunity to pay a civil penalty. In adopting rules under this subsection, the commission shall consider the type of license or permit held, the type of violation, any aggravating or ameliorating circumstances concerning the violation, and any past violations of this code by the permittee or licensee. In cases in which a civil penalty is assessed, the commission or administrator shall determine the amount of the penalty. The amount of the civil penalty may not be less than \$150 or more than \$25,000 for each day the permit or license was to have been suspended. If the licensee or permittee does not pay the penalty before the sixth day after the commission or administrator notifies him of the amount, the commission or administrator shall impose the suspension.

SECTION 1.04. Section 61.42(c), Alcoholic Beverage Code, is amended to read as follows:

(c) The county judge, commission, or administrator shall refuse to approve or issue for a period of one year a retail dealer's on-premise license or a wine and beer retailer's permit for a premises where a license or permit has been canceled

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during the preceding 12 months as a result of a shooting, stabbing, or other violent act, or as a result of an offense involving drugs, prostitution, or trafficking of persons.

ARTICLE 2. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

Same as House version.

SECTION 2.01. Article 17.153(a), Code of Criminal Procedure, is amended to read as follows:

SECTION 2.01. Same as House version.

(a) This article applies to a defendant charged with a felony offense under any of the following provisions of the Penal Code, if committed against a child younger than 14 years of age:

- (1) Chapter 21 (Sexual Offenses);
- (2) Section 25.02 (Prohibited Sexual Conduct); ~~[e]~~
- (3) Section 43.25 (Sexual Performance by a Child);
- (4) Section 20A.02 (Trafficking of Persons), if the defendant is alleged to have:

(A) trafficked the child with the intent or knowledge that the child would engage in sexual conduct, as defined by Section 43.25, Penal Code; or

(B) benefited from participating in a venture that involved a trafficked child engaging in sexual conduct, as defined by Section 43.25, Penal Code; or

(5) Section 43.05(a)(2) (Compelling Prostitution).

SECTION 2.02. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0372 to read as follows:

SECTION 2.02. Same as House version.

Art. 42.0372. MANDATORY RESTITUTION FOR CHILD VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION. (a) The court shall order a defendant convicted of an offense under Section 20A.02 or 43.05(a)(2), Penal Code, to pay restitution in an amount equal

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to the cost of necessary rehabilitation, including medical, psychiatric, and psychological care and treatment, for any victim of the offense who is younger than 18 years of age.

(b) The court shall, after considering the financial circumstances of the defendant, specify in a restitution order issued under Subsection (a) the manner in which the defendant must pay the restitution.

(c) A restitution order issued under Subsection (a) may be enforced by the state, or by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

(d) The court may hold a hearing, make findings of fact, and amend a restitution order issued under Subsection (a) if the defendant fails to pay the victim named in the order in the manner specified by the court.

SECTION 2.03. Section 13B(b), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(b) This section applies to a defendant placed on community supervision for an offense:

(1) under Section ~~43.05(a)(2)~~, 43.25, or 43.26, Penal Code;

(2) under Section 21.08, 21.11, 22.011, 22.021, or 25.02, Penal Code;

(3) under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; ~~[or]~~

(4) under Section 30.02, Penal Code, punishable under Subsection (d) of that section, if the defendant committed the offense with the intent to commit a felony listed in Subdivision (2) or (3) of this subsection; or

(5) under Section 20A.02, Penal Code, if the defendant:

(A) trafficked the victim with the intent or knowledge that the victim would engage in sexual conduct, as defined by Section

SECTION 2.03. Same as House version.

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43.25, Penal Code; or

(B) benefited from participating in a venture that involved a trafficked victim engaging in sexual conduct, as defined by Section 43.25, Penal Code.

SECTION 2.04. Section 19(e), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(e) If the judge grants community supervision to a defendant convicted of an offense under Section 21.08, 21.11, 22.011, 22.021, 25.02, 43.05(a)(2), 43.25, or 43.26, Penal Code, or under Section 20A.02, Penal Code, if the defendant committed the offense in the manner described by Section 13B(b)(5), regardless of the age of the victim of the offense, the judge shall require as a condition of community supervision that the defendant pay to the community corrections and supervision department officer supervising the defendant a community supervision fee of \$5 each month during the period of community supervision. The fee is in addition to court costs or any other fee imposed on the defendant.

SECTION 2.05. Article 59.01(2), Code of Criminal Procedure, as amended by Chapters 153 (S.B. 2225), 1130 (H.B. 2086), and 1357 (S.B. 554), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

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

(A) used in the commission of:

- (i) any first or second degree felony under the Penal Code;
- (ii) any felony under Section 15.031(b), 20.05, 21.11, 38.04, or [Subchapter B of] Chapter 43, 20A, [or Chapter] 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

No equivalent provision.

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

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

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

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

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

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

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

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

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

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

(viii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;

(ix) a Class A misdemeanor under Section 306.051, Business & Commerce Code; ~~or~~

(x) any offense under Section 42.10, Penal Code;

(xi) ~~(x)~~ any offense under Section 46.06(a)(1) or 46.14, Penal Code; or

(xii) ~~(x)~~ any offense under Chapter 71, Penal Code;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii) ~~(B)(viii) or (x)~~ of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a

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misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii)  
~~[(B)(viii) or (x)]~~ of this subdivision, or a crime of violence;  
~~[or]~~

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

(F) used to facilitate or intended to be used to facilitate the commission of a felony under Section 20A.02 or Chapter 43, Penal Code.

SECTION 2.06. Article 60.051(g), Code of Criminal Procedure, is amended to read as follows:

(g) In addition to the information described by Subsections (a)-(f), information in the computerized criminal history system must include the age of the victim of the offense if the defendant was arrested for or charged with an offense under:

(1) Section 21.02 (Continuous sexual abuse of young child or children), Penal Code;

(2) Section 21.11 (Indecency with a child), Penal Code;

(3) Section 22.011 (Sexual assault) or 22.021 (Aggravated sexual assault), Penal Code;

(4) Section 43.25 (Sexual performance by a child), Penal Code;

(5) Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant committed the offense with intent to violate or abuse the victim sexually; ~~[or]~~

(6) Section 30.02 (Burglary), Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with intent to commit an offense described by Subdivision (2), (3), or (5);

(7) Section 20A.02 (Trafficking of persons), Penal Code, if the defendant:

(A) trafficked a person with the intent or knowledge that the

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SECTION 2.05. Article 60.051(g), Code of Criminal Procedure, is amended to read as follows:

(g) In addition to the information described by Subsections (a)-(f), information in the computerized criminal history system must include the age of the victim of the offense if the defendant was arrested for or charged with an offense under:

(1) Section 21.02 (Continuous sexual abuse of young child or children), Penal Code;

(2) Section 21.11 (Indecency with a child), Penal Code;

(3) Section 22.011 (Sexual assault) or 22.021 (Aggravated sexual assault), Penal Code;

(4) Section 43.25 (Sexual performance by a child), Penal Code;

(5) Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant committed the offense with intent to violate or abuse the victim sexually; ~~[or]~~

(6) Section 30.02 (Burglary), Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with intent to commit an offense described by Subdivision (2), (3), or (5);

(7) Section 20A.02 (Trafficking of persons), Penal Code, if the defendant:

(A) trafficked a person with the intent or knowledge that the

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person would engage in sexual conduct, as defined by Section 43.25, Penal Code; or  
(B) benefited from participating in a venture that involved a trafficked person engaging in sexual conduct, as defined by Section 43.25, Penal Code; or  
(8) Section 43.05(a)(2) (Compelling prostitution).

SECTION 2.07. The heading to Article 102.0186, Code of Criminal Procedure, is amended to read as follows:  
Art. 102.0186. ADDITIONAL COSTS ATTENDANT TO CERTAIN SEXUAL OFFENSES COMMITTED AGAINST CHILDREN [~~CHILD SEXUAL ASSAULT AND RELATED CONVICTIONS~~].

SECTION 2.08. Article 102.0186(a), Code of Criminal Procedure, is amended to read as follows:  
(a) A person convicted of an offense under any of the following provisions of the Penal Code shall pay \$100 on conviction:  
(1) Section 21.02, 21.11, 22.011(a)(2), 22.021(a)(1)(B), 43.05(a)(2), 43.25, 43.251, or 43.26; or  
(2) Section 20A.02 if the defendant:  
(A) trafficked a person younger than 18 years of age with the intent or knowledge that the person would engage in sexual conduct, as defined by Section 43.25, Penal Code; or  
(B) benefited from participating in a venture that involved a trafficked person younger than 18 years of age engaging in sexual conduct, as defined by Section 43.25, Penal Code[-; shall pay \$100 on conviction of the offense].

SECTION 2.09. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0187

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person would engage in sexual conduct, as defined by Section 43.25, Penal Code; or  
(B) benefited from participating in a venture that involved a trafficked person engaging in sexual conduct, as defined by Section 43.25, Penal Code; or  
(8) Section 43.05(a)(2) (Compelling prostitution), Penal Code.

No equivalent provision.

No equivalent provision.

No equivalent provision.

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to read as follows:

Art. 102.0187. ADDITIONAL COSTS ATTENDANT TO CERTAIN TRAFFICKING OF PERSONS AND COMPELLING PROSTITUTION CONVICTIONS. (a) A person convicted of an offense under Section 20A.02 or 43.05, Penal Code, shall pay \$100 on conviction of the offense.

(b) Costs imposed under this article are imposed without regard to whether the defendant is placed on community supervision after being convicted of the offense or receives deferred adjudication for the offense.

(c) Court costs under this article are collected in the same manner as other fines or costs. An officer collecting the costs shall keep separate records of the money collected as costs under this article and shall deposit the money in the county treasury.

(d) The custodian of a county treasury shall:

(1) keep records of the amount of money on deposit collected under this article;

(2) send to the comptroller, before the last day of the first month following each calendar quarter, 50 percent of the money collected under this article during the preceding quarter; and

(3) deposit the remaining 50 percent of the money collected under this article during the preceding quarter in a trafficking of persons and compelling prostitution prevention fund to be used only to pay for programs related to the prevention of offenses involving the trafficking of persons or compelling prostitution that are operated in the county in which the court is located.

(e) The trafficking of persons and compelling prostitution prevention fund shall be administered by or under the direction of the commissioners court.

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ARTICLE 3. CHANGES RELATING TO GOVERNMENT CODE

Same as House version.

SECTION 3.01. Subchapter C, Chapter 71, Government Code, is amended by adding Section 71.0353 to read as follows:

SECTION 3.01. Same as House version.

Sec. 71.0353. TRAFFICKING OF PERSONS INFORMATION. As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System, a district court or county court at law shall report the number of cases filed for the following offenses:

- (1) trafficking of persons under Section 20A.02, Penal Code;
- (2) prostitution under Section 43.02, Penal Code; and
- (3) compelling prostitution under Section 43.05, Penal Code.

**No equivalent provision.**

SECTION 3.02. Subchapter B, Chapter 102, Government Code, is amended by adding Section 102.0219 to read as follows:

Sec. 102.0219. ADDITIONAL COURT COSTS: CODE OF CRIMINAL PROCEDURE. A defendant who is convicted of an offense under Section 20A.02 or 43.05, Penal Code, shall pay a cost on conviction, in addition to all other costs, to help fund the prevention of offenses involving the trafficking of persons or compelling prostitution (Art. 102.0187, Code of Criminal Procedure) . . . \$100.

SECTION 3.02. Same as House version.

SECTION 3.03. Section 411.042(b), Government Code, is amended to read as follows:

- (b) The bureau of identification and records shall:
  - (1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a

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criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of:

(A) offenses in which family violence was involved;

(B) ~~[and a statistical breakdown of]~~ offenses under Sections 22.011 and 22.021, Penal Code; and

(C) offenses under Sections 20A.02 and 43.05, Penal Code;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(6) collect information concerning the number and nature of protective orders and all other pertinent information about all persons on active protective orders. Information in the law enforcement information system relating to an active protective order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to whom the order is directed, including the person's social security number

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or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under Section 85.007, Family Code;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Section 85.007, Family Code;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed; and

(G) the date the order expires;

(7) grant access to criminal history record information in the manner authorized under Subchapter F;

(8) collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code; and

(9) record data and maintain a state database for a computerized criminal history record system and computerized juvenile justice information system that serves:

(A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and

(B) as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation.

SECTION 3.04. Section 508.187(a), Government Code, is amended to read as follows:

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(a) This section applies only to a releasee serving a sentence for an offense under:

(1) Section 43.25 or 43.26, Penal Code;

(2) Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code;

(3) Section 20.04(a)(4), Penal Code, if the releasee committed the offense with the intent to violate or abuse the victim sexually; ~~[or]~~

(4) Section 30.02, Penal Code, punishable under Subsection (d) of that section, if the releasee committed the offense with the intent to commit a felony listed in Subdivision (2) or (3);

(5) Section 43.05(a)(2), Penal Code; or

(6) Section 20A.02, Penal Code, if the defendant:

(A) trafficked the victim with the intent or knowledge that the victim would engage in sexual conduct, as defined by Section 43.25, Penal Code; or

(B) benefited from participating in a venture that involved a trafficked victim engaging in sexual conduct, as defined by Section 43.25, Penal Code.

SECTION 3.05. Sections 772.006(e) and (f), Government Code, are amended to read as follows:

(e) The legislature may appropriate money from the trafficking of persons investigation and prosecution account created under Subsection (d) only to the criminal justice division for the purposes of this subsection. The division may use the appropriated money solely to distribute grants to qualified applicants, as determined by the division, that:

(1) ~~[counties that apply for the grants and that]~~ have dedicated full-time or part-time personnel to identify, prevent, investigate, or prosecute offenses under Chapter 20A, Penal Code; ~~or~~ and

(2) ~~[nongovernmental organizations that apply for the grants~~

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~~and that~~] provide comprehensive services in this state to prevent the commission of offenses under Chapter 20A, Penal Code, or to address the needs of victims of those offenses, including public awareness activities, community outreach and training, victim identification services, legal services, and other services designed to assist victims.

(f) The total amount of grants that may be distributed under this section ~~[to counties and nongovernmental organizations]~~ from the trafficking of persons investigation and prosecution account during each state fiscal year may not exceed \$10 million.

ARTICLE 4. CHANGES RELATING TO PENAL CODE

Same as House version.

SECTION 4.01. Section 15.031(b), Penal Code, is amended to read as follows:

**No equivalent provision.**

(b) A person commits an offense if, with intent that an offense under Section 20A.02, 21.02, 21.11, 22.011, 22.021, 43.02, 43.05, or 43.25 be committed, the person by any means requests, commands, or attempts to induce a minor or another whom the person believes to be a minor to engage in specific conduct that, under the circumstances surrounding the actor's conduct as the actor believes them to be, would constitute an offense under one of those sections or would make the minor or other believed by the person to be a minor a party to the commission of an offense under one of those sections.

SECTION 4.02. Section 25.08(c), Penal Code, is amended to read as follows:

SECTION 4.01. Same as House version.

(c) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor commits the offense with intent to commit an

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offense under Section ~~20A.02, 43.02, 43.05, or 43.25.~~

SECTION 4.03. Section 43.02(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a Class B misdemeanor, except that the offense is:

~~(1) a Class A misdemeanor if [unless] the actor has previously been convicted one or two times of an offense under this section;~~

~~(2) a state jail felony if[, in which event it is a Class A misdemeanor. —If] the actor has previously been convicted three or more times of an offense under this section;~~

~~(3) a felony of the third degree if the person solicited is 14 years of age or older and younger than 18 years of age; or~~

~~(4) a felony of the second degree if the person solicited is younger than 14 years of age[, the offense is a state jail felony].~~

SECTION 4.04. Section 43.251(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the child is younger than 14 years of age at the time the offense is committed [~~Class A misdemeanor~~].

ARTICLE 5. TRANSITION; EFFECTIVE DATE

SECTION 5.01. Except as provided by Section 5.02 of this Act, the changes in law made 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,

SECTION 4.02. Same as House version.

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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 5.02. The changes in law made by this Act to Sections 11.44, 11.46, 11.64, and 61.42, Alcoholic Beverage Code, apply only to an application for a license filed on or after the effective date of this Act. An application for a license filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 5.03. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5.04. This Act takes effect September 1, 2011.

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SECTION 5.02. Same as House version.

SECTION 5.03. Same as House version.

SECTION 5.04. Same as House version.

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