

AN ACT

relating to the powers and duties of the Texas Department of Public Safety, military and law enforcement training, and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty; authorizing fees.

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

SECTION 1. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers, ~~and~~ officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

- 1 (5) investigators of the district attorneys', criminal
2 district attorneys', and county attorneys' offices;
- 3 (6) law enforcement agents of the Texas Alcoholic
4 Beverage Commission;
- 5 (7) each member of an arson investigating unit
6 commissioned by a city, a county, or the state;
- 7 (8) officers commissioned under Section [37.081](#),
8 Education Code, or Subchapter E, Chapter 51, Education Code;
- 9 (9) officers commissioned by the General Services
10 Commission;
- 11 (10) law enforcement officers commissioned by the
12 Parks and Wildlife Commission;
- 13 (11) airport police officers commissioned by a city
14 with a population of more than 1.18 million located primarily in a
15 county with a population of 2 million or more that operates an
16 airport that serves commercial air carriers;
- 17 (12) airport security personnel commissioned as peace
18 officers by the governing body of any political subdivision of this
19 state, other than a city described by Subdivision (11), that
20 operates an airport that serves commercial air carriers;
- 21 (13) municipal park and recreational patrolmen and
22 security officers;
- 23 (14) security officers and investigators commissioned
24 as peace officers by the comptroller;
- 25 (15) officers commissioned by a water control and
26 improvement district under Section [49.216](#), Water Code;
- 27 (16) officers commissioned by a board of trustees

1 under Chapter 54, Transportation Code;

2 (17) investigators commissioned by the Texas Medical
3 Board;

4 (18) officers commissioned by:

5 (A) the board of managers of the Dallas County
6 Hospital District, the Tarrant County Hospital District, the Bexar
7 County Hospital District, or the El Paso County Hospital District
8 under Section [281.057](#), Health and Safety Code;

9 (B) the board of directors of the Ector County
10 Hospital District under Section [1024.117](#), Special District Local
11 Laws Code; and

12 (C) the board of directors of the Midland County
13 Hospital District of Midland County, Texas, under Section [1061.121](#),
14 Special District Local Laws Code;

15 (19) county park rangers commissioned under
16 Subchapter E, Chapter 351, Local Government Code;

17 (20) investigators employed by the Texas Racing
18 Commission;

19 (21) officers commissioned under Chapter 554,
20 Occupations Code;

21 (22) officers commissioned by the governing body of a
22 metropolitan rapid transit authority under Section [451.108](#),
23 Transportation Code, or by a regional transportation authority
24 under Section [452.110](#), Transportation Code;

25 (23) investigators commissioned by the attorney
26 general under Section [402.009](#), Government Code;

27 (24) security officers and investigators commissioned

1 as peace officers under Chapter 466, Government Code;

2 (25) [~~(26)~~] ~~[an officer employed by the Department of State~~
3 ~~Health Services under Section 431.2471, Health and Safety Code,~~

4 [~~(26)~~] officers appointed by an appellate court under
5 Subchapter F, Chapter 53, Government Code;

6 (26) [~~(27)~~] officers commissioned by the state fire
7 marshal under Chapter 417, Government Code;

8 (27) [~~(28)~~] an investigator commissioned by the
9 commissioner of insurance under Section 701.104, Insurance Code;

10 (28) [~~(29)~~] apprehension specialists and inspectors
11 general commissioned by the Texas Juvenile Justice Department as
12 officers under Sections 242.102 and 243.052, Human Resources Code;

13 (29) [~~(30)~~] officers appointed by the inspector
14 general of the Texas Department of Criminal Justice under Section
15 493.019, Government Code;

16 (30) [~~(31)~~] investigators commissioned by the Texas
17 Commission on Law Enforcement under Section 1701.160, Occupations
18 Code;

19 (31) [~~(32)~~] commission investigators commissioned by
20 the Texas Private Security Board under Section 1702.061
21 [~~1702.061(f)~~], Occupations Code;

22 (32) [~~(33)~~] the fire marshal and any officers,
23 inspectors, or investigators commissioned by an emergency services
24 district under Chapter 775, Health and Safety Code;

25 (33) [~~(34)~~] officers commissioned by the State Board
26 of Dental Examiners under Section 254.013, Occupations Code,
27 subject to the limitations imposed by that section;

1 (34) [~~35~~] investigators commissioned by the Texas
2 Juvenile Justice Department as officers under Section 221.011,
3 Human Resources Code; and

4 (35) [~~36~~] the fire marshal and any related officers,
5 inspectors, or investigators commissioned by a county under
6 Subchapter B, Chapter 352, Local Government Code.

7 SECTION 2. Section 4, Article 18.20, Code of Criminal
8 Procedure, is amended to read as follows:

9 Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED.

10 A judge of competent jurisdiction may issue an order authorizing
11 interception of wire, oral, or electronic communications only if
12 the prosecutor applying for the order shows probable cause to
13 believe that the interception will provide evidence of the
14 commission of:

15 (1) a felony under Section 19.02, 19.03, or 43.26,
16 Penal Code;

17 (2) a felony under:

18 (A) Chapter 481, Health and Safety Code, other
19 than felony possession of marihuana;

20 (B) Section 485.032, Health and Safety Code; or

21 (C) Chapter 483, Health and Safety Code;

22 (3) an offense under Section 20.03 or 20.04, Penal
23 Code;

24 (4) an offense under Chapter 20A, Penal Code;

25 (5) an offense under Chapter 34, Penal Code, if the
26 criminal activity giving rise to the proceeds involves the
27 commission of an offense under Title 5, Penal Code, or an offense

1 under federal law or the laws of another state containing elements
2 that are substantially similar to the elements of an offense under
3 Title 5;

4 (6) an offense under Section 38.11, Penal Code; [~~or~~]

5 (7) an offense under Section 43.04 or 43.05, Penal
6 Code; or

7 (8) an attempt, conspiracy, or solicitation to commit
8 an offense listed in this section.

9 SECTION 3. Article 59.01(2), Code of Criminal Procedure, as
10 amended by Chapters 427 (S.B. 529) and 1357 (S.B. 1451), Acts of the
11 83rd Legislature, Regular Session, 2013, is reenacted and amended
12 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, 20.06, 21.11, 38.04, or Chapter 43, 20A, 29, 30, 31, 32, 33,
20 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 151, 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 32, Human
14 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that
15 involves the state Medicaid program;

16 (vii) a Class B misdemeanor under Chapter
17 522, Business & Commerce Code;

18 (viii) a Class A misdemeanor under Section
19 306.051, Business & Commerce Code;

20 (ix) any offense under Section 42.10, Penal
21 Code;

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

24 (xi) any offense under Chapter 71, Penal
25 Code;

26 (xii) any offense under Section 20.05 or
27 20.06, Penal Code; or

1 (xiii) [~~(xiv)~~] an offense under Section
2 326.002, Business & Commerce Code;

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

7 (D) acquired with proceeds gained from the
8 commission of a felony listed in Paragraph (A) or (B) of this
9 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),
10 or (xi) of this subdivision, or a crime of violence;

11 (E) used to facilitate or intended to be used to
12 facilitate the commission of a felony under Section 15.031 or
13 43.25, Penal Code; or

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

17 SECTION 4. Subchapter B, Chapter 402, Government Code, is
18 amended by adding Section 402.038 to read as follows:

19 Sec. 402.038. TRANSNATIONAL AND ORGANIZED CRIME DIVISION.

20 (a) The office of the attorney general shall establish a
21 transnational and organized crime division.

22 (b) To address matters related to border security and
23 organized crime, the transnational and organized crime division
24 shall:

25 (1) establish within the division a prosecution unit
26 to provide critical assistance to local prosecutors;

27 (2) using existing funds, establish within the

1 division a trafficking of persons unit to:

2 (A) assist local law enforcement agencies and
3 local prosecutors in investigating and prosecuting trafficking of
4 persons and related crimes; and

5 (B) work with the appropriate local and state
6 agencies to identify victims of trafficking of persons and to
7 provide the types of assistance available for those victims under
8 Chapter 56, Code of Criminal Procedure; and

9 (3) develop initiatives to provide greater state
10 assistance, support, and coordination among state law enforcement
11 agencies, local law enforcement agencies, and local prosecutors.

12 (c) Prosecution assistance provided by the division under
13 this section shall be in accordance with the assistance authorized
14 under Section 402.028.

15 SECTION 5. Section 411.0043, Government Code, is amended to
16 read as follows:

17 Sec. 411.0043. TECHNOLOGY POLICY; REVIEW. (a) The
18 commission shall implement a policy requiring the department to use
19 appropriate technological solutions to improve the department's
20 ability to perform its functions. The policy must ensure that the
21 public is able to interact with the department on the Internet.

22 (b) The department shall periodically:

23 (1) review the department's existing information
24 technology system to determine whether:

25 (A) the system's security should be upgraded; and

26 (B) the system provides the department with the
27 best ability to monitor and investigate criminal activity on the

1 Internet; and

2 (2) make any necessary improvements to the
3 department's information technology system.

4 SECTION 6. Subchapter A, Chapter 411, Government Code, is
5 amended by adding Section 411.0163 to read as follows:

6 Sec. 411.0163. HIRING OFFICERS WITH PREVIOUS LAW
7 ENFORCEMENT EXPERIENCE. Notwithstanding any other provision of
8 law, the department may, at the time a commissioned officer is
9 hired, elect to credit up to four years of experience as a peace
10 officer in the state as years of service for the purpose of
11 calculating the officer's salary under Schedule C. All officers
12 are subject to the one-year probationary period under Section
13 411.007(g) notwithstanding the officer's rank or salary
14 classification.

15 SECTION 7. Subchapter A, Chapter 411, Government Code, is
16 amended by adding Section 411.0164 to read as follows:

17 Sec. 411.0164. 50-HOUR WORKWEEK FOR COMMISSIONED OFFICERS.
18 Notwithstanding any other law, the department may implement a
19 10-hour workday and 50-hour workweek for commissioned officers of
20 the department.

21 SECTION 8. Subchapter A, Chapter 411, Government Code, is
22 amended by adding Section 411.0165 to read as follows:

23 Sec. 411.0165. VETERAN APPLICANTS FOR TROOPER TRAINING.
24 The department may accept a person applying to the department's
25 trooper trainee academy if the person:

26 (1) has served four or more years in the United States
27 armed forces as a member of the military police or other security

1 force and received an honorable discharge; and

2 (2) meets all other department requirements for a
3 commissioned officer.

4 SECTION 9. Subchapter A, Chapter 411, Government Code, is
5 amended by adding Sections 411.0208 and 411.0209 to read as
6 follows:

7 Sec. 411.0208. RESERVE OFFICER CORPS. (a) The commission
8 may provide for the establishment of a reserve officer corps
9 consisting of retired or previously commissioned officers of the
10 department who retired or resigned in good standing.

11 (b) The commission shall establish qualifications and
12 standards of training for members of the reserve officer corps.

13 (c) The commission may limit the size of the reserve officer
14 corps.

15 (d) The director shall appoint the members of the reserve
16 officer corps. Members serve at the director's discretion.

17 (e) The director may call the reserve officer corps into
18 service at any time the director considers it necessary to have
19 additional officers to assist the department in conducting
20 background investigations, sex offender compliance checks, and
21 other duties as determined necessary by the director.

22 Sec. 411.0209. DEPARTMENT ASSISTANCE AT INTERNATIONAL
23 BORDER CHECKPOINTS. (a) To prevent the unlawful transfer of
24 contraband from this state to the United Mexican States and other
25 unlawful activity, the department shall implement a strategy for
26 providing to federal authorities and to local law enforcement
27 authorities working with those federal authorities at

1 international border checkpoints assistance in the interdiction of
2 weapons, bulk currency, stolen vehicles, and other contraband, and
3 of fugitives, being smuggled into the United Mexican States.

4 (b) The department may share with the federal government the
5 cost of staffing any international border checkpoints for the
6 purposes described by this section.

7 (c) The director and applicable local law enforcement
8 authorities shall adopt procedures as necessary to administer this
9 section.

10 SECTION 10. Subchapter D, Chapter 411, Government Code, is
11 amended by adding Section 411.054 to read as follows:

12 Sec. 411.054. INCIDENT-BASED CRIME STATISTICS REPORTING
13 GOAL. (a) The department shall establish a goal that, not later
14 than September 1, 2019, all local law enforcement agencies:

15 (1) will have implemented an incident-based reporting
16 system that meets the reporting requirements of the National
17 Incident-Based Reporting System of the Uniform Crime Reporting
18 Program of the Federal Bureau of Investigation; and

19 (2) will use the system described by Subdivision (1)
20 to submit to the department information and statistics concerning
21 criminal offenses committed in the jurisdiction of the local law
22 enforcement agency.

23 (b) Not later than January 1, 2017, the department shall
24 submit a report to the legislature that identifies the number of
25 local law enforcement agencies that have implemented the system
26 described by Subsection (a).

27 SECTION 11. Subchapter A, Chapter 411, Government Code, is

1 amended by adding Section 411.0141 to read as follows:

2 Sec. 411.0141. MULTIUSE TRAINING FACILITY. (a) The Texas
3 Facilities Commission shall construct a multiuse training facility
4 to be used by the department, the Texas military forces, county and
5 municipal law enforcement agencies, and any other military or law
6 enforcement agency, including agencies of the federal government,
7 for training purposes.

8 (b) The Texas Facilities Commission, with the assistance of
9 the department, shall locate and acquire real property for the
10 purpose of constructing the training facility. The governing body
11 of a county or municipality, on behalf of the county or
12 municipality, may donate real property to the department for the
13 training facility. The donation may be in fee simple or otherwise.

14 (c) The department shall, with the assistance of the Texas
15 Facilities Commission, design the training facility.

16 (d) On completion of the construction of the training
17 facility, the Texas Facilities Commission shall transfer ownership
18 of the training facility, including the real property and
19 buildings, to the department.

20 (e) The department shall manage the training facility and
21 may adopt rules necessary to implement this section. The
22 department shall make the training facility available for use by
23 the department, the Texas military forces, county and municipal law
24 enforcement agencies, and any other military or law enforcement
25 agency, including agencies of the federal government. The
26 department may set and collect fees for the use of the training
27 facility.

1 SECTION 12. Section 772.007, Government Code, is reenacted
2 to read as follows:

3 Sec. 772.007. TEXAS ANTI-GANG GRANT PROGRAM. (a) The
4 criminal justice division established under Section 772.006 shall
5 administer a competitive grant program to support regional,
6 multidisciplinary approaches to combat gang violence through the
7 coordination of gang prevention, intervention, and suppression
8 activities.

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

12 (c) The criminal justice division shall award grants to
13 qualified applicants, as determined by the division, that
14 demonstrate a comprehensive approach that balances gang
15 prevention, intervention, and suppression activities to reduce
16 gang violence.

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

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

23 SECTION 13. Chapter 362, Local Government Code, is amended
24 by adding Section 362.005 to read as follows:

25 Sec. 362.005. TEXAS TRANSNATIONAL INTELLIGENCE CENTER.

26 (a) The sheriff's department of a county with a population of at
27 least 700,000 but not more than 800,000 that borders the

1 Texas-Mexico border and the police department of the municipality
2 having the largest population in that county shall jointly
3 establish and operate the Texas Transnational Intelligence Center
4 as a central repository of real-time intelligence relating to:

5 (1) autopsies in which the person's death is likely
6 connected to transnational criminal activity;

7 (2) criminal activity in the counties along the
8 Texas-Mexico border and certain other counties; and

9 (3) other transnational criminal activity in the
10 state.

11 (b) The Texas Department of Public Safety shall assist the
12 county sheriff's department and the municipal police department in
13 the establishment and operation of the center.

14 (c) Each law enforcement agency in a county located along
15 the Texas-Mexico border or in a county that contains a federal
16 checkpoint shall report to the Texas Transnational Intelligence
17 Center intelligence regarding criminal activity in the law
18 enforcement agency's jurisdiction, including details on
19 kidnappings, home invasions, and incidents of impersonation of law
20 enforcement officers. The Texas Alcoholic Beverage Commission and
21 Parks and Wildlife Department shall report to the center
22 intelligence regarding transnational criminal activity in the
23 agency's jurisdiction.

24 (d) The intelligence in the Texas Transnational
25 Intelligence Center shall be made available to each law enforcement
26 agency in the state and the Texas Alcoholic Beverage Commission and
27 Parks and Wildlife Department.

1 (e) The Texas Transnational Intelligence Center shall
2 comply with Section 421.085, Government Code, and the rules
3 relating to that section.

4 SECTION 14. Section 20.05, Penal Code, is amended to read as
5 follows:

6 Sec. 20.05. SMUGGLING OF PERSONS. (a) A person commits an
7 offense if the person, with the intent to obtain a pecuniary
8 benefit, knowingly:

9 (1) [~~intentionally~~] uses a motor vehicle, aircraft,
10 [~~or~~] watercraft, or other means of conveyance to transport an
11 individual with the intent to:

12 (A) [~~(1)~~] conceal the individual from a peace
13 officer or special investigator; or

14 (B) [~~(2)~~] flee from a person the actor knows is a
15 peace officer or special investigator attempting to lawfully arrest
16 or detain the actor; or

17 (2) encourages or induces a person to enter or remain
18 in this country in violation of federal law by concealing,
19 harboring, or shielding that person from detection.

20 (b) An [~~Except as provided by Subsection (c), an~~] offense
21 under this section is [~~a state jail felony.~~

22 [~~(c) An offense under this section is~~] a felony of the third
23 degree, except that [~~if the actor commits~~] the offense is:

24 (1) a felony of the second degree if:

25 (A) the actor commits the offense [~~for pecuniary~~
26 ~~benefit, or~~

27 [~~(2)~~] in a manner that creates a substantial

1 likelihood that the smuggled [~~transported~~] individual will suffer
2 serious bodily injury or death; or

3 (B) the smuggled individual is a child younger
4 than 18 years of age at the time of the offense; or

5 (2) a felony of the first degree if:

6 (A) it is shown on the trial of the offense that,
7 as a direct result of the commission of the offense, the smuggled
8 individual became a victim of sexual assault, as defined by Section
9 22.011, or aggravated sexual assault, as defined by Section 22.021;
10 or

11 (B) the smuggled individual suffered serious
12 bodily injury or death.

13 (c) [~~(d)~~ It is an affirmative defense to prosecution of an
14 offense under this section, other than an offense punishable under
15 Subsection (b)(1)(A) or (b)(2), that the actor is related to the
16 smuggled [~~transported~~] individual within the second degree of
17 consanguinity or, at the time of the offense, within the second
18 degree of affinity.

19 (d) [~~(e)~~ If conduct constituting an offense under this
20 section also constitutes an offense under another section of this
21 code, the actor may be prosecuted under either section or under both
22 sections.

23 SECTION 15. Chapter 20, Penal Code, is amended by adding
24 Section 20.06 to read as follows:

25 Sec. 20.06. CONTINUOUS SMUGGLING OF PERSONS. (a) A person
26 commits an offense if, during a period that is 10 or more days in
27 duration, the person engages two or more times in conduct that

1 constitutes an offense under Section 20.05.

2 (b) If a jury is the trier of fact, members of the jury are
3 not required to agree unanimously on which specific conduct engaged
4 in by the defendant constituted an offense under Section 20.05 or on
5 which exact date the defendant engaged in that conduct. The jury
6 must agree unanimously that the defendant, during a period that is
7 10 or more days in duration, engaged two or more times in conduct
8 that constitutes an offense under Section 20.05.

9 (c) If the victim of an offense under Subsection (a) is the
10 same victim as a victim of an offense under Section 20.05, a
11 defendant may not be convicted of the offense under Section 20.05 in
12 the same criminal action as the offense under Subsection (a),
13 unless the offense under Section 20.05:

14 (1) is charged in the alternative;

15 (2) occurred outside the period in which the offense
16 alleged under Subsection (a) was committed; or

17 (3) is considered by the trier of fact to be a lesser
18 included offense of the offense alleged under Subsection (a).

19 (d) A defendant may not be charged with more than one count
20 under Subsection (a) if all of the conduct that constitutes an
21 offense under Section 20.05 is alleged to have been committed
22 against the same victim.

23 (e) Except as provided by Subsections (f) and (g), an
24 offense under this section is a felony of the second degree.

25 (f) An offense under this section is a felony of the first
26 degree if:

27 (1) the conduct constituting an offense under Section

1 20.05 is conducted in a manner that creates a substantial
2 likelihood that the smuggled individual will suffer serious bodily
3 injury or death; or

4 (2) the smuggled individual is a child younger than 18
5 years of age at the time of the offense.

6 (g) An offense under this section is a felony of the first
7 degree, punishable by imprisonment in the Texas Department of
8 Criminal Justice for life or for any term of not more than 99 years
9 or less than 25 years, if:

10 (1) it is shown on the trial of the offense that, as a
11 direct result of the commission of the offense, the smuggled
12 individual became a victim of sexual assault, as defined by Section
13 22.011, or aggravated sexual assault, as defined by Section 22.021;
14 or

15 (2) the smuggled individual suffered serious bodily
16 injury or death.

17 SECTION 16. Sections 71.02(a) and (b), Penal Code, are
18 amended to read as follows:

19 (a) A person commits an offense if, with the intent to
20 establish, maintain, or participate in a combination or in the
21 profits of a combination or as a member of a criminal street gang,
22 the person commits or conspires to commit one or more of the
23 following:

24 (1) murder, capital murder, arson, aggravated
25 robbery, robbery, burglary, theft, aggravated kidnapping,
26 kidnapping, aggravated assault, aggravated sexual assault, sexual
27 assault, continuous sexual abuse of young child or children,

1 solicitation of a minor, forgery, deadly conduct, assault
2 punishable as a Class A misdemeanor, burglary of a motor vehicle, or
3 unauthorized use of a motor vehicle;

4 (2) any gambling offense punishable as a Class A
5 misdemeanor;

6 (3) promotion of prostitution, aggravated promotion
7 of prostitution, or compelling prostitution;

8 (4) unlawful manufacture, transportation, repair, or
9 sale of firearms or prohibited weapons;

10 (5) unlawful manufacture, delivery, dispensation, or
11 distribution of a controlled substance or dangerous drug, or
12 unlawful possession of a controlled substance or dangerous drug
13 through forgery, fraud, misrepresentation, or deception;

14 (5-a) causing the unlawful delivery, dispensation, or
15 distribution of a controlled substance or dangerous drug in
16 violation of Subtitle B, Title 3, Occupations Code;

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

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

23 (8) any felony offense under Chapter 32;

24 (9) any offense under Chapter 36;

25 (10) any offense under Chapter 34, 35, or 35A;

26 (11) any offense under Section [37.11\(a\)](#);

27 (12) any offense under Chapter 20A;

- 1 (13) any offense under Section 37.10;
- 2 (14) any offense under Section 38.06, 38.07, 38.09, or
- 3 38.11;
- 4 (15) any offense under Section 42.10;
- 5 (16) any offense under Section 46.06(a)(1) or 46.14;
- 6 (17) any offense under Section 20.05 or 20.06; or
- 7 (18) any offense classified as a felony under the Tax
- 8 Code.

9 (b) Except as provided in Subsections (c) and (d), an
10 offense under this section is one category higher than the most
11 serious offense listed in Subsection (a) that was committed, and if
12 the most serious offense is a Class A misdemeanor, the offense is a
13 state jail felony, except that the offense is a felony of the first
14 degree punishable by imprisonment in the Texas Department of
15 Criminal Justice for:

16 (1) life without parole, if the most serious offense
17 is an aggravated sexual assault and if at the time of that offense
18 the defendant is 18 years of age or older and:

19 (A) the victim of the offense is younger than six
20 years of age;

21 (B) the victim of the offense is younger than 14
22 years of age and the actor commits the offense in a manner described
23 by Section 22.021(a)(2)(A); or

24 (C) the victim of the offense is younger than 17
25 years of age and suffered serious bodily injury as a result of the
26 offense; [~~or~~]

27 (2) life or for any term of not more than 99 years or

1 less than 30 years if the most serious offense is an offense under
2 Section 20.06 that is punishable under Subsection (g) of that
3 section; or

4 (3) life or for any term of not more than 99 years or
5 less than 15 years if the most serious offense is an offense
6 punishable as a felony of the first degree, other than an offense
7 described by Subdivision (1) or (2).

8 SECTION 17. (a) The lieutenant governor and the speaker of
9 the house of representatives shall create a joint interim committee
10 to study border security.

11 (b) The committee shall be composed of 10 members as
12 follows:

13 (1) five members of the senate appointed by the
14 lieutenant governor; and

15 (2) five members of the house of representatives
16 appointed by the speaker of the house of representatives.

17 (c) The lieutenant governor and speaker of the house of
18 representatives shall each designate a co-chair from among the
19 committee members.

20 (d) The committee shall submit a full report, including
21 findings and recommendations, to the 85th Legislature before it
22 convenes in regular session in January of 2017.

23 (e) The lieutenant governor and the speaker of the house of
24 representatives shall appoint the members of the committee created
25 under this section as soon as possible after the effective date of
26 this Act.

27 SECTION 18. The change in law made by this Act to Section 4,

1 Article 18.20, Code of Criminal Procedure, applies only to an
2 application for an interception order filed on or after the
3 effective date of this Act. An application for an interception
4 order filed before the effective date of this Act is governed by the
5 law in effect on the date the application was filed, and the former
6 law is continued in effect for that purpose.

7 SECTION 19. Not later than December 1, 2015, the office of
8 the attorney general shall establish the transnational and
9 organized crime division as required by Section 402.038, Government
10 Code, as added by this Act.

11 SECTION 20. The changes in law made by this Act to Sections
12 20.05 and 71.02, Penal Code, apply only to an offense committed on
13 or after the effective date of this Act. An offense committed
14 before the effective date of this Act is governed by the law in
15 effect on the date the offense was committed, and the former law is
16 continued in effect for that purpose. For purposes of this section,
17 an offense was committed before the effective date of this Act if
18 any element of the offense occurred before that date.

19 SECTION 21. To the extent of any conflict, this Act prevails
20 over another Act of the 84th Legislature, Regular Session, 2015,
21 relating to nonsubstantive additions to and corrections in enacted
22 codes.

23 SECTION 22. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 11 was passed by the House on March 19, 2015, by the following vote: Yeas 130, Nays 11, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 11 on May 28, 2015, by the following vote: Yeas 122, Nays 22, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 11 was passed by the Senate, with amendments, on May 26, 2015, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

APPROVED: _____

Date

Governor