

By: Birdwell, et al.

S.B. No. 3

A BILL TO BE ENTITLED

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. The legislature finds that the deployment of Texas National Guard troops to the border region and the increase in the number of Texas Department of Public Safety troopers assigned to the border region have made a significant impact on securing the border. It is the intention of the legislature to continue to fund the Texas National Guard's deployment to the border region and to fund the Texas Department of Public Safety's expansion of its operations in the border region. The legislature finds that the deployment of Texas National Guard troops to the border region is needed until the Texas Department of Public Safety has the personnel to fully secure the border region without the assistance of the Texas National Guard troops.

SECTION 2. Article [2.12](#), Code of Criminal Procedure, is amended to conform to S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and further amended to read as follows:

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

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

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

7           (3) marshals or police officers of an incorporated  
8 city, town, or village, and those reserve municipal police officers  
9 who hold a permanent peace officer license issued under Chapter  
10 1701, Occupations Code;

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

14           (5) investigators of the district attorneys', criminal  
15 district attorneys', and county attorneys' offices;

16           (6) law enforcement agents of the Texas Alcoholic  
17 Beverage Commission;

18           (7) each member of an arson investigating unit  
19 commissioned by a city, a county, or the state;

20           (8) officers commissioned under Section [37.081](#),  
21 Education Code, or Subchapter E, Chapter 51, Education Code;

22           (9) officers commissioned by the General Services  
23 Commission;

24           (10) law enforcement officers commissioned by the  
25 Parks and Wildlife Commission;

26           (11) airport police officers commissioned by a city  
27 with a population of more than 1.18 million located primarily in a

1 county with a population of 2 million or more that operates an  
2 airport that serves commercial air carriers;

3 (12) airport security personnel commissioned as peace  
4 officers by the governing body of any political subdivision of this  
5 state, other than a city described by Subdivision (11), that  
6 operates an airport that serves commercial air carriers;

7 (13) municipal park and recreational patrolmen and  
8 security officers;

9 (14) security officers and investigators commissioned  
10 as peace officers by the comptroller;

11 (15) officers commissioned by a water control and  
12 improvement district under Section [49.216](#), Water Code;

13 (16) officers commissioned by a board of trustees  
14 under Chapter 54, Transportation Code;

15 (17) investigators commissioned by the Texas Medical  
16 Board;

17 (18) officers commissioned by:

18 (A) the board of managers of the Dallas County  
19 Hospital District, the Tarrant County Hospital District, the Bexar  
20 County Hospital District, or the El Paso County Hospital District  
21 under Section [281.057](#), Health and Safety Code;

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

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

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

(20) investigators employed by the Texas Racing Commission;

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

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

(23) investigators commissioned by the attorney general under Section 402.009, Government Code;

(24) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;

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

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

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

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

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

(29) ~~(30)~~ officers appointed by the inspector general of the Texas Department of Criminal Justice under Section

1 493.019, Government Code;

2 (30) [~~(31)~~] investigators commissioned by the Texas  
3 Commission on Law Enforcement under Section 1701.160, Occupations  
4 Code;

5 (31) [~~(32)~~] commission investigators commissioned by  
6 the Texas Private Security Board under Section 1702.061  
7 [~~1702.061(f)~~], Occupations Code;

8 (32) [~~(33)~~] the fire marshal and any officers,  
9 inspectors, or investigators commissioned by an emergency services  
10 district under Chapter 775, Health and Safety Code;

11 (33) [~~(34)~~] officers commissioned by the State Board  
12 of Dental Examiners under Section 254.013, Occupations Code,  
13 subject to the limitations imposed by that section;

14 (34) [~~(35)~~] investigators commissioned by the Texas  
15 Juvenile Justice Department as officers under Section 221.011,  
16 Human Resources Code; and

17 (35) [~~(36)~~] the fire marshal and any related officers,  
18 inspectors, or investigators commissioned by a county under  
19 Subchapter B, Chapter 352, Local Government Code.

20 SECTION 3. Section 4, Article 18.20, Code of Criminal  
21 Procedure, is amended to read as follows:

22 Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED.  
23 A judge of competent jurisdiction may issue an order authorizing  
24 interception of wire, oral, or electronic communications only if  
25 the prosecutor applying for the order shows probable cause to  
26 believe that the interception will provide evidence of the  
27 commission of:

- 1           (1) a felony under Section 19.02, 19.03, or 43.26,  
2 Penal Code;
- 3           (2) a felony under:
  - 4               (A) Chapter 481, Health and Safety Code, other  
5 than felony possession of marihuana;
  - 6               (B) Section 485.032, Health and Safety Code; or
  - 7               (C) Chapter 483, Health and Safety Code;
- 8           (3) an offense under Section 20.03 or 20.04, Penal  
9 Code;
- 10          (4) an offense under Chapter 20A, Penal Code;
- 11          (5) an offense under Chapter 34, Penal Code, if the  
12 criminal activity giving rise to the proceeds involves the  
13 commission of an offense under Title 5, Penal Code, or an offense  
14 under federal law or the laws of another state containing elements  
15 that are substantially similar to the elements of an offense under  
16 Title 5;
- 17          (6) an offense under Section 38.11, Penal Code; ~~[or]~~
- 18          (7) an offense under Section 43.04 or 43.05, Penal  
19 Code; or
- 20          (8) an attempt, conspiracy, or solicitation to commit  
21 an offense listed in this section.

22       SECTION 4. Article 59.01(2), Code of Criminal Procedure, as  
23 amended by Chapters 427 (S.B. 529) and 1357 (S.B. 1451), Acts of the  
24 83rd Legislature, Regular Session, 2013, is reenacted and amended  
25 to read as follows:

- 26           (2) "Contraband" means property of any nature,  
27 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, 20.06, 21.11, 38.04, or Chapter 43, 20A, 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(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 151, 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 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that

1 involves the state Medicaid program;

2 (vii) a Class B misdemeanor under Chapter  
3 522, Business & Commerce Code;

4 (viii) a Class A misdemeanor under Section  
5 306.051, Business & Commerce Code;

6 (ix) any offense under Section 42.10, Penal  
7 Code;

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

10 (xi) any offense under Chapter 71, Penal  
11 Code;

12 (xii) any offense under Section 20.05 or  
13 20.06, Penal Code; or

14 (xiii) [~~xiv~~] an offense under Section  
15 326.002, Business & Commerce Code;

16 (C) the proceeds gained from the commission of a  
17 felony listed in Paragraph (A) or (B) of this subdivision, a  
18 misdemeanor listed in Paragraph (B)(vii), (ix), (x), or (xi) of  
19 this subdivision, or a crime of violence;

20 (D) acquired with proceeds gained from the  
21 commission of a felony listed in Paragraph (A) or (B) of this  
22 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),  
23 or (xi) of this subdivision, or a crime of violence;

24 (E) used to facilitate or intended to be used to  
25 facilitate the commission of a felony under Section 15.031 or  
26 43.25, Penal Code; or

27 (F) used to facilitate or intended to be used to



1 facilitate the commission of a felony under Section 20A.02 or  
2 Chapter 43, Penal Code.

3 SECTION 5. Subchapter B, Chapter 402, Government Code, is  
4 amended by adding Section 402.038 to read as follows:

5 Sec. 402.038. TRANSNATIONAL AND ORGANIZED CRIME DIVISION.

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

8 (b) To address matters related to border security and  
9 organized crime, the transnational and organized crime division  
10 shall:

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

13 (2) using existing funds, establish within the  
14 division a trafficking of persons unit to:

15 (A) assist local law enforcement agencies and  
16 local prosecutors in investigating and prosecuting trafficking of  
17 persons and related crimes; and

18 (B) work with the appropriate local and state  
19 agencies to identify victims of trafficking of persons and to  
20 provide the types of assistance available for those victims under  
21 Chapter 56, Code of Criminal Procedure; and

22 (3) develop initiatives to provide greater state  
23 assistance, support, and coordination among state law enforcement  
24 agencies, local law enforcement agencies, and local prosecutors.

25 (c) Assistance provided by the division under this section  
26 may include the assistance authorized under Section 402.028.

27 SECTION 6. Section 411.0043, Government Code, is amended to

read as follows:

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

(b) The department shall periodically:

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

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

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

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

SECTION 7. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0163 to read as follows:

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

SECTION 8. Subchapter A, Chapter 411, Government Code, is

1 amended by adding Section 411.0164 to read as follows:

2 Sec. 411.0164. 50-HOUR WORKWEEK FOR COMMISSIONED OFFICERS.  
3 Notwithstanding any other law, the department may implement a  
4 10-hour workday and 50-hour workweek for commissioned officers of  
5 the department.

6 SECTION 9. Subchapter A, Chapter 411, Government Code, is  
7 amended by adding Sections 411.0203, 411.0208, and 411.0209 to read  
8 as follows:

9 Sec. 411.0203. TEXAS TRANSNATIONAL INTELLIGENCE CENTER.

10 (a) The department by rule shall establish the Texas Transnational  
11 Intelligence Center as a central repository of real-time  
12 information relating to:

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

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

17 (3) other transnational criminal activity in the  
18 state.

19 (b) The department shall locate the center in a county with  
20 a population of not more than 800,000 that is adjacent to the  
21 Texas-Mexico border. The department may only locate the center in a  
22 county if the sheriff's department in the county and a police  
23 department of a municipality in the county agree to jointly operate  
24 the center.

25 (c) The sheriff's department of the county in which the  
26 center is located and the police department of the municipality  
27 that agrees to jointly operate the center shall assist in the

1 establishment of the center.

2 (d) Each law enforcement agency in a county located along  
3 the Texas-Mexico border or in a county with a federal checkpoint  
4 shall report to the center information regarding criminal activity  
5 in the law enforcement agency's jurisdiction, including  
6 information on kidnappings, home invasions, and incidents of  
7 impersonation of law enforcement officers. The Texas Alcoholic  
8 Beverage Commission and Parks and Wildlife Department shall report  
9 to the center information regarding transnational criminal  
10 activity in each agency's jurisdiction.

11 (e) The information in the center shall be made available to  
12 each law enforcement agency in the state and the Texas Alcoholic  
13 Beverage Commission and Parks and Wildlife Department.

14 Sec. 411.0208. RESERVE OFFICER CORPS. (a) The commission  
15 may provide for the establishment of a reserve officer corps  
16 consisting of retired or previously commissioned officers of the  
17 department.

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

20 (c) The commission may limit the size of the reserve officer  
21 corps.

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

24 (e) The director may call the reserve officer corps into  
25 service at any time the director considers it necessary to have  
26 additional officers to assist the department in conducting  
27 background investigations, sex offender compliance checks, and

other duties as determined necessary by the director.

Sec. 411.0209. DEPARTMENT ASSISTANCE AT INTERNATIONAL BORDER CHECKPOINTS. (a) The department shall provide to federal authorities at international border checkpoints assistance in the interdiction of weapons, bulk currency, stolen vehicles, and other contraband, and of fugitives, being smuggled into the United Mexican States.

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

(c) The director shall adopt procedures as necessary to administer this section.

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

Sec. 411.054. INCIDENT-BASED CRIME STATISTICS REPORTING GOAL. (a) The department shall establish a goal that, not later than September 1, 2019, at least 36 percent of all local law enforcement agencies that submitted to the department during the state fiscal biennium ending August 31, 2015, information and statistics concerning criminal offenses committed in the jurisdiction of those agencies will:

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

(2) be using the system described by Subdivision (1) to submit to the department information and statistics concerning

criminal offenses committed in the jurisdiction of the local law enforcement agency.

(b) The department shall:

(1) periodically analyze implementation and use of the system described by Subsection (a)(1); and

(2) identify which specific, additional local law enforcement agencies the department needs to implement the system described by Subsection (a)(1) to generate reasonable estimates of the number and types of criminal offenses that are committed in this state.

(c) In identifying specific, additional local law enforcement agencies under Subsection (b)(2), the department shall:

(1) consult with stakeholders, including local law enforcement agencies and local and statewide law enforcement associations; and

(2) consider, at a minimum:

(A) geographic distribution of local law enforcement agencies;

(B) the number of peace officers at a local law enforcement agency;

(C) the jurisdiction of a local law enforcement agency;

(D) population density and composition of the area served by a local law enforcement agency;

(E) access to transportation networks in the area served by a local law enforcement agency;

1                   (F) the relationship of a local law enforcement  
2 agency to other components of the criminal justice system; and

3                   (G) crime reporting practices of persons  
4 residing in the area served by a local law enforcement agency.

5           (d) The department shall provide quarterly reports to the  
6 Legislative Budget Board that include:

7                   (1) the local law enforcement agencies that have been  
8 identified as subjects for the implementation of the system  
9 described by Subsection (a)(1); and

10                  (2) any available information regarding local law  
11 enforcement agencies' progress in implementing and using the system  
12 described by Subsection (a)(1) to submit to the department  
13 information and statistics described by Subsection (a)(2).

14           (e) The department shall adopt rules to implement this  
15 section.

16           SECTION 11. Subchapter A, Chapter 411, Government Code, is  
17 amended by adding Section 411.0141 to read as follows:

18           Sec. 411.0141. MULTIUSE TRAINING FACILITY. (a) The Texas  
19 Facilities Commission shall construct a multiuse training facility  
20 to be used by the department, the Texas military forces, county and  
21 municipal law enforcement agencies, and any other military or law  
22 enforcement agency, including agencies of the federal government,  
23 for training purposes.

24           (b) The Texas Facilities Commission, with the assistance of  
25 the department, shall locate and acquire real property for the  
26 purpose of constructing the training facility. The governing body  
27 of a county or municipality, on behalf of the county or

1 municipality, may donate real property to the department for the  
2 training facility. The donation may be in fee simple or otherwise.

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

5 (d) On completion of the construction of the training  
6 facility, the Texas Facilities Commission shall transfer ownership  
7 of the training facility, including the real property and  
8 buildings, to the department.

9 (e) The department shall manage the training facility and  
10 may adopt rules necessary to implement this section. The  
11 department shall make the training facility available for use by  
12 the department, the Texas military forces, county and municipal law  
13 enforcement agencies, and any other military or law enforcement  
14 agency, including agencies of the federal government. The  
15 department may set and collect fees for the use of the training  
16 facility.

17 SECTION 12. Section 772.007, Government Code, is reenacted  
18 to read as follows:

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

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



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

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

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

SECTION 13. Section 20.05, Penal Code, is amended to read as follows:

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

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

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

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

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

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

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

(1) a felony of the second degree if:

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

~~[(2)]~~ in a manner that creates a substantial likelihood that the smuggled ~~[transported]~~ individual will suffer serious bodily injury or death; or

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

(2) a felony of the first degree if:

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

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

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

(d) ~~[(e)]~~ If conduct constituting an offense under this

1 section also constitutes an offense under another section of this  
2 code, the actor may be prosecuted under either section or under both  
3 sections.

4 SECTION 14. Chapter 20, Penal Code, is amended by adding  
5 Section 20.06 to read as follows:

6 Sec. 20.06. CONTINUOUS SMUGGLING OF PERSONS. (a) A person  
7 commits an offense if, during a period that is 30 or more days in  
8 duration, the person engages two or more times in conduct that  
9 constitutes an offense under Section 20.05.

10 (b) If a jury is the trier of fact, members of the jury are  
11 not required to agree unanimously on which specific conduct engaged  
12 in by the defendant constituted an offense under Section 20.05 or on  
13 which exact date the defendant engaged in that conduct. The jury  
14 must agree unanimously that the defendant, during a period that is  
15 30 or more days in duration, engaged two or more times in conduct  
16 that constitutes an offense under Section 20.05.

17 (c) If the victim of an offense under Subsection (a) is the  
18 same victim as a victim of an offense under Section 20.05, a  
19 defendant may not be convicted of the offense under Section 20.05 in  
20 the same criminal action as the offense under Subsection (a),  
21 unless the offense under Section 20.05:

22 (1) is charged in the alternative;  
23 (2) occurred outside the period in which the offense  
24 alleged under Subsection (a) was committed; or

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

27 (d) A defendant may not be charged with more than one count

1 under Subsection (a) if all of the conduct that constitutes an  
2 offense under Section 20.05 is alleged to have been committed  
3 against the same victim.

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

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

8 (1) the conduct constituting an offense under Section  
9 20.05 is conducted in a manner that creates a substantial  
10 likelihood that the smuggled individual will suffer serious bodily  
11 injury or death; or

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

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

18 (1) it is shown on the trial of the offense that, as a  
19 direct result of the commission of the offense, the smuggled  
20 individual became a victim of sexual assault, as defined by Section  
21 22.011, or aggravated sexual assault, as defined by Section 22.021;  
22 or

23 (2) the smuggled individual suffered serious bodily  
24 injury or death.

25 SECTION 15. Sections 71.02(a) and (b), Penal Code, are  
26 amended to read as follows:

27 (a) A person commits an offense if, with the intent to

1 establish, maintain, or participate in a combination or in the  
2 profits of a combination or as a member of a criminal street gang,  
3 the person commits or conspires to commit one or more of the  
4 following:

5           (1) murder, capital murder, arson, aggravated  
6 robbery, robbery, burglary, theft, aggravated kidnapping,  
7 kidnapping, aggravated assault, aggravated sexual assault, sexual  
8 assault, continuous sexual abuse of young child or children,  
9 solicitation of a minor, forgery, deadly conduct, assault  
10 punishable as a Class A misdemeanor, burglary of a motor vehicle, or  
11 unauthorized use of a motor vehicle;

12           (2) any gambling offense punishable as a Class A  
13 misdemeanor;

14           (3) promotion of prostitution, aggravated promotion  
15 of prostitution, or compelling prostitution;

16           (4) unlawful manufacture, transportation, repair, or  
17 sale of firearms or prohibited weapons;

18           (5) unlawful manufacture, delivery, dispensation, or  
19 distribution of a controlled substance or dangerous drug, or  
20 unlawful possession of a controlled substance or dangerous drug  
21 through forgery, fraud, misrepresentation, or deception;

22           (5-a) causing the unlawful delivery, dispensation, or  
23 distribution of a controlled substance or dangerous drug in  
24 violation of Subtitle B, Title 3, Occupations Code;

25           (6) any unlawful wholesale promotion or possession of  
26 any obscene material or obscene device with the intent to wholesale  
27 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, 35, or 35A;

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

(12) any offense under Chapter 20A;

(13) any offense under Section 37.10;

(14) any offense under Section 38.06, 38.07, 38.09, or 38.11;

(15) any offense under Section 42.10;

(16) any offense under Section 46.06(a)(1) or 46.14;

(17) any offense under Section 20.05 or 20.06; or

(18) any offense classified as a felony under the Tax Code.

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

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

(A) the victim of the offense is younger than six

1 years of age;

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

5 (C) the victim of the offense is younger than 17  
6 years of age and suffered serious bodily injury as a result of the  
7 offense; ~~or~~

8 (2) life or for any term of not more than 99 years or  
9 less than 30 years if the most serious offense is an offense under  
10 Section 20.06 that is punishable under Subsection (g) of that  
11 section; or

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

16 SECTION 16. The change in law made by this Act to Section 4,  
17 Article 18.20, Code of Criminal Procedure, applies only to an  
18 application for an interception order filed on or after the  
19 effective date of this Act. An application for an interception  
20 order filed before the effective date of this Act is governed by the  
21 law in effect on the date the application was filed, and the former  
22 law is continued in effect for that purpose.

23 SECTION 17. Not later than December 1, 2015, the office of  
24 the attorney general shall establish the transnational and  
25 organized crime division as required by Section 402.038, Government  
26 Code, as added by this Act.

27 SECTION 18. The Department of Public Safety shall adopt

1 rules required under Section 411.054(e), Government Code, as added  
2 by this Act, not later than December 31, 2015.

3       SECTION 19. The changes in law made by this Act to Sections  
4 20.05 and 71.02, Penal Code, apply only to an offense committed on  
5 or after the effective date of this Act. An offense committed  
6 before the effective date of this Act is governed by the law in  
7 effect on the date the offense was committed, and the former law is  
8 continued in effect for that purpose. For purposes of this section,  
9 an offense was committed before the effective date of this Act if  
10 any element of the offense occurred before that date.

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

15       SECTION 21. This Act takes effect September 1, 2015.