

AN ACT

1
2 relating to measures to address and deter certain criminal or other
3 unlawful activity, including trafficking of persons, sexual
4 offenses, prostitution, and activity that may constitute a public
5 nuisance; increasing criminal penalties; creating a criminal
6 offense.

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

8 SECTION 1. Section 17.46(b), Business & Commerce Code, as
9 amended by Chapters 1023 (H.B. 1265) and 1080 (H.B. 2573), Acts of
10 the 84th Legislature, Regular Session, 2015, is reenacted and
11 amended to read as follows:

12 (b) Except as provided in Subsection (d) of this section,
13 the term "false, misleading, or deceptive acts or practices"
14 includes, but is not limited to, the following acts:

15 (1) passing off goods or services as those of another;

16 (2) causing confusion or misunderstanding as to the
17 source, sponsorship, approval, or certification of goods or
18 services;

19 (3) causing confusion or misunderstanding as to
20 affiliation, connection, or association with, or certification by,
21 another;

22 (4) using deceptive representations or designations
23 of geographic origin in connection with goods or services;

24 (5) representing that goods or services have

1 sponsorship, approval, characteristics, ingredients, uses,
2 benefits, or quantities which they do not have or that a person has
3 a sponsorship, approval, status, affiliation, or connection which
4 the person does not;

5 (6) representing that goods are original or new if
6 they are deteriorated, reconditioned, reclaimed, used, or
7 secondhand;

8 (7) representing that goods or services are of a
9 particular standard, quality, or grade, or that goods are of a
10 particular style or model, if they are of another;

11 (8) disparaging the goods, services, or business of
12 another by false or misleading representation of facts;

13 (9) advertising goods or services with intent not to
14 sell them as advertised;

15 (10) advertising goods or services with intent not to
16 supply a reasonable expectable public demand, unless the
17 advertisements disclosed a limitation of quantity;

18 (11) making false or misleading statements of fact
19 concerning the reasons for, existence of, or amount of price
20 reductions;

21 (12) representing that an agreement confers or
22 involves rights, remedies, or obligations which it does not have or
23 involve, or which are prohibited by law;

24 (13) knowingly making false or misleading statements
25 of fact concerning the need for parts, replacement, or repair
26 service;

27 (14) misrepresenting the authority of a salesman,

1 representative or agent to negotiate the final terms of a consumer
2 transaction;

3 (15) basing a charge for the repair of any item in
4 whole or in part on a guaranty or warranty instead of on the value of
5 the actual repairs made or work to be performed on the item without
6 stating separately the charges for the work and the charge for the
7 warranty or guaranty, if any;

8 (16) disconnecting, turning back, or resetting the
9 odometer of any motor vehicle so as to reduce the number of miles
10 indicated on the odometer gauge;

11 (17) advertising of any sale by fraudulently
12 representing that a person is going out of business;

13 (18) advertising, selling, or distributing a card
14 which purports to be a prescription drug identification card issued
15 under Section [4151.152](#), Insurance Code, in accordance with rules
16 adopted by the commissioner of insurance, which offers a discount
17 on the purchase of health care goods or services from a third party
18 provider, and which is not evidence of insurance coverage, unless:

19 (A) the discount is authorized under an agreement
20 between the seller of the card and the provider of those goods and
21 services or the discount or card is offered to members of the
22 seller;

23 (B) the seller does not represent that the card
24 provides insurance coverage of any kind; and

25 (C) the discount is not false, misleading, or
26 deceptive;

27 (19) using or employing a chain referral sales plan in

1 connection with the sale or offer to sell of goods, merchandise, or
2 anything of value, which uses the sales technique, plan,
3 arrangement, or agreement in which the buyer or prospective buyer
4 is offered the opportunity to purchase merchandise or goods and in
5 connection with the purchase receives the seller's promise or
6 representation that the buyer shall have the right to receive
7 compensation or consideration in any form for furnishing to the
8 seller the names of other prospective buyers if receipt of the
9 compensation or consideration is contingent upon the occurrence of
10 an event subsequent to the time the buyer purchases the merchandise
11 or goods;

12 (20) representing that a guaranty or warranty confers
13 or involves rights or remedies which it does not have or involve,
14 provided, however, that nothing in this subchapter shall be
15 construed to expand the implied warranty of merchantability as
16 defined in Sections 2.314 through 2.318 and Sections 2A.212 through
17 2A.216 to involve obligations in excess of those which are
18 appropriate to the goods;

19 (21) promoting a pyramid promotional scheme, as
20 defined by Section [17.461](#);

21 (22) representing that work or services have been
22 performed on, or parts replaced in, goods when the work or services
23 were not performed or the parts replaced;

24 (23) filing suit founded upon a written contractual
25 obligation of and signed by the defendant to pay money arising out
26 of or based on a consumer transaction for goods, services, loans, or
27 extensions of credit intended primarily for personal, family,

1 household, or agricultural use in any county other than in the
2 county in which the defendant resides at the time of the
3 commencement of the action or in the county in which the defendant
4 in fact signed the contract; provided, however, that a violation of
5 this subsection shall not occur where it is shown by the person
6 filing such suit that the person neither knew or had reason to know
7 that the county in which such suit was filed was neither the county
8 in which the defendant resides at the commencement of the suit nor
9 the county in which the defendant in fact signed the contract;

10 (24) failing to disclose information concerning goods
11 or services which was known at the time of the transaction if such
12 failure to disclose such information was intended to induce the
13 consumer into a transaction into which the consumer would not have
14 entered had the information been disclosed;

15 (25) using the term "corporation," "incorporated," or
16 an abbreviation of either of those terms in the name of a business
17 entity that is not incorporated under the laws of this state or
18 another jurisdiction;

19 (26) selling, offering to sell, or illegally promoting
20 an annuity contract under Chapter 22, Acts of the 57th Legislature,
21 3rd Called Session, 1962 (Article [6228a-5](#), Vernon's Texas Civil
22 Statutes), with the intent that the annuity contract will be the
23 subject of a salary reduction agreement, as defined by that Act, if
24 the annuity contract is not an eligible qualified investment under
25 that Act or is not registered with the Teacher Retirement System of
26 Texas as required by Section 8A of that Act;

27 (27) taking advantage of a disaster declared by the

1 governor under Chapter 418, Government Code, by:

2 (A) selling or leasing fuel, food, medicine, or
3 another necessity at an exorbitant or excessive price; or

4 (B) demanding an exorbitant or excessive price in
5 connection with the sale or lease of fuel, food, medicine, or
6 another necessity;

7 (28) using the translation into a foreign language of
8 a title or other word, including "attorney," "lawyer," "licensed,"
9 "notary," and "notary public," in any written or electronic
10 material, including an advertisement, a business card, a
11 letterhead, stationery, a website, or an online video, in reference
12 to a person who is not an attorney in order to imply that the person
13 is authorized to practice law in the United States;

14 (29) [~~(28)~~] delivering or distributing a solicitation
15 in connection with a good or service that:

16 (A) represents that the solicitation is sent on
17 behalf of a governmental entity when it is not; or

18 (B) resembles a governmental notice or form that
19 represents or implies that a criminal penalty may be imposed if the
20 recipient does not remit payment for the good or service;

21 (30) [~~(29)~~] delivering or distributing a solicitation
22 in connection with a good or service that resembles a check or other
23 negotiable instrument or invoice, unless the portion of the
24 solicitation that resembles a check or other negotiable instrument
25 or invoice includes the following notice, clearly and conspicuously
26 printed in at least 18-point type:

27 "SPECIMEN-NON-NEGOTIABLE";

1 (31) [~~(30)~~] in the production, sale, distribution, or
2 promotion of a synthetic substance that produces and is intended to
3 produce an effect when consumed or ingested similar to, or in excess
4 of, the effect of a controlled substance or controlled substance
5 analogue, as those terms are defined by Section 481.002, Health and
6 Safety Code:

7 (A) making a deceptive representation or
8 designation about the synthetic substance; or

9 (B) causing confusion or misunderstanding as to
10 the effects the synthetic substance causes when consumed or
11 ingested; [~~or~~]

12 (32) [~~(31)~~] a licensed public insurance adjuster
13 directly or indirectly soliciting employment, as defined by Section
14 38.01, Penal Code, for an attorney, or a licensed public insurance
15 adjuster entering into a contract with an insured for the primary
16 purpose of referring the insured to an attorney without the intent
17 to actually perform the services customarily provided by a licensed
18 public insurance adjuster, provided that this subdivision may not
19 be construed to prohibit a licensed public insurance adjuster from
20 recommending a particular attorney to an insured; or

21 (33) owning, operating, maintaining, or advertising a
22 massage establishment, as defined by Section 455.001, Occupations
23 Code, that:

24 (A) is not appropriately licensed under Chapter
25 455, Occupations Code, or is not in compliance with the applicable
26 licensing and other requirements of that chapter; or

27 (B) is not in compliance with an applicable local

1 ordinance relating to the licensing or regulation of massage
2 establishments.

3 SECTION 2. Section 125.001, Civil Practice and Remedies
4 Code, is amended by adding Subdivisions (1-a) and (4) to read as
5 follows:

6 (1-a) "Computer network" means the interconnection of
7 two or more computers or computer systems by satellite, microwave,
8 line, or other communication medium with the capability to transmit
9 information between the computers.

10 (4) "Web address" means a website operating on the
11 Internet.

12 SECTION 3. Section 125.0015, Civil Practice and Remedies
13 Code, is amended by adding Subsections (c), (d), and (e) to read as
14 follows:

15 (c) A person operating a web address or computer network in
16 connection with an activity described by Subsection (a)(3), (6),
17 (7), (10), (11), (17), (18), (19), (20), (21), or (22) maintains a
18 common nuisance.

19 (d) Subsection (c) does not apply to:

20 (1) a provider of remote computing services or
21 electronic communication services to the public;

22 (2) a provider of an interactive computer service as
23 defined by 47 U.S.C. Section 230;

24 (3) an Internet service provider;

25 (4) a search engine operator;

26 (5) a browsing or hosting company;

27 (6) an operating system provider; or

1 (7) a device manufacturer.

2 (e) This section does not apply to an activity exempted,
3 authorized, or otherwise lawful activity regulated by federal law.

4 SECTION 4. Subchapter A, Chapter 125, Civil Practice and
5 Remedies Code, is amended by adding Section 125.0017 to read as
6 follows:

7 Sec. 125.0017. NOTICE OF ARREST FOR CERTAIN ACTIVITIES. If
8 a law enforcement agency makes an arrest related to an activity
9 described by Section 125.0015(a)(6), (7), or (18) that occurs at
10 property leased to a person operating a massage establishment as
11 defined by Section 455.001, Occupations Code, not later than the
12 seventh day after the date of the arrest, the law enforcement agency
13 shall provide written notice by certified mail to each person
14 maintaining the property of the arrest.

15 SECTION 5. The heading to Section 125.002, Civil Practice
16 and Remedies Code, is amended to read as follows:

17 Sec. 125.002. SUIT TO ABATE CERTAIN COMMON NUISANCES
18 [~~NUISANCE~~]; BOND.

19 SECTION 6. Sections 125.002(a), (g), and (h), Civil
20 Practice and Remedies Code, are amended to read as follows:

21 (a) A suit to enjoin and abate a common nuisance described
22 by Section 125.0015(a) or (b) may be brought by an individual, by
23 the attorney general, or by a district, county, or city attorney.
24 The suit must be brought in the county in which it is alleged to
25 exist against the person who is maintaining or about to maintain the
26 nuisance. The suit must be brought in the name of the state if
27 brought by the attorney general or a district or county attorney, in

1 the name of the city if brought by a city attorney, or in the name of
2 the individual if brought by a private citizen. Verification of the
3 petition or proof of personal injury by the acts complained of need
4 not be shown. For purposes of this subsection, personal injury may
5 include economic or monetary loss.

6 (g) In an action brought under this chapter, other than an
7 action brought under Section 125.0025, the petitioner may file a
8 notice of lis pendens and a certified copy of an order of the court
9 in the office of the county clerk in each county in which the land is
10 located. The notice of lis pendens must conform to the requirements
11 of Section 12.007, Property Code, and constitutes notice as
12 provided by Section 13.004, Property Code. A certified copy of an
13 order of the court filed in the office of the county clerk
14 constitutes notice of the terms of the order and is binding on
15 subsequent purchasers and lienholders.

16 (h) A person who may bring a suit under Subsection (a)
17 [~~Section 125.0015~~] shall consider, among other factors, whether the
18 property owner, the owner's authorized representative, or the
19 operator or occupant of the business, dwelling, or other place
20 where the criminal acts occurred:

21 (1) promptly notifies the appropriate governmental
22 entity or the entity's law enforcement agency of the occurrence of
23 criminal acts on the property; and

24 (2) cooperates with the governmental entity's law
25 enforcement investigation of criminal acts occurring at the
26 property.

27 SECTION 7. Subchapter A, Chapter 125, Civil Practice and

1 Remedies Code, is amended by adding Section 125.0025 to read as
2 follows:

3 Sec. 125.0025. SUIT TO DECLARE CERTAIN COMMON NUISANCES.

4 (a) A suit to declare that a person operating a web address or
5 computer network is maintaining a common nuisance may be brought by
6 an individual, by the attorney general, or by a district, county, or
7 city attorney.

8 (b) Except as provided by Section 125.003(d), on a finding
9 that a web address or computer network is a common nuisance, the
10 sole remedy available is a judicial finding issued to the attorney
11 general.

12 (c) The attorney general may:

13 (1) notify Internet service providers, search engine
14 operators, browsing or hosting companies, or device manufacturers
15 on which applications are hosted of the judicial finding issued to
16 the attorney general under Subsection (b) to determine if the
17 persons notified are able to offer technical assistance to the
18 attorney general in a manner consistent with 47 U.S.C. Section 230;
19 or

20 (2) post the judicial finding issued to the attorney
21 general under Subsection (b) on the attorney general's Internet
22 website.

23 SECTION 8. Section 125.004, Civil Practice and Remedies
24 Code, is amended by adding Subsections (a-1), (a-2), (a-3), and (e)
25 and amending Subsection (d) to read as follows:

26 (a-1) Proof in the form of a person's arrest or the
27 testimony of a law enforcement agent that an activity described by

1 Section 125.0015(a)(6) or (7) is committed at a place licensed as a
2 massage establishment under Chapter 455, Occupations Code, or
3 advertised as offering massage therapy or massage services after
4 notice of an arrest was provided to the defendant in accordance with
5 Section 125.0017 is prima facie evidence that the defendant
6 knowingly tolerated the activity.

7 (a-2) Proof that an activity described by Section
8 125.0015(a)(18) is committed at a place maintained by the defendant
9 after notice of an arrest was provided to the defendant in
10 accordance with Section 125.0017 is prima facie evidence that the
11 defendant:

- 12 (1) knowingly tolerated the activity; and
13 (2) did not make a reasonable attempt to abate the
14 activity.

15 (a-3) For purposes of Subsections (a-1) and (a-2), notice is
16 considered to be provided to the defendant seven days after the
17 postmark date of the notice provided under Section 125.0017.

18 (d) Notwithstanding Subsections [~~Subsection~~] (a), (a-1), or
19 (a-2), evidence that the defendant, the defendant's authorized
20 representative, or another person acting at the direction of the
21 defendant or the defendant's authorized representative requested
22 law enforcement or emergency assistance with respect to an activity
23 at the place where the common nuisance is allegedly maintained is
24 not admissible for the purpose of showing the defendant tolerated
25 the activity or failed to make reasonable attempts to abate the
26 activity alleged to constitute the nuisance but may be admitted for
27 other purposes, such as showing that a crime listed in Section

1 125.0015 occurred. Evidence that the defendant refused to
2 cooperate with law enforcement or emergency services with respect
3 to the activity is admissible. The posting of a sign prohibiting
4 the activity alleged is not conclusive evidence that the owner did
5 not tolerate the activity.

6 (e) Evidence of a previous suit filed under this chapter
7 that resulted in a judgment against a landowner with respect to an
8 activity described by Section 125.0015 at the landowner's property
9 is admissible in a subsequent suit filed under this chapter to
10 demonstrate that the landowner:

11 (1) knowingly tolerated the activity; and
12 (2) did not make a reasonable attempt to abate the
13 activity.

14 SECTION 9. Subchapter C, Chapter 11, Education Code, is
15 amended by adding Section 11.066 to read as follows:

16 Sec. 11.066. ELIGIBILITY FOR SERVICE BY TRUSTEE CONVICTED
17 OF CERTAIN OFFENSE. A person is ineligible to serve as a member of
18 the board of trustees of a school district if the person has been
19 convicted of an offense under Section 43.02(b), Penal Code.

20 SECTION 10. Section 411.042(b), Government Code, is amended
21 to read as follows:

22 (b) The bureau of identification and records shall:
23 (1) procure and file for record photographs, pictures,
24 descriptions, fingerprints, measurements, and other pertinent
25 information of all persons arrested for or charged with a criminal
26 offense or convicted of a criminal offense, regardless of whether
27 the conviction is probated;

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

7 (A) offenses in which family violence was
8 involved;

9 (B) offenses under Sections 22.011 and 22.021,
10 Penal Code; and

11 (C) offenses under Sections 20A.02, 43.02(a),
12 43.02(b), 43.03, and 43.05, Penal Code;

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

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

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

24 (6) collect information concerning the number and
25 nature of protective orders and magistrate's orders of emergency
26 protection and all other pertinent information about all persons
27 subject to active orders, including pertinent information about

1 persons subject to conditions of bond imposed for the protection of
2 the victim in any family violence, sexual assault or abuse,
3 stalking, or trafficking case. Information in the law enforcement
4 information system relating to an active order shall include:

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

8 (B) any known identifying number of the person to
9 whom the order is directed, including the person's social security
10 number or driver's license number;

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

13 (D) the residence address and place of employment
14 or business of the person protected by the order, unless that
15 information is excluded from the order under Section 85.007, Family
16 Code, or Article 17.292(e), Code of Criminal Procedure;

17 (E) the child-care facility or school where a
18 child protected by the order normally resides or which the child
19 normally attends, unless that information is excluded from the
20 order under Section 85.007, Family Code, or Article 17.292(e), Code
21 of Criminal Procedure;

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

25 (G) the conditions of bond imposed on the person
26 to whom the order is directed, if any, for the protection of a
27 victim in any family violence, sexual assault or abuse, stalking,

1 or trafficking case;

2 (H) any minimum distance the person subject to
3 the order is required to maintain from the protected places or
4 persons; and

5 (I) the date the order expires;

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

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

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

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

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

21 SECTION 11. Subchapter A, Chapter 241, Health and Safety
22 Code, is amended by adding Section 241.011 to read as follows:

23 Sec. 241.011. HUMAN TRAFFICKING SIGNS REQUIRED. An
24 emergency department of a hospital shall display separate signs, in
25 English and Spanish, that comply with Section 245.025 as if the
26 hospital is an abortion facility.

27 SECTION 12. Chapter 245, Health and Safety Code, is amended

1 by adding Section 245.025 to read as follows:

2 Sec. 245.025. HUMAN TRAFFICKING SIGNS REQUIRED. (a) An
3 abortion facility shall display separate signs, in English,
4 Spanish, and any additional language as required by Subsection (b),
5 side by side in accordance with this section in each restroom and
6 patient consulting room. The signs must include the following
7 information:

8 (1) no person, including an individual's parents, may
9 force any individual to have an abortion;

10 (2) it is illegal for a person to force an individual
11 to engage in sexual acts;

12 (3) a woman who needs help may call or text a state or
13 national organization that assists victims of human trafficking and
14 forced abortions; and

15 (4) the toll-free number of an organization described
16 by Subdivision (3).

17 (b) Signs required under this section must be in English and
18 Spanish. If an abortion facility is located in a political
19 subdivision required to provide election materials in a language
20 other than English or Spanish under Section 272.011, Election Code,
21 the facility shall display a separate sign in that language.

22 (c) Signs required under this section must be at least 8-1/2
23 by 11 inches in size and displayed in a conspicuous manner clearly
24 visible to the public and employees of an abortion facility. The
25 notice must cover at least four-fifths of the sign.

26 (d) The executive commissioner shall adopt rules as
27 necessary to implement and enforce this section.

1 SECTION 13. Section 1602.354, Occupations Code, is amended
2 by adding Subsection (c) to read as follows:

3 (c) The commission shall require continuing education
4 programs under this chapter to include information on:

5 (1) activities commonly associated with human
6 trafficking;

7 (2) recognition of potential victims of human
8 trafficking; and

9 (3) methods for assisting victims of human
10 trafficking, including how to report human trafficking.

11 SECTION 14. Subchapter I, Chapter 1602, Occupations Code,
12 is amended by adding Section 1602.408 to read as follows:

13 Sec. 1602.408. POSTING OF CERTAIN NOTICES REQUIRED. (a) In
14 this section, "licensed facility" means the premises of a place of
15 business that holds a license, certificate, or permit under this
16 chapter.

17 (b) A licensed facility shall display a sign approved by or
18 acceptable to the commission or the department concerning services
19 and assistance available to victims of human trafficking.

20 (c) The sign required by this section must be in English,
21 Spanish, and Vietnamese and include a toll-free telephone number of
22 a nationally recognized information and referral hotline for
23 victims of human trafficking.

24 (d) The commission by rule shall establish requirements
25 regarding the posting of signs under this section.

26 SECTION 15. Section 20A.02(b), Penal Code, is amended to
27 read as follows:

1 (b) Except as otherwise provided by this subsection, an
2 offense under this section is a felony of the second degree. An
3 offense under this section is a felony of the first degree if:

4 (1) the applicable conduct constitutes an offense
5 under Subsection (a)(5), (6), (7), or (8), regardless of whether
6 the actor knows the age of the child at the time the actor commits
7 the offense; ~~or~~

8 (2) the commission of the offense results in the death
9 of the person who is trafficked; or

10 (3) the commission of the offense results in the death
11 of an unborn child of the person who is trafficked.

12 SECTION 16. (a) This section takes effect only if the Act
13 of the 85th Legislature, Regular Session, 2017, relating to
14 nonsubstantive additions to and corrections in enacted codes
15 becomes law.

16 (b) Section 21.16(g), Penal Code, as added by Chapter 852
17 (S.B. 1135), Acts of the 84th Legislature, Regular Session, 2015,
18 is amended to read as follows:

19 (g) An offense under this section is a state jail felony
20 ~~[Class A misdemeanor]~~.

21 (c) Chapter 21, Penal Code, is amended by adding Section
22 21.18 to read as follows:

23 Sec. 21.18. SEXUAL COERCION. (a) In this section:

24 (1) "Intimate visual material" means the visual
25 material described by Section 21.16(b)(1) or (c).

26 (2) "Sexual conduct" has the meaning assigned by
27 Section 43.25.

1 (b) A person commits an offense if the person intentionally
2 threatens, including by coercion or extortion, to commit an offense
3 under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02,
4 21.08, 21.11, 21.12, 21.15, 21.16, 21.17, 22.011, or 22.021 to
5 obtain, in return for not committing the threatened offense or in
6 connection with the threatened offense, any of the following
7 benefits:

8 (1) intimate visual material;

9 (2) an act involving sexual conduct causing arousal or
10 gratification; or

11 (3) a monetary benefit or other benefit of value.

12 (c) A person commits an offense if the person intentionally
13 threatens, including by coercion or extortion, to commit an offense
14 under Chapter 19 or 20 or Section 20A.02(a)(1), (2), (5), or (6) to
15 obtain, in return for not committing the threatened offense or in
16 connection with the threatened offense, either of the following
17 benefits:

18 (1) intimate visual material; or

19 (2) an act involving sexual conduct causing arousal or
20 gratification.

21 (d) This section applies to a threat regardless of how that
22 threat is communicated, including a threat transmitted through
23 e-mail or an Internet website, social media account, or chat room
24 and a threat made by other electronic or technological means.

25 (e) An offense under this section is a state jail felony,
26 except that the offense is a felony of the third degree if it is
27 shown on the trial of the offense that the defendant has previously

1 been convicted of an offense under this section.

2 SECTION 17. (a) This section takes effect only if the Act
3 of the 85th Legislature, Regular Session, 2017, relating to
4 nonsubstantive additions to and corrections in enacted codes does
5 not become law.

6 (b) Section 21.16(g), Penal Code, as added by Chapter 852
7 (S.B. 1135), Acts of the 84th Legislature, Regular Session, 2015,
8 is amended to read as follows:

9 (g) An offense under this section is a state jail felony
10 [~~Class A misdemeanor~~].

11 (c) Chapter 21, Penal Code, is amended by adding Section
12 21.18 to read as follows:

13 Sec. 21.18. SEXUAL COERCION. (a) In this section:

14 (1) "Intimate visual material" means the visual
15 material described by Section 21.16(b)(1) or (c), as added by
16 Chapter 852 (S.B. 1135), Acts of the 84th Legislature, Regular
17 Session, 2015.

18 (2) "Sexual conduct" has the meaning assigned by
19 Section 43.25.

20 (b) A person commits an offense if the person intentionally
21 threatens, including by coercion or extortion, to commit an offense
22 under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02,
23 21.08, 21.11, 21.12, 21.15, 21.16, as added by Chapter 852 (S.B.
24 1135), Acts of the 84th Legislature, Regular Session, 2015, 21.16,
25 as added by Chapter 676 (H.B. 207), Acts of the 84th Legislature,
26 Regular Session, 2015, 22.011, or 22.021 to obtain, in return for
27 not committing the threatened offense or in connection with the

1 threatened offense, any of the following benefits:

2 (1) intimate visual material;

3 (2) an act involving sexual conduct causing arousal or
4 gratification; or

5 (3) a monetary benefit or other benefit of value.

6 (c) A person commits an offense if the person intentionally
7 threatens, including by coercion or extortion, to commit an offense
8 under Chapter 19 or 20 or Section 20A.02(a)(1), (2), (5), or (6) to
9 obtain, in return for not committing the threatened offense or in
10 connection with the threatened offense, either of the following
11 benefits:

12 (1) intimate visual material; or

13 (2) an act involving sexual conduct causing arousal or
14 gratification.

15 (d) This section applies to a threat regardless of how that
16 threat is communicated, including a threat transmitted through
17 e-mail or an Internet website, social media account, or chat room
18 and a threat made by other electronic or technological means.

19 (e) An offense under this section is a state jail felony,
20 except that the offense is a felony of the third degree if it is
21 shown on the trial of the offense that the defendant has previously
22 been convicted of an offense under this section.

23 SECTION 18. Sections 22.01(b) and (c), Penal Code, are
24 amended to read as follows:

25 (b) An offense under Subsection (a)(1) is a Class A
26 misdemeanor, except that the offense is a felony of the third degree
27 if the offense is committed against:

1 (1) a person the actor knows is a public servant while
2 the public servant is lawfully discharging an official duty, or in
3 retaliation or on account of an exercise of official power or
4 performance of an official duty as a public servant;

5 (2) a person whose relationship to or association with
6 the defendant is described by Section 71.0021(b), 71.003, or
7 71.005, Family Code, if:

8 (A) it is shown on the trial of the offense that
9 the defendant has been previously convicted of an offense under
10 this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11
11 against a person whose relationship to or association with the
12 defendant is described by Section 71.0021(b), 71.003, or 71.005,
13 Family Code; or

14 (B) the offense is committed by intentionally,
15 knowingly, or recklessly impeding the normal breathing or
16 circulation of the blood of the person by applying pressure to the
17 person's throat or neck or by blocking the person's nose or mouth;

18 (3) a person who contracts with government to perform
19 a service in a facility as defined by Section 1.07(a)(14), Penal
20 Code, or Section 51.02(13) or (14), Family Code, or an employee of
21 that person:

22 (A) while the person or employee is engaged in
23 performing a service within the scope of the contract, if the actor
24 knows the person or employee is authorized by government to provide
25 the service; or

26 (B) in retaliation for or on account of the
27 person's or employee's performance of a service within the scope of

1 the contract;

2 (4) a person the actor knows is a security officer
3 while the officer is performing a duty as a security officer; ~~[or]~~

4 (5) a person the actor knows is emergency services
5 personnel while the person is providing emergency services; or

6 (6) a pregnant individual to force the individual to
7 have an abortion.

8 (c) An offense under Subsection (a)(2) or (3) is a Class C
9 misdemeanor, except that the offense is:

10 (1) a Class A misdemeanor if the offense is committed
11 under Subsection (a)(3) against an elderly individual or disabled
12 individual, as those terms are defined by Section 22.04; ~~[or]~~

13 (2) a Class B misdemeanor if the offense is committed
14 by a person who is not a sports participant against a person the
15 actor knows is a sports participant either:

16 (A) while the participant is performing duties or
17 responsibilities in the participant's capacity as a sports
18 participant; or

19 (B) in retaliation for or on account of the
20 participant's performance of a duty or responsibility within the
21 participant's capacity as a sports participant; or

22 (3) a Class A misdemeanor if the offense is committed
23 against a pregnant individual to force the individual to have an
24 abortion.

25 SECTION 19. Chapter 93, Property Code, is amended by adding
26 Section 93.013 to read as follows:

27 Sec. 93.013. CERTAIN UNLAWFUL USES OF PREMISES; TERMINATION

1 OF TENANT'S RIGHT OF POSSESSION. (a) Notwithstanding a provision
2 in a lease to the contrary, a tenant's right of possession
3 terminates and the landlord has a right to recover possession of the
4 leased premises if the tenant is using the premises or allowing the
5 premises to be used for the purposes of prostitution, promotion of
6 prostitution, aggravated promotion of prostitution, or compelling
7 prostitution, as prohibited by the Penal Code, or trafficking of
8 persons as described by Section 20A.02, Penal Code.

9 (b) A landlord who reasonably believes a tenant is using the
10 leased premises or allowing the leased premises to be used for a
11 purpose described by Subsection (a) may file a forcible detainer
12 suit under Chapter 24 seeking possession of the premises and unpaid
13 rent, including rent for any period of occupancy after the tenant's
14 right of possession terminates.

15 (c) Notwithstanding Section 24.005 or 91.001 or any other
16 law or a provision in the lease to the contrary, the landlord is not
17 required for purposes of a forcible detainer suit authorized by
18 this section:

19 (1) to give a notice of proposed eviction or a notice
20 of termination before giving notice to vacate; or

21 (2) to give the tenant more than three days' notice to
22 vacate before filing the suit.

23 (d) A pending suit brought by the attorney general or a
24 district, county, or city attorney under Chapter 125, Civil
25 Practice and Remedies Code, alleging that a common nuisance is
26 being maintained on the leased premises with respect to an activity
27 described by Subsection (a) is prima facie evidence that the

1 tenant's right of possession has terminated and the landlord has a
2 right to recover possession of the premises under Subsection (a).

3 (e) A final, nonappealable determination by a court under
4 Chapter 125, Civil Practice and Remedies Code, that a common
5 nuisance is being maintained on the leased premises with respect to
6 an activity described by Subsection (a) creates an irrebuttable
7 presumption that the tenant's right of possession has terminated
8 and the landlord has a right to recover possession of the premises
9 under Subsection (a).

10 SECTION 20. Section 17.46(b), Business & Commerce Code, as
11 amended by this Act, applies only to a cause of action that accrues
12 on or after the effective date of this Act. A cause of action that
13 accrued before the effective date of this Act is governed by the law
14 in effect immediately before the effective date of this Act, and
15 that law is continued in effect for that purpose.

16 SECTION 21. Section 125.004, Civil Practice and Remedies
17 Code, as amended by this Act, applies only to a cause of action that
18 accrues on or after the effective date of this Act. A cause of
19 action that accrues before the effective date of this Act is
20 governed by the law applicable to the cause of action immediately
21 before the effective date of this Act, and that law is continued in
22 effect for that purpose.

23 SECTION 22. (a) Not later than December 1, 2017, the
24 executive commissioner of the Health and Human Services Commission
25 shall adopt the rules necessary to implement Sections 241.011 and
26 245.025, Health and Safety Code, as added by this Act.

27 (b) A hospital or an abortion facility is not required to

1 comply with Section 241.011 or 245.025, Health and Safety Code, as
2 added by this Act, before January 1, 2018.

3 SECTION 23. (a) Not later than March 1, 2018, the Texas
4 Commission of Licensing and Regulation shall adopt rules as
5 necessary to comply with Section 1602.354, Occupations Code, as
6 amended by this Act.

7 (b) Section 1602.354(c), Occupations Code, as added by this
8 Act, and the rules adopted under Subsection (a) of this section
9 apply only to a continuing education program provided on or after
10 September 1, 2018.

11 SECTION 24. (a) Not later than January 1, 2018, the Texas
12 Commission of Licensing and Regulation shall adopt rules as
13 necessary to implement Section 1602.408, Occupations Code, as added
14 by this Act.

15 (b) A licensed facility as defined by Section 1602.408(a),
16 Occupations Code, as added by this Act, shall comply with Section
17 1602.408, Occupations Code, as added by this Act, not later than
18 February 1, 2018.

19 SECTION 25. Sections 20A.02 and 22.01, Penal Code, as
20 amended by this Act, apply only to an offense committed on or after
21 the effective date of this Act. An offense committed before the
22 effective date of this Act is governed by the law in effect on the
23 date the offense was committed, and that law is continued in effect
24 for that purpose. For purposes of this section, an offense was
25 committed before the effective date of this Act if any element of
26 the offense was committed before that date.

27 SECTION 26. Section 93.013, Property Code, as added by this

1 Act, applies only to a lease entered into or renewed on or after the
2 effective date of this Act. A lease entered into or renewed before
3 the effective date of this Act is governed by the law applicable to
4 the lease immediately before the effective date of this Act, and
5 that law is continued in effect for that purpose.

6 SECTION 27. To the extent of any conflict, this Act prevails
7 over another Act of the 85th Legislature, Regular Session, 2017,
8 relating to nonsubstantive additions to and corrections in enacted
9 codes.

10 SECTION 28. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 2552 was passed by the House on May 12, 2017, by the following vote: Yeas 133, Nays 9, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2552 on May 27, 2017, by the following vote: Yeas 136, Nays 8, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2552 was passed by the Senate, with amendments, on May 22, 2017, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor