

By: Garcia
(Dale, Moody)

S.B. No. 2238

Substitute the following for S.B. No. 2238:

By: Moody

C.S.S.B. No. 2238

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain sexual offenses and certain other offenses
3 involving conduct of a sexual nature, including the creation of the
4 criminal offenses of sexual coercion, indecent assault, and
5 possession or promotion of lewd visual material depicting a child,
6 and to certain criminal acts committed in relation to those
7 offenses.

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

9 SECTION 1. Chapter 21, Penal Code, is amended by adding
10 Section 21.18 to read as follows:

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

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

16 (2) "Sexual conduct" has the meaning assigned by
17 Section 43.25.

18 (b) A person commits an offense if:

19 (1) with the intent to coerce another person either to
20 engage in sexual conduct or to produce, provide, or distribute
21 intimate visual material, the actor communicates a threat:

22 (A) against the other person's person, property,
23 or reputation; or

24 (B) to distribute or cause distribution of

1 intimate visual material of the other person; or

2 (2) the actor knowingly causes another person to
3 engage in sexual conduct or to produce, provide, or distribute
4 intimate visual material, by means of a threat:

5 (A) against the other person's person, property,
6 or reputation; or

7 (B) to distribute or cause distribution of
8 intimate visual material of the other person.

9 (c) This section applies to a threat regardless of how that
10 threat is communicated, including a threat transmitted through
11 e-mail or an Internet website, social media account, or chat room
12 and a threat made by other electronic or technological means.

13 (d) An offense under this section is a state jail felony,
14 except that the offense is a felony of the third degree if it is
15 shown on the trial of the offense that the defendant has previously
16 been convicted of an offense under this section.

17 (e) If conduct that constitutes an offense under this
18 section also constitutes an offense under any other law, the actor
19 may be prosecuted under this section, the other law, or both.

20 SECTION 2. Section 22.011, Penal Code, is amended by
21 amending Subsection (b) and adding Subsection (e-1) to read as
22 follows:

23 (b) A sexual assault under Subsection (a)(1) is without the
24 consent of the other person if:

25 (1) the actor compels the other person to submit or
26 participate by the use of physical force, ~~or~~ violence, or
27 coercion;

1 (2) the actor compels the other person to submit or
2 participate by threatening to use force or violence against the
3 other person or to cause harm to the other person, and the other
4 person believes that the actor has the present ability to execute
5 the threat;

6 (3) the other person has not consented and the actor
7 knows the other person is:

8 (A) unconscious;

9 (B) [or] physically unable to resist;

10 (C) incapable of appraising the nature of the
11 act; or

12 (D) unaware that the sexual assault is occurring;

13 (4) the actor knows that as a result of mental disease
14 or defect the other person is at the time of the sexual assault
15 incapable either of appraising the nature of the act or of resisting
16 it;

17 ~~(5) [the other person has not consented and the actor~~
18 ~~knows the other person is unaware that the sexual assault is~~
19 ~~occurring;~~

20 ~~[(6) the actor has intentionally impaired the other~~
21 ~~person's power to appraise or control the other person's conduct by~~
22 ~~administering any substance without the other person's knowledge;~~

23 ~~[(7)]~~ the actor compels the other person to submit or
24 participate by threatening to use force or violence against any
25 person, and the other person believes that the actor has the ability
26 to execute the threat;

27 (6) ~~[(8) the actor is a public servant who coerces the~~

1 ~~other person to submit or participate,~~

2 ~~(9)~~ the actor is a mental health services provider
3 or a health care services provider who causes the other person, who
4 is a patient or former patient of the actor, to submit or
5 participate by exploiting the other person's emotional dependency
6 on the actor;

7 (7) ~~(10)~~ the actor is a clergyman who causes the
8 other person to submit or participate by exploiting the other
9 person's emotional dependency on the clergyman in the clergyman's
10 professional character as spiritual adviser; ~~or~~

11 (8) ~~(11)~~ the actor is an employee of a facility
12 where the other person is a resident, unless the employee and
13 resident are formally or informally married to each other under
14 Chapter 2, Family Code; or

15 (9) the actor knows that the other person has
16 withdrawn consent to the act and the actor persists in the act after
17 consent is withdrawn.

18 (e-1) It is not a defense to prosecution under this section
19 that the actor mistakenly believed that the other person consented
20 to the conduct if a reasonable person should have known or
21 understood that the other person did not consent to the conduct.

22 SECTION 3. Chapter 22, Penal Code, is amended by adding
23 Section 22.012 to read as follows:

24 Sec. 22.012. INDECENT ASSAULT. (a) A person commits an
25 offense if, without the other person's consent and with the intent
26 to arouse or gratify the sexual desire of any person, the person:

27 (1) touches, including through clothing, the anus,

1 breast, or any part of the genitals of another person;

2 (2) touches another person, including through
3 clothing, with the anus, breast, or any part of the genitals of any
4 person;

5 (3) exposes or attempts to expose another person's
6 genitals, pubic area, anus, buttocks, or female areola; or

7 (4) causes another person to contact the blood,
8 seminal fluid, vaginal fluid, saliva, urine, or feces of any
9 person, including contact occurring through clothing.

10 (b) An offense under this section is a Class A misdemeanor.

11 (c) If conduct that constitutes an offense under this
12 section also constitutes an offense under another law, the actor
13 may be prosecuted under this section, the other law, or both.

14 SECTION 4. Section 22.021, Penal Code, is amended by
15 amending Subsection (a) and adding Subsection (d-1) to read as
16 follows:

17 (a) A person commits an offense:

18 (1) if the person:

19 (A) intentionally or knowingly:

20 (i) causes the penetration of the anus or
21 sexual organ of another person by any means, without that person's
22 consent;

23 (ii) causes the penetration of the mouth of
24 another person by the sexual organ of the actor, without that
25 person's consent; or

26 (iii) causes the sexual organ of another
27 person, without that person's consent, to contact or penetrate the

1 mouth, anus, or sexual organ of another person, including the
2 actor; or

3 (B) intentionally or knowingly:

4 (i) causes the penetration of the anus or
5 sexual organ of a child by any means;

6 (ii) causes the penetration of the mouth of
7 a child by the sexual organ of the actor;

8 (iii) causes the sexual organ of a child to
9 contact or penetrate the mouth, anus, or sexual organ of another
10 person, including the actor;

11 (iv) causes the anus of a child to contact
12 the mouth, anus, or sexual organ of another person, including the
13 actor; or

14 (v) causes the mouth of a child to contact
15 the anus or sexual organ of another person, including the actor; and

16 (2) if:

17 (A) the person:

18 (i) causes serious bodily injury or
19 attempts to cause the death of the victim or another person in the
20 course of the same criminal episode;

21 (ii) by acts or words places the victim in
22 fear that any person will become the victim of an offense under
23 Section [20A.02\(a\)\(3\)](#), (4), (7), or (8) or that death, serious
24 bodily injury, or kidnapping will be imminently inflicted on any
25 person;

26 (iii) by acts or words occurring in the
27 presence of the victim threatens to cause any person to become the

1 victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or
2 to cause the death, serious bodily injury, or kidnapping of any
3 person;

4 (iv) uses or exhibits a deadly weapon in the
5 course of the same criminal episode;

6 (v) acts in concert with another who
7 engages in conduct described by Subdivision (1) directed toward the
8 same victim and occurring during the course of the same criminal
9 episode; or

10 (vi) with the intent of facilitating the
11 commission of the offense, administers or provides [~~flunitrazepam,~~
12 ~~otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine~~] to
13 the victim of the offense any substance capable of impairing the
14 victim's ability to appraise the nature of the act or to resist the
15 act [~~with the intent of facilitating the commission of the~~
16 ~~offense~~];

17 (B) the victim is younger than 14 years of age; or

18 (C) the victim is an elderly individual or a
19 disabled individual.

20 (d-1) It is not a defense to prosecution under this section
21 that the actor mistakenly believed that the other person consented
22 to the conduct if a reasonable person should have known or
23 understood that the other person did not consent to the conduct.

24 SECTION 5. Subchapter B, Chapter 43, Penal Code, is amended
25 by adding Section 43.262 to read as follows:

26 Sec. 43.262. POSSESSION OR PROMOTION OF LEWD VISUAL
27 MATERIAL DEPICTING CHILD. (a) In this section:

1 (1) "Promote" and "sexual conduct" have the meanings
2 assigned by Section 43.25.

3 (2) "Visual material" has the meaning assigned by
4 Section 43.26.

5 (b) A person commits an offense if the person knowingly
6 possesses, accesses with intent to view, or promotes visual
7 material that:

8 (1) depicts the lewd exhibition of the genitals or
9 pubic area of an unclothed, partially clothed, or clothed child who
10 is younger than 18 years of age at the time the visual material was
11 created;

12 (2) appeals to the prurient interest in sex; and

13 (3) has no serious literary, artistic, political, or
14 scientific value.

15 (c) An offense under this section is a state jail felony,
16 except that the offense is:

17 (1) a felony of the third degree if it is shown on the
18 trial of the offense that the person has been previously convicted
19 one time of an offense under this section or Section 43.26; and

20 (2) a felony of the second degree if it is shown on the
21 trial of the offense that the person has been previously convicted
22 two or more times of an offense under this section or Section 43.26.

23 (d) It is not a defense to prosecution under this section
24 that the depicted child consented to the creation of the visual
25 material.

26 SECTION 6. The heading to Chapter 7A, Code of Criminal
27 Procedure, is amended to read as follows:

1 CHAPTER 7A. PROTECTIVE ORDER FOR VICTIMS OF SEXUAL ASSAULT OR
2 ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING

3 SECTION 7. Article 7A.01(a), Code of Criminal Procedure, is
4 amended to read as follows:

5 (a) The following persons may file an application for a
6 protective order under this chapter without regard to the
7 relationship between the applicant and the alleged offender:

8 (1) a person who is the victim of an offense under
9 Section 21.02, 21.11, 22.011, 22.012, 22.021, or 42.072, Penal
10 Code;

11 (2) a person who is the victim of an offense under
12 Section 20A.02, 20A.03, or 43.05, Penal Code;

13 (3) a parent or guardian acting on behalf of a person
14 younger than 17 years of age who is the victim of an offense listed
15 in Subdivision (1);

16 (4) a parent or guardian acting on behalf of a person
17 younger than 18 years of age who is the victim of an offense listed
18 in Subdivision (2); or

19 (5) a prosecuting attorney acting on behalf of a
20 person described by Subdivision (1), (2), (3), or (4).

21 SECTION 8. Article 7A.02, Code of Criminal Procedure, is
22 amended to read as follows:

23 Art. 7A.02. TEMPORARY EX PARTE ORDER. If the court finds
24 from the information contained in an application for a protective
25 order that there is a clear and present danger of sexual assault or
26 abuse, indecent assault, stalking, trafficking, or other harm to
27 the applicant, the court, without further notice to the alleged

1 offender and without a hearing, may enter a temporary ex parte order
2 for the protection of the applicant or any other member of the
3 applicant's family or household.

4 SECTION 9. Article 7A.03(a), Code of Criminal Procedure, is
5 amended to read as follows:

6 (a) At the close of a hearing on an application for a
7 protective order under this chapter, the court shall find whether
8 there are reasonable grounds to believe that the applicant is the
9 victim of sexual assault or abuse, indecent assault, stalking, or
10 trafficking.

11 SECTION 10. Article 7A.035, Code of Criminal Procedure, is
12 amended to read as follows:

13 Art. 7A.035. HEARSAY STATEMENT OF CHILD VICTIM. In a
14 hearing on an application for a protective order under this
15 chapter, a statement that is made by a child younger than 14 years
16 of age who is the victim of an offense under Section 21.02, 21.11,
17 22.011, 22.012, or 22.021, Penal Code, and that describes the
18 offense committed against the child is admissible as evidence in
19 the same manner that a child's statement regarding alleged abuse
20 against the child is admissible under Section 104.006, Family Code,
21 in a suit affecting the parent-child relationship.

22 SECTION 11. Articles 17.292(a) and (g), Code of Criminal
23 Procedure, are amended to read as follows:

24 (a) At a defendant's appearance before a magistrate after
25 arrest for an offense involving family violence or an offense under
26 Section 20A.02, 20A.03, 22.011, 22.012, 22.021, or 42.072, Penal
27 Code, the magistrate may issue an order for emergency protection on

1 the magistrate's own motion or on the request of:

- 2 (1) the victim of the offense;
- 3 (2) the guardian of the victim;
- 4 (3) a peace officer; or
- 5 (4) the attorney representing the state.

6 (g) An order for emergency protection issued under this
7 article must contain the following statements printed in bold-face
8 type or in capital letters:

9 "A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED
10 BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY
11 CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT
12 RESULTS IN [~~FAMILY VIOLENCE OR~~] A SEPARATE [~~STALKING OR~~
13 ~~TRAFFICKING~~] OFFENSE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR
14 FELONY OFFENSE, AS APPLICABLE, IN ADDITION TO A VIOLATION OF THIS
15 ORDER. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS
16 PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS. THE
17 POSSESSION OF A FIREARM BY A PERSON, OTHER THAN A PEACE OFFICER, AS
18 DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT
19 AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL
20 SUBDIVISION, WHO IS SUBJECT TO THIS ORDER MAY BE PROSECUTED AS A
21 SEPARATE OFFENSE PUNISHABLE BY CONFINEMENT OR IMPRISONMENT.

22 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS
23 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY
24 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS
25 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT
26 UNLESS A COURT CHANGES THE ORDER."

27 SECTION 12. The heading to Article [56.021](#), Code of Criminal

1 Procedure, is amended to read as follows:

2 Art. 56.021. RIGHTS OF VICTIM OF SEXUAL ASSAULT OR ABUSE,
3 INDECENT ASSAULT, STALKING, OR TRAFFICKING.

4 SECTION 13. (a) Article 56.021(d), Code of Criminal
5 Procedure, as added by Chapter 1032 (H.B. 1447), Acts of the 84th
6 Legislature, Regular Session, 2015, is amended to read as follows:

7 (d) This subsection applies only to a victim of an offense
8 under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021,
9 42.072, or 43.05, Penal Code. In addition to the rights enumerated
10 in Article 56.02 and, if applicable, Subsection (a) of this
11 article, a victim described by this subsection or a parent or
12 guardian of the victim is entitled to the following rights within
13 the criminal justice system:

14 (1) the right to request that the attorney
15 representing the state, subject to the Texas Disciplinary Rules of
16 Professional Conduct, file an application for a protective order
17 under Article 7A.01 on behalf of the victim;

18 (2) the right to be informed:

19 (A) that the victim or the victim's parent or
20 guardian, as applicable, may file an application for a protective
21 order under Article 7A.01;

22 (B) of the court in which the application for a
23 protective order may be filed; and

24 (C) that, on request of the victim or the
25 victim's parent or guardian, as applicable, and subject to the
26 Texas Disciplinary Rules of Professional Conduct, the attorney
27 representing the state may file the application for a protective

1 order;

2 (3) if the victim or the victim's parent or guardian,
3 as applicable, is present when the defendant is convicted or placed
4 on deferred adjudication community supervision, the right to be
5 given by the court the information described by Subdivision (2)
6 and, if the court has jurisdiction over applications for protective
7 orders that are filed under Article 7A.01, the right to file an
8 application for a protective order immediately following the
9 defendant's conviction or placement on deferred adjudication
10 community supervision; and

11 (4) if the victim or the victim's parent or guardian,
12 as applicable, is not present when the defendant is convicted or
13 placed on deferred adjudication community supervision, the right to
14 be given by the attorney representing the state the information
15 described by Subdivision (2).

16 (b) Article 56.021(d), Code of Criminal Procedure, as added
17 by Chapter 1153 (S.B. 630), Acts of the 84th Legislature, Regular
18 Session, 2015, is repealed as duplicative of Article 56.021(d),
19 Code of Criminal Procedure, as added by Chapter 1032 (H.B. 1447),
20 Acts of the 84th Legislature, Regular Session, 2015.

21 SECTION 14. Sections 411.042(b) and (g), Government Code,
22 are amended to read as follows:

23 (b) The bureau of identification and records shall:

24 (1) procure and file for record photographs, pictures,
25 descriptions, fingerprints, measurements, and other pertinent
26 information of all persons arrested for or charged with a criminal
27 offense or convicted of a criminal offense, regardless of whether

1 the conviction is probated;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (G) the conditions of bond imposed on the person

1 to whom the order is directed, if any, for the protection of a
2 victim in any family violence, sexual assault or abuse, indecent
3 assault, stalking, or trafficking case;

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

7 (I) the date the order expires;

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

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

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

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

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

23 (g) The department may adopt reasonable rules under this
24 section relating to:

25 (1) law enforcement information systems maintained by
26 the department;

27 (2) the collection, maintenance, and correction of

1 records;

2 (3) reports of criminal history information submitted
3 to the department;

4 (4) active protective orders and reporting procedures
5 that ensure that information relating to the issuance and dismissal
6 of an active protective order is reported to the local law
7 enforcement agency at the time of the order's issuance or dismissal
8 and entered by the local law enforcement agency in the state's law
9 enforcement information system;

10 (5) the collection of information described by
11 Subsection (h);

12 (6) a system for providing criminal history record
13 information through the criminal history clearinghouse under
14 Section [411.0845](#); and

15 (7) active conditions of bond imposed on a defendant
16 for the protection of a victim in any family violence, sexual
17 assault or abuse, indecent assault, stalking, or trafficking case,
18 and reporting procedures that ensure that information relating to
19 the issuance, modification, or removal of the conditions of bond is
20 reported, at the time of the issuance, modification, or removal,
21 to:

22 (A) the victim or, if the victim is deceased, a
23 close relative of the victim; and

24 (B) the local law enforcement agency for entry by
25 the local law enforcement agency in the state's law enforcement
26 information system.

27 SECTION 15. The heading to Section [25.07](#), Penal Code, is

1 amended to read as follows:

2 Sec. 25.07. VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS
3 OF BOND IN A FAMILY VIOLENCE, SEXUAL ASSAULT OR ABUSE, INDECENT
4 ASSAULT, STALKING, OR TRAFFICKING CASE.

5 SECTION 16. Section 25.07(a), Penal Code, is amended to
6 read as follows:

7 (a) A person commits an offense if, in violation of a
8 condition of bond set in a family violence, sexual assault or abuse,
9 indecent assault, stalking, or trafficking case and related to the
10 safety of a victim or the safety of the community, an order issued
11 under Chapter 7A, Code of Criminal Procedure, an order issued under
12 Article 17.292, Code of Criminal Procedure, an order issued under
13 Section 6.504, Family Code, Chapter 83, Family Code, if the
14 temporary ex parte order has been served on the person, or Chapter
15 85, Family Code, or an order issued by another jurisdiction as
16 provided by Chapter 88, Family Code, the person knowingly or
17 intentionally:

18 (1) commits family violence or an act in furtherance
19 of an offense under Section 20A.02, 22.011, 22.012, 22.021, or
20 42.072;

21 (2) communicates:

22 (A) directly with a protected individual or a
23 member of the family or household in a threatening or harassing
24 manner;

25 (B) a threat through any person to a protected
26 individual or a member of the family or household; or

27 (C) in any manner with the protected individual

1 or a member of the family or household except through the person's
2 attorney or a person appointed by the court, if the violation is of
3 an order described by this subsection and the order prohibits any
4 communication with a protected individual or a member of the family
5 or household;

6 (3) goes to or near any of the following places as
7 specifically described in the order or condition of bond:

8 (A) the residence or place of employment or
9 business of a protected individual or a member of the family or
10 household; or

11 (B) any child care facility, residence, or school
12 where a child protected by the order or condition of bond normally
13 resides or attends;

14 (4) possesses a firearm;

15 (5) harms, threatens, or interferes with the care,
16 custody, or control of a pet, companion animal, or assistance
17 animal that is possessed by a person protected by the order or
18 condition of bond; or

19 (6) removes, attempts to remove, or otherwise tampers
20 with the normal functioning of a global positioning monitoring
21 system.

22 SECTION 17. Section 25.07(b), Penal Code, is amended by
23 adding Subdivision (8) to read as follows:

24 (8) "Indecent assault" means any conduct that
25 constitutes an offense under Section 22.012.

26 SECTION 18. The heading to Section 25.072, Penal Code, is
27 amended to read as follows:

1 Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR
2 CONDITIONS OF BOND IN FAMILY VIOLENCE, SEXUAL ASSAULT OR ABUSE,
3 INDECENT ASSAULT, STALKING, OR TRAFFICKING CASE.

4 SECTION 19. Chapter 7A, Code of Criminal Procedure, as
5 amended by this Act, and Article 17.292, Code of Criminal
6 Procedure, as amended by this Act, apply only to a protective order
7 or magistrate's order for emergency protection that is issued on or
8 after the effective date of this Act. An order issued before the
9 effective date of this Act is governed by the law in effect on the
10 date the order is issued, and the former law is continued in effect
11 for that purpose.

12 SECTION 20. Article 56.021(d), Code of Criminal Procedure,
13 as amended by this Act, applies to a victim of criminally injurious
14 conduct for which a judgment of conviction is entered or a grant of
15 deferred adjudication is made on or after the effective date of this
16 Act, regardless of whether the criminally injurious conduct
17 occurred before, on, or after the effective date of this Act.

18 SECTION 21. Sections 22.011, 22.021, 25.07, and 25.072,
19 Penal Code, as amended by this Act, apply only to an offense
20 committed on or after the effective date of this Act. An offense
21 committed before the effective date of this Act is governed by the
22 law in effect on the date the offense was committed, and the former
23 law is continued in effect for that purpose. For purposes of this
24 section, an offense was committed before the effective date of this
25 Act if any element of the offense occurred before that date.

26 SECTION 22. To the extent of any conflict, this Act prevails
27 over another Act of the 85th Legislature, Regular Session, 2017,

C.S.S.B. No. 2238

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 SECTION 23. This Act takes effect September 1, 2017.