

By: Lozano

H.B. No. 379

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of organized criminal activity involving a controlled substance or dangerous drug.

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

SECTION 1. Section 71.02(a), Penal Code, is amended to read as follows:

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

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

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

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

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

1 (5) unlawful manufacture, delivery, dispensation, or  
2 distribution of a controlled substance or dangerous drug[7] or  
3 unlawful possession of a controlled substance or dangerous drug:

4 (A) through forgery, fraud, misrepresentation,  
5 or deception; or

6 (B) with the intent to deliver the controlled  
7 substance or dangerous drug;

8 (5-a) causing the unlawful delivery, dispensation, or  
9 distribution of a controlled substance or dangerous drug in  
10 violation of Subtitle B, Title 3, Occupations Code;

11 (6) any unlawful wholesale promotion or possession of  
12 any obscene material or obscene device with the intent to wholesale  
13 promote the same;

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

17 (8) any felony offense under Chapter 32;

18 (9) any offense under Chapter 36;

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

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

21 (12) any offense under Chapter 20A;

22 (13) any offense under Section 37.10;

23 (14) any offense under Section 38.06, 38.07, 38.09, or  
24 38.11;

25 (15) any offense under Section 42.10;

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

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

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

3           SECTION 2. The change in law made by this Act applies only  
4 to an offense committed on or after the effective date of this Act.  
5 An offense committed before the effective date of this Act is  
6 governed by the law in effect on the date the offense was committed,  
7 and the former law is continued in effect for that purpose. For  
8 purposes of this section, an offense was committed before the  
9 effective date of this Act if any element of the offense was  
10 committed before that date.

11           SECTION 3. This Act takes effect September 1, 2019.