

By: Hefner, Collier, Moody, Perez, Springer,  
et al.

H.B. No. 869

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the prosecution of organized criminal activity  
3 involving the interception, use, or disclosure of certain  
4 communications.

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

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

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

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

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

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

24 (4) unlawful manufacture, transportation, repair, or

1 sale of firearms or prohibited weapons;

2 (5) unlawful manufacture, delivery, dispensation, or  
3 distribution of a controlled substance or dangerous drug, or  
4 unlawful possession of a controlled substance or dangerous drug  
5 through forgery, fraud, misrepresentation, or deception;

6 (5-a) causing the unlawful delivery, dispensation, or  
7 distribution of a controlled substance or dangerous drug in  
8 violation of Subtitle B, Title 3, Occupations Code;

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

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

15 (8) any felony offense under Chapter 32;

16 (9) any offense under Chapter 36;

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

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

19 (12) any offense under Chapter 20A;

20 (13) any offense under Section 37.10;

21 (14) any offense under Section 38.06, 38.07, 38.09, or  
22 38.11;

23 (15) any offense under Section 42.10;

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

25 (17) any offense under Section 20.05 or 20.06; [~~or~~]

26 (18) any offense under Section 16.02; or

27 (19) any offense classified as a felony under the Tax

1 Code.

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

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