

AN ACT

relating to the prosecution of organized criminal activity involving the interception, use, or disclosure of certain communications.

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

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.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 869 was passed by the House on April 9, 2019, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 869 was passed by the Senate on May 15, 2019, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor