

By: Smith

H.B. No. 3177

Substitute the following for H.B. No. 3177:

By: Collier

C.S.H.B. No. 3177

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution of the offense of continuous sexual
3 abuse of a child or disabled individual; creating a criminal
4 offense.

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

6 ARTICLE I. OFFENSE

7 SECTION 1.01. The heading to Section 21.02, Penal Code, is
8 amended to read as follows:

9 Sec. 21.02. CONTINUOUS SEXUAL ABUSE OF YOUNG CHILD OR
10 DISABLED INDIVIDUAL [~~CHILDREN~~].

11 SECTION 1.02. Sections 21.02(a), (b), (c), and (g), Penal
12 Code, are amended to read as follows:

13 (a) In this section:

14 (1) "Child" [~~,"child"~~] has the meaning assigned by
15 Section 22.011(c).

16 (2) "Disabled individual" means a person:

17 (A) with one or more of the following:

18 (i) developmental disability, as defined by
19 Section 112.042, Human Resources Code;

20 (ii) intellectual disability, as defined by
21 Section 591.003, Health and Safety Code; or

22 (iii) traumatic brain injury, as defined by
23 Section 92.001, Health and Safety Code; or

24 (B) who otherwise by reason of age or physical or

1 mental disease, defect, or injury is substantially unable to
2 protect the person's self from harm or to provide food, shelter, or
3 medical care for the person's self.

4 (b) A person commits an offense if:

5 (1) during a period that is 30 or more days in
6 duration, the person commits two or more acts of sexual abuse,
7 regardless of whether the acts of sexual abuse are committed
8 against one or more victims; and

9 (2) at the time of the commission of each of the acts
10 of sexual abuse, the actor is 17 years of age or older and the victim
11 is:

12 (A) a child younger than 14 years of age,
13 regardless of whether the actor knows the age of the victim at the
14 time of the offense; or

15 (B) a disabled individual.

16 (c) For purposes of this section, "act of sexual abuse"
17 means any act that is a violation of one or more of the following
18 penal laws:

19 (1) aggravated kidnapping under Section 20.04(a)(4),
20 if the actor committed the offense with the intent to violate or
21 abuse the victim sexually;

22 (2) indecency with a child under Section 21.11(a)(1),
23 if the actor committed the offense in a manner other than by
24 touching, including touching through clothing, the breast of a
25 child;

26 (3) sexual assault under Section 22.011;

27 (4) aggravated sexual assault under Section 22.021;

1 (5) burglary under Section 30.02, if the offense is
2 punishable under Subsection (d) of that section and the actor
3 committed the offense with the intent to commit an offense listed in
4 Subdivisions (1)-(4);

5 (6) sexual performance by a child under Section 43.25;

6 (7) trafficking of persons under Section
7 20A.02(a)(3), (4), (7), [20A.02(a)(7)] or (8); and

8 (8) compelling prostitution under Section 43.05
9 [43.05(a)(2)].

10 (g) It is an affirmative defense to prosecution under this
11 section with respect to a victim described by Subsection (b)(2)(A)
12 that the actor:

13 (1) was not more than five years older than any [+
14 [(A) ~~the~~] victim of the offense [~~, if the offense~~
15 ~~is alleged to have been committed against only one victim; or~~
16 [(B) ~~the youngest victim of the offense, if the~~
17 ~~offense is alleged to have been committed against more than one~~
18 ~~victim~~];

19 (2) did not use duress, force, or a threat against a
20 victim at the time of the commission of any of the acts of sexual
21 abuse alleged as an element of the offense; and

22 (3) at the time of the commission of any of the acts of
23 sexual abuse alleged as an element of the offense:

24 (A) was not required under Chapter 62, Code of
25 Criminal Procedure, to register for life as a sex offender; or

26 (B) was not a person who under Chapter 62 had a
27 reportable conviction or adjudication for an offense under this

1 section or an act of sexual abuse as described by Subsection (c).

2 ARTICLE II. CONFORMING AMENDMENTS

3 SECTION 2.01. Section 16.0045(a), Civil Practice and
4 Remedies Code, is amended to read as follows:

5 (a) A person must bring suit for personal injury not later
6 than 15 years after the day the cause of action accrues if the
7 injury arises as a result of conduct that violates:

8 (1) Section 22.011(a)(2), Penal Code (sexual assault
9 of a child);

10 (2) Section 22.021(a)(1)(B), Penal Code (aggravated
11 sexual assault of a child);

12 (3) Section 21.02, Penal Code (continuous sexual abuse
13 of young child or disabled individual [~~children~~]);

14 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
15 Section 20A.02(a)(8), Penal Code, involving an activity described
16 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
17 with a child trafficked in the manner described by Section
18 20A.02(a)(7), Penal Code (certain sexual trafficking of a child);

19 (5) Section 43.05(a)(2), Penal Code (compelling
20 prostitution by a child); or

21 (6) Section 21.11, Penal Code (indecentcy with a
22 child).

23 SECTION 2.02. Section 33.013(b), Civil Practice and
24 Remedies Code, is amended to read as follows:

25 (b) Notwithstanding Subsection (a), each liable defendant
26 is, in addition to his liability under Subsection (a), jointly and
27 severally liable for the damages recoverable by the claimant under

1 Section 33.012 with respect to a cause of action if:

2 (1) the percentage of responsibility attributed to the
3 defendant with respect to a cause of action is greater than 50
4 percent; or

5 (2) the defendant, with the specific intent to do harm
6 to others, acted in concert with another person to engage in the
7 conduct described in the following provisions of the Penal Code and
8 in so doing proximately caused the damages legally recoverable by
9 the claimant:

- 10 (A) Section 19.02 (murder);
- 11 (B) Section 19.03 (capital murder);
- 12 (C) Section 20.04 (aggravated kidnapping);
- 13 (D) Section 22.02 (aggravated assault);
- 14 (E) Section 22.011 (sexual assault);
- 15 (F) Section 22.021 (aggravated sexual assault);
- 16 (G) Section 22.04 (injury to a child, elderly
17 individual, or disabled individual);
- 18 (H) Section 32.21 (forgery);
- 19 (I) Section 32.43 (commercial bribery);
- 20 (J) Section 32.45 (misapplication of fiduciary
21 property or property of financial institution);
- 22 (K) Section 32.46 (securing execution of
23 document by deception);
- 24 (L) Section 32.47 (fraudulent destruction,
25 removal, or concealment of writing);
- 26 (M) conduct described in Chapter 31 the
27 punishment level for which is a felony of the third degree or

1 higher; or

2 (N) Section 21.02 (continuous sexual abuse of
3 young child or disabled individual [~~children~~]).

4 SECTION 2.03. Section 41.008(c), Civil Practice and
5 Remedies Code, is amended to read as follows:

6 (c) This section does not apply to a cause of action against
7 a defendant from whom a plaintiff seeks recovery of exemplary
8 damages based on conduct described as a felony in the following
9 sections of the Penal Code if, except for Sections 49.07 and 49.08,
10 the conduct was committed knowingly or intentionally:

- 11 (1) Section 19.02 (murder);
- 12 (2) Section 19.03 (capital murder);
- 13 (3) Section 20.04 (aggravated kidnapping);
- 14 (4) Section 22.02 (aggravated assault);
- 15 (5) Section 22.011 (sexual assault);
- 16 (6) Section 22.021 (aggravated sexual assault);
- 17 (7) Section 22.04 (injury to a child, elderly
18 individual, or disabled individual, but not if the conduct occurred
19 while providing health care as defined by Section 74.001);
- 20 (8) Section 32.21 (forgery);
- 21 (9) Section 32.43 (commercial bribery);
- 22 (10) Section 32.45 (misapplication of fiduciary
23 property or property of financial institution);
- 24 (11) Section 32.46 (securing execution of document by
25 deception);
- 26 (12) Section 32.47 (fraudulent destruction, removal,
27 or concealment of writing);

1 (13) Chapter 31 (theft) the punishment level for which
2 is a felony of the third degree or higher;

3 (14) Section 49.07 (intoxication assault);

4 (15) Section 49.08 (intoxication manslaughter);

5 (16) Section 21.02 (continuous sexual abuse of young
6 child or disabled individual [~~children~~]); or

7 (17) Chapter 20A (trafficking of persons).

8 SECTION 2.04. Section 61.0021(a), Civil Practice and
9 Remedies Code, is amended to read as follows:

10 (a) Notwithstanding any other provision of this code,
11 attachment is available to a plaintiff who:

12 (1) has general grounds for issuance under Sections
13 61.001(2) and (3); and

14 (2) institutes a suit for personal injury arising as a
15 result of conduct that violates:

16 (A) Section 22.011(a)(2), Penal Code (sexual
17 assault of a child);

18 (B) Section 22.021(a)(1)(B), Penal Code
19 (aggravated sexual assault of a child);

20 (C) Section 21.02, Penal Code (continuous sexual
21 abuse of young child or disabled individual [~~children~~]); or

22 (D) Section 21.11, Penal Code (indecent with a
23 child).

24 SECTION 2.05. Section 125.0015(a), Civil Practice and
25 Remedies Code, is amended to read as follows:

26 (a) A person who maintains a place to which persons
27 habitually go for the following purposes and who knowingly

1 tolerates the activity and furthermore fails to make reasonable
2 attempts to abate the activity maintains a common nuisance:

3 (1) discharge of a firearm in a public place as
4 prohibited by the Penal Code;

5 (2) reckless discharge of a firearm as prohibited by
6 the Penal Code;

7 (3) engaging in organized criminal activity as a
8 member of a combination as prohibited by the Penal Code;

9 (4) delivery, possession, manufacture, or use of a
10 substance or other item in violation of Chapter 481, Health and
11 Safety Code;

12 (5) gambling, gambling promotion, or communicating
13 gambling information as prohibited by the Penal Code;

14 (6) prostitution, promotion of prostitution, or
15 aggravated promotion of prostitution as prohibited by the Penal
16 Code;

17 (7) compelling prostitution as prohibited by the Penal
18 Code;

19 (8) commercial manufacture, commercial distribution,
20 or commercial exhibition of obscene material as prohibited by the
21 Penal Code;

22 (9) aggravated assault as described by Section 22.02,
23 Penal Code;

24 (10) sexual assault as described by Section 22.011,
25 Penal Code;

26 (11) aggravated sexual assault as described by Section
27 22.021, Penal Code;

- 1 (12) robbery as described by Section 29.02, Penal
2 Code;
- 3 (13) aggravated robbery as described by Section 29.03,
4 Penal Code;
- 5 (14) unlawfully carrying a weapon as described by
6 Section 46.02, Penal Code;
- 7 (15) murder as described by Section 19.02, Penal Code;
- 8 (16) capital murder as described by Section 19.03,
9 Penal Code;
- 10 (17) continuous sexual abuse of young child or
11 disabled individual [~~children~~] as described by Section 21.02, Penal
12 Code;
- 13 (18) massage therapy or other massage services in
14 violation of Chapter 455, Occupations Code;
- 15 (19) employing a minor at a sexually oriented business
16 as defined by Section 243.002, Local Government Code;
- 17 (20) trafficking of persons as described by Section
18 20A.02, Penal Code;
- 19 (21) sexual conduct or performance by a child as
20 described by Section 43.25, Penal Code;
- 21 (22) employment harmful to a child as described by
22 Section 43.251, Penal Code;
- 23 (23) criminal trespass as described by Section 30.05,
24 Penal Code;
- 25 (24) disorderly conduct as described by Section 42.01,
26 Penal Code;
- 27 (25) arson as described by Section 28.02, Penal Code;

1 (26) criminal mischief as described by Section 28.03,
2 Penal Code, that causes a pecuniary loss of \$500 or more; or

3 (27) a graffiti offense in violation of Section 28.08,
4 Penal Code.

5 SECTION 2.06. Article 2.32(b), Code of Criminal Procedure,
6 is amended to read as follows:

7 (b) Unless good cause exists that makes electronic
8 recording infeasible, a law enforcement agency shall make a
9 complete and contemporaneous electronic recording of any custodial
10 interrogation that occurs in a place of detention and is of a person
11 suspected of committing or charged with the commission of an
12 offense under:

13 (1) Section 19.02, Penal Code (murder);

14 (2) Section 19.03, Penal Code (capital murder);

15 (3) Section 20.03, Penal Code (kidnapping);

16 (4) Section 20.04, Penal Code (aggravated
17 kidnapping);

18 (5) Section 20A.02, Penal Code (trafficking of
19 persons);

20 (6) Section 20A.03, Penal Code (continuous
21 trafficking of persons);

22 (7) Section 21.02, Penal Code (continuous sexual abuse
23 of young child or disabled individual [~~children~~]);

24 (8) Section 21.11, Penal Code (indecent with a
25 child);

26 (9) Section 21.12, Penal Code (improper relationship
27 between educator and student);

- 1 (10) Section 22.011, Penal Code (sexual assault);
2 (11) Section 22.021, Penal Code (aggravated sexual
3 assault); or
4 (12) Section 43.25, Penal Code (sexual performance by
5 a child).

6 SECTION 2.07. Article 12.01, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 12.01. FELONIES. Except as provided in Article 12.03,
9 felony indictments may be presented within these limits, and not
10 afterward:

- 11 (1) no limitation:
12 (A) murder and manslaughter;
13 (B) sexual assault under Section 22.011(a)(2),
14 Penal Code, or aggravated sexual assault under Section
15 22.021(a)(1)(B), Penal Code;
16 (C) sexual assault, if:
17 (i) during the investigation of the offense
18 biological matter is collected and subjected to forensic DNA
19 testing and the testing results show that the matter does not match
20 the victim or any other person whose identity is readily
21 ascertained; or
22 (ii) probable cause exists to believe that
23 the defendant has committed the same or a similar sexual offense
24 against five or more victims;
25 (D) continuous sexual abuse of young child or
26 disabled individual [~~children~~] under Section 21.02, Penal Code;
27 (E) indecency with a child under Section 21.11,

1 Penal Code;

2 (F) an offense involving leaving the scene of an
3 accident under Section 550.021, Transportation Code, if the
4 accident resulted in the death of a person;

5 (G) trafficking of persons under Section
6 20A.02(a)(7) or (8), Penal Code;

7 (H) continuous trafficking of persons under
8 Section 20A.03, Penal Code; or

9 (I) compelling prostitution under Section
10 43.05(a)(2), Penal Code;

11 (2) ten years from the date of the commission of the
12 offense:

13 (A) theft of any estate, real, personal or mixed,
14 by an executor, administrator, guardian or trustee, with intent to
15 defraud any creditor, heir, legatee, ward, distributee,
16 beneficiary or settlor of a trust interested in such estate;

17 (B) theft by a public servant of government
18 property over which he exercises control in his official capacity;

19 (C) forgery or the uttering, using or passing of
20 forged instruments;

21 (D) injury to an elderly or disabled individual
22 punishable as a felony of the first degree under Section 22.04,
23 Penal Code;

24 (E) sexual assault, except as provided by
25 Subdivision (1);

26 (F) arson;

27 (G) trafficking of persons under Section

1 20A.02(a)(1), (2), (3), or (4), Penal Code; or
2 (H) compelling prostitution under Section
3 43.05(a)(1), Penal Code;
4 (3) seven years from the date of the commission of the
5 offense:
6 (A) misapplication of fiduciary property or
7 property of a financial institution;
8 (B) securing execution of document by deception;
9 (C) a felony violation under Chapter 162, Tax
10 Code;
11 (D) false statement to obtain property or credit
12 under Section 32.32, Penal Code;
13 (E) money laundering;
14 (F) credit card or debit card abuse under Section
15 32.31, Penal Code;
16 (G) fraudulent use or possession of identifying
17 information under Section 32.51, Penal Code;
18 (H) exploitation of a child, elderly individual,
19 or disabled individual under Section 32.53, Penal Code;
20 (I) Medicaid fraud under Section 35A.02, Penal
21 Code; or
22 (J) bigamy under Section 25.01, Penal Code,
23 except as provided by Subdivision (6);
24 (4) five years from the date of the commission of the
25 offense:
26 (A) theft or robbery;
27 (B) except as provided by Subdivision (5),

1 kidnapping or burglary;

2 (C) injury to an elderly or disabled individual
3 that is not punishable as a felony of the first degree under Section
4 22.04, Penal Code;

5 (D) abandoning or endangering a child; or

6 (E) insurance fraud;

7 (5) if the investigation of the offense shows that the
8 victim is younger than 17 years of age at the time the offense is
9 committed, 20 years from the 18th birthday of the victim of one of
10 the following offenses:

11 (A) sexual performance by a child under Section
12 43.25, Penal Code;

13 (B) aggravated kidnapping under Section
14 20.04(a)(4), Penal Code, if the defendant committed the offense
15 with the intent to violate or abuse the victim sexually; or

16 (C) burglary under Section 30.02, Penal Code, if
17 the offense is punishable under Subsection (d) of that section and
18 the defendant committed the offense with the intent to commit an
19 offense described by Subdivision (1)(B) or (D) of this article or
20 Paragraph (B) of this subdivision;

21 (6) ten years from the 18th birthday of the victim of
22 the offense:

23 (A) trafficking of persons under Section
24 20A.02(a)(5) or (6), Penal Code;

25 (B) injury to a child under Section 22.04, Penal
26 Code; or

27 (C) bigamy under Section 25.01, Penal Code, if

1 the investigation of the offense shows that the person, other than
2 the legal spouse of the defendant, whom the defendant marries or
3 purports to marry or with whom the defendant lives under the
4 appearance of being married is younger than 18 years of age at the
5 time the offense is committed; or

6 (7) three years from the date of the commission of the
7 offense: all other felonies.

8 SECTION 2.08. Article 17.03(b), Code of Criminal Procedure,
9 is amended to read as follows:

10 (b) Only the court before whom the case is pending may
11 release on personal bond a defendant who:

12 (1) is charged with an offense under the following
13 sections of the Penal Code:

14 (A) Section 19.03 (Capital Murder);

15 (B) Section 20.04 (Aggravated Kidnapping);

16 (C) Section 22.021 (Aggravated Sexual Assault);

17 (D) Section 22.03 (Deadly Assault on Law
18 Enforcement or Corrections Officer, Member or Employee of Board of
19 Pardons and Paroles, or Court Participant);

20 (E) Section 22.04 (Injury to a Child, Elderly
21 Individual, or Disabled Individual);

22 (F) Section 29.03 (Aggravated Robbery);

23 (G) Section 30.02 (Burglary);

24 (H) Section 71.02 (Engaging in Organized
25 Criminal Activity);

26 (I) Section 21.02 (Continuous Sexual Abuse of
27 Young Child or Disabled Individual [~~Children~~]); or

1 (J) Section 20A.03 (Continuous Trafficking of
2 Persons);

3 (2) is charged with a felony under Chapter 481, Health
4 and Safety Code, or Section 485.033, Health and Safety Code,
5 punishable by imprisonment for a minimum term or by a maximum fine
6 that is more than a minimum term or maximum fine for a first degree
7 felony; or

8 (3) does not submit to testing for the presence of a
9 controlled substance in the defendant's body as requested by the
10 court or magistrate under Subsection (c) of this article or submits
11 to testing and the test shows evidence of the presence of a
12 controlled substance in the defendant's body.

13 SECTION 2.09. Article 17.032(a), Code of Criminal
14 Procedure, is amended to read as follows:

15 (a) In this article, "violent offense" means an offense
16 under the following sections of the Penal Code:

- 17 (1) Section 19.02 (murder);
- 18 (2) Section 19.03 (capital murder);
- 19 (3) Section 20.03 (kidnapping);
- 20 (4) Section 20.04 (aggravated kidnapping);
- 21 (5) Section 21.11 (indecent with a child);
- 22 (6) Section 22.01(a)(1) (assault), if the offense
23 involved family violence as defined by Section 71.004, Family Code;
- 24 (7) Section 22.011 (sexual assault);
- 25 (8) Section 22.02 (aggravated assault);
- 26 (9) Section 22.021 (aggravated sexual assault);
- 27 (10) Section 22.04 (injury to a child, elderly

1 individual, or disabled individual);

2 (11) Section 29.03 (aggravated robbery);

3 (12) Section 21.02 (continuous sexual abuse of young
4 child or disabled individual [~~children~~]); or

5 (13) Section 20A.03 (continuous trafficking of
6 persons).

7 SECTION 2.10. Section 1, Article 38.071, Code of Criminal
8 Procedure, is amended to read as follows:

9 Sec. 1. This article applies only to a hearing or proceeding
10 in which the court determines that a child younger than 13 years of
11 age would be unavailable to testify in the presence of the defendant
12 about an offense defined by any of the following sections of the
13 Penal Code:

14 (1) Section 19.02 (Murder);

15 (2) Section 19.03 (Capital Murder);

16 (3) Section 19.04 (Manslaughter);

17 (4) Section 20.04 (Aggravated Kidnapping);

18 (5) Section 21.11 (Indecency with a Child);

19 (6) Section 22.011 (Sexual Assault);

20 (7) Section 22.02 (Aggravated Assault);

21 (8) Section 22.021 (Aggravated Sexual Assault);

22 (9) Section 22.04(e) (Injury to a Child, Elderly
23 Individual, or Disabled Individual);

24 (10) Section 22.04(f) (Injury to a Child, Elderly
25 Individual, or Disabled Individual), if the conduct is committed
26 intentionally or knowingly;

27 (11) Section 25.02 (Prohibited Sexual Conduct);

- 1 (12) Section 29.03 (Aggravated Robbery);
- 2 (13) Section 43.25 (Sexual Performance by a Child);
- 3 (14) Section 21.02 (Continuous Sexual Abuse of Young
- 4 Child or Disabled Individual [~~Children~~]);
- 5 (15) Section 43.05(a)(2) (Compelling Prostitution);
- 6 or
- 7 (16) Section 20A.02(a)(7) or (8) (Trafficking of
- 8 Persons).

9 SECTION 2.11. Section 2(a), Article 38.37, Code of Criminal
10 Procedure, is amended to read as follows:

11 (a) Subsection (b) applies only to the trial of a defendant
12 for:

13 (1) an offense under any of the following provisions
14 of the Penal Code:

15 (A) Section 20A.02, if punishable as a felony of
16 the first degree under Section 20A.02(b)(1) (Sex Trafficking of a
17 Child);

18 (B) Section 21.02 (Continuous Sexual Abuse of
19 Young Child or Disabled Individual [~~Children~~]);

20 (C) Section 21.11 (Indecency With a Child);

21 (D) Section 22.011(a)(2) (Sexual Assault of a
22 Child);

23 (E) Sections 22.021(a)(1)(B) and (2) (Aggravated
24 Sexual Assault of a Child);

25 (F) Section 33.021 (Online Solicitation of a
26 Minor);

27 (G) Section 43.25 (Sexual Performance by a

1 Child); or

2 (H) Section 43.26 (Possession or Promotion of
3 Child Pornography), Penal Code; or

4 (2) an attempt or conspiracy to commit an offense
5 described by Subdivision (1).

6 SECTION 2.12. Articles 62.001(5) and (6), Code of Criminal
7 Procedure, are amended to read as follows:

8 (5) "Reportable conviction or adjudication" means a
9 conviction or adjudication, including an adjudication of
10 delinquent conduct or a deferred adjudication, that, regardless of
11 the pendency of an appeal, is a conviction for or an adjudication
12 for or based on:

13 (A) a violation of Section 21.02 (Continuous
14 sexual abuse of young child or disabled individual [~~children~~]),
15 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual
16 assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited
17 sexual conduct), Penal Code;

18 (B) a violation of Section 43.05 (Compelling
19 prostitution), 43.25 (Sexual performance by a child), or 43.26
20 (Possession or promotion of child pornography), Penal Code;

21 (B-1) a violation of Section 43.02
22 (Prostitution), Penal Code, if the offense is punishable under
23 Subsection (c-1)(3) of that section;

24 (C) a violation of Section 20.04(a)(4)
25 (Aggravated kidnapping), Penal Code, if the actor committed the
26 offense or engaged in the conduct with intent to violate or abuse
27 the victim sexually;

1 (D) a violation of Section 30.02 (Burglary),
2 Penal Code, if the offense or conduct is punishable under
3 Subsection (d) of that section and the actor committed the offense
4 or engaged in the conduct with intent to commit a felony listed in
5 Paragraph (A) or (C);

6 (E) a violation of Section 20.02 (Unlawful
7 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
8 Penal Code, if, as applicable:

9 (i) the judgment in the case contains an
10 affirmative finding under Article 42.015; or

11 (ii) the order in the hearing or the papers
12 in the case contain an affirmative finding that the victim or
13 intended victim was younger than 17 years of age;

14 (F) the second violation of Section 21.08
15 (Indecent exposure), Penal Code, but not if the second violation
16 results in a deferred adjudication;

17 (G) an attempt, conspiracy, or solicitation, as
18 defined by Chapter 15, Penal Code, to commit an offense or engage in
19 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

20 (H) a violation of the laws of another state,
21 federal law, the laws of a foreign country, or the Uniform Code of
22 Military Justice for or based on the violation of an offense
23 containing elements that are substantially similar to the elements
24 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
25 (G), (J), (K), or (L), but not if the violation results in a
26 deferred adjudication;

27 (I) the second violation of the laws of another

1 state, federal law, the laws of a foreign country, or the Uniform
2 Code of Military Justice for or based on the violation of an offense
3 containing elements that are substantially similar to the elements
4 of the offense of indecent exposure, but not if the second violation
5 results in a deferred adjudication;

6 (J) a violation of Section 33.021 (Online
7 solicitation of a minor), Penal Code;

8 (K) a violation of Section 20A.02(a)(3), (4),
9 (7), or (8) (Trafficking of persons), Penal Code; or

10 (L) a violation of Section 20A.03 (Continuous
11 trafficking of persons), Penal Code, if the offense is based partly
12 or wholly on conduct that constitutes an offense under Section
13 20A.02(a)(3), (4), (7), or (8) of that code.

14 (6) "Sexually violent offense" means any of the
15 following offenses committed by a person 17 years of age or older:

16 (A) an offense under Section 21.02 (Continuous
17 sexual abuse of young child or disabled individual [~~children~~]),
18 21.11(a)(1) (Indecency with a child), 22.011 (Sexual assault), or
19 22.021 (Aggravated sexual assault), Penal Code;

20 (B) an offense under Section 43.25 (Sexual
21 performance by a child), Penal Code;

22 (C) an offense under Section 20.04(a)(4)
23 (Aggravated kidnapping), Penal Code, if the defendant committed the
24 offense with intent to violate or abuse the victim sexually;

25 (D) an offense under Section 30.02 (Burglary),
26 Penal Code, if the offense is punishable under Subsection (d) of
27 that section and the defendant committed the offense with intent to

1 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
2 or

3 (E) an offense under the laws of another state,
4 federal law, the laws of a foreign country, or the Uniform Code of
5 Military Justice if the offense contains elements that are
6 substantially similar to the elements of an offense listed under
7 Paragraph (A), (B), (C), or (D).

8 SECTION 2.13. Article 66.102(h), Code of Criminal
9 Procedure, is amended to read as follows:

10 (h) In addition to the information described by this
11 article, information in the computerized criminal history system
12 must include the age of the victim of the offense if the offender
13 was arrested for or charged with an offense under the following
14 provisions of the Penal Code:

15 (1) Section 20.04(a)(4) (Aggravated Kidnapping), if
16 the offender committed the offense with the intent to violate or
17 abuse the victim sexually;

18 (2) Section 20A.02 (Trafficking of Persons), if the
19 offender:

20 (A) trafficked a person with the intent or
21 knowledge that the person would engage in sexual conduct, as
22 defined by Section 43.25, Penal Code; or

23 (B) benefited from participating in a venture
24 that involved a trafficked person engaging in sexual conduct, as
25 defined by Section 43.25, Penal Code;

26 (3) Section 21.02 (Continuous Sexual Abuse of Young
27 Child or Disabled Individual [~~Children~~]);

1 (4) Section 21.11 (Indecency with a Child);

2 (5) Section 22.011 (Sexual Assault) or 22.021
3 (Aggravated Sexual Assault);

4 (6) Section 30.02 (Burglary), if the offense is
5 punishable under Subsection (d) of that section and the offender
6 committed the offense with the intent to commit an offense
7 described by Subdivision (1), (4), or (5);

8 (7) Section 43.05(a)(2) (Compelling Prostitution); or

9 (8) Section 43.25 (Sexual Performance by a Child).

10 SECTION 2.14. Section 25.0341(a), Education Code, is
11 amended to read as follows:

12 (a) This section applies only to:

13 (1) a student:

14 (A) who has been convicted of continuous sexual
15 abuse of young child or disabled individual [~~children~~] under
16 Section 21.02, Penal Code, or convicted of or placed on deferred
17 adjudication for the offense of sexual assault under Section
18 22.011, Penal Code, or aggravated sexual assault under Section
19 22.021, Penal Code, committed against another student who, at the
20 time the offense occurred, was assigned to the same campus as the
21 student convicted or placed on deferred adjudication;

22 (B) who has been adjudicated under Section 54.03,
23 Family Code, as having engaged in conduct described by Paragraph
24 (A);

25 (C) whose prosecution under Section 53.03,
26 Family Code, for engaging in conduct described by Paragraph (A) has
27 been deferred; or

1 (D) who has been placed on probation under
2 Section 54.04(d)(1), Family Code, for engaging in conduct described
3 by Paragraph (A); and

4 (2) a student who is the victim of conduct described by
5 Subdivision (1)(A).

6 SECTION 2.15. Section 37.007(a), Education Code, is amended
7 to read as follows:

8 (a) Except as provided by Subsection (k), a student shall be
9 expelled from a school if the student, on school property or while
10 attending a school-sponsored or school-related activity on or off
11 of school property:

12 (1) engages in conduct that contains the elements of
13 the offense of unlawfully carrying weapons under Section 46.02,
14 Penal Code, or elements of an offense relating to prohibited
15 weapons under Section 46.05, Penal Code;

16 (2) engages in conduct that contains the elements of
17 the offense of:

18 (A) aggravated assault under Section 22.02,
19 Penal Code, sexual assault under Section 22.011, Penal Code, or
20 aggravated sexual assault under Section 22.021, Penal Code;

21 (B) arson under Section 28.02, Penal Code;

22 (C) murder under Section 19.02, Penal Code,
23 capital murder under Section 19.03, Penal Code, or criminal
24 attempt, under Section 15.01, Penal Code, to commit murder or
25 capital murder;

26 (D) indecency with a child under Section 21.11,
27 Penal Code;

1 (E) aggravated kidnapping under Section 20.04,
2 Penal Code;

3 (F) aggravated robbery under Section 29.03,
4 Penal Code;

5 (G) manslaughter under Section 19.04, Penal
6 Code;

7 (H) criminally negligent homicide under Section
8 19.05, Penal Code; or

9 (I) continuous sexual abuse of young child or
10 disabled individual [~~children~~] under Section 21.02, Penal Code; or

11 (3) engages in conduct specified by Section
12 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

13 SECTION 2.16. Section 161.001(b), Family Code, is amended
14 to read as follows:

15 (b) The court may order termination of the parent-child
16 relationship if the court finds by clear and convincing evidence:

17 (1) that the parent has:

18 (A) voluntarily left the child alone or in the
19 possession of another not the parent and expressed an intent not to
20 return;

21 (B) voluntarily left the child alone or in the
22 possession of another not the parent without expressing an intent
23 to return, without providing for the adequate support of the child,
24 and remained away for a period of at least three months;

25 (C) voluntarily left the child alone or in the
26 possession of another without providing adequate support of the
27 child and remained away for a period of at least six months;

1 (D) knowingly placed or knowingly allowed the
2 child to remain in conditions or surroundings which endanger the
3 physical or emotional well-being of the child;

4 (E) engaged in conduct or knowingly placed the
5 child with persons who engaged in conduct which endangers the
6 physical or emotional well-being of the child;

7 (F) failed to support the child in accordance
8 with the parent's ability during a period of one year ending within
9 six months of the date of the filing of the petition;

10 (G) abandoned the child without identifying the
11 child or furnishing means of identification, and the child's
12 identity cannot be ascertained by the exercise of reasonable
13 diligence;

14 (H) voluntarily, and with knowledge of the
15 pregnancy, abandoned the mother of the child beginning at a time
16 during her pregnancy with the child and continuing through the
17 birth, failed to provide adequate support or medical care for the
18 mother during the period of abandonment before the birth of the
19 child, and remained apart from the child or failed to support the
20 child since the birth;

21 (I) contumaciously refused to submit to a
22 reasonable and lawful order of a court under Subchapter D, Chapter
23 [261](#);

24 (J) been the major cause of:

25 (i) the failure of the child to be enrolled
26 in school as required by the Education Code; or

27 (ii) the child's absence from the child's

1 home without the consent of the parents or guardian for a
2 substantial length of time or without the intent to return;

3 (K) executed before or after the suit is filed an
4 unrevoked or irrevocable affidavit of relinquishment of parental
5 rights as provided by this chapter;

6 (L) been convicted or has been placed on
7 community supervision, including deferred adjudication community
8 supervision, for being criminally responsible for the death or
9 serious injury of a child under the following sections of the Penal
10 Code, or under a law of another jurisdiction that contains elements
11 that are substantially similar to the elements of an offense under
12 one of the following Penal Code sections, or adjudicated under
13 Title 3 for conduct that caused the death or serious injury of a
14 child and that would constitute a violation of one of the following
15 Penal Code sections:

16 (i) Section 19.02 (murder);
17 (ii) Section 19.03 (capital murder);
18 (iii) Section 19.04 (manslaughter);
19 (iv) Section 21.11 (indecent with a
20 child);

21 (v) Section 22.01 (assault);
22 (vi) Section 22.011 (sexual assault);
23 (vii) Section 22.02 (aggravated assault);
24 (viii) Section 22.021 (aggravated sexual
25 assault);

26 (ix) Section 22.04 (injury to a child,
27 elderly individual, or disabled individual);

- 1 (x) Section 22.041 (abandoning or
2 endangering child);
- 3 (xi) Section 25.02 (prohibited sexual
4 conduct);
- 5 (xii) Section 43.25 (sexual performance by
6 a child);
- 7 (xiii) Section 43.26 (possession or
8 promotion of child pornography);
- 9 (xiv) Section 21.02 (continuous sexual
10 abuse of young child or disabled individual [~~children~~]);
- 11 (xv) Section 20A.02(a)(7) or (8)
12 (trafficking of persons); and
- 13 (xvi) Section 43.05(a)(2) (compelling
14 prostitution);
- 15 (M) had his or her parent-child relationship
16 terminated with respect to another child based on a finding that the
17 parent's conduct was in violation of Paragraph (D) or (E) or
18 substantially equivalent provisions of the law of another state;
- 19 (N) constructively abandoned the child who has
20 been in the permanent or temporary managing conservatorship of the
21 Department of Family and Protective Services for not less than six
22 months, and:
- 23 (i) the department has made reasonable
24 efforts to return the child to the parent;
- 25 (ii) the parent has not regularly visited
26 or maintained significant contact with the child; and
- 27 (iii) the parent has demonstrated an

1 inability to provide the child with a safe environment;

2 (O) failed to comply with the provisions of a
3 court order that specifically established the actions necessary for
4 the parent to obtain the return of the child who has been in the
5 permanent or temporary managing conservatorship of the Department
6 of Family and Protective Services for not less than nine months as a
7 result of the child's removal from the parent under Chapter 262 for
8 the abuse or neglect of the child;

9 (P) used a controlled substance, as defined by
10 Chapter 481, Health and Safety Code, in a manner that endangered the
11 health or safety of the child, and:

12 (i) failed to complete a court-ordered
13 substance abuse treatment program; or

14 (ii) after completion of a court-ordered
15 substance abuse treatment program, continued to abuse a controlled
16 substance;

17 (Q) knowingly engaged in criminal conduct that
18 has resulted in the parent's:

19 (i) conviction of an offense; and

20 (ii) confinement or imprisonment and
21 inability to care for the child for not less than two years from the
22 date of filing the petition;

23 (R) been the cause of the child being born
24 addicted to alcohol or a controlled substance, other than a
25 controlled substance legally obtained by prescription;

26 (S) voluntarily delivered the child to a
27 designated emergency infant care provider under Section 262.302

1 without expressing an intent to return for the child;

2 (T) been convicted of:

3 (i) the murder of the other parent of the
4 child under Section 19.02 or 19.03, Penal Code, or under a law of
5 another state, federal law, the law of a foreign country, or the
6 Uniform Code of Military Justice that contains elements that are
7 substantially similar to the elements of an offense under Section
8 19.02 or 19.03, Penal Code;

9 (ii) criminal attempt under Section 15.01,
10 Penal Code, or under a law of another state, federal law, the law of
11 a foreign country, or the Uniform Code of Military Justice that
12 contains elements that are substantially similar to the elements of
13 an offense under Section 15.01, Penal Code, to commit the offense
14 described by Subparagraph (i);

15 (iii) criminal solicitation under Section
16 15.03, Penal Code, or under a law of another state, federal law, the
17 law of a foreign country, or the Uniform Code of Military Justice
18 that contains elements that are substantially similar to the
19 elements of an offense under Section 15.03, Penal Code, of the
20 offense described by Subparagraph (i); or

21 (iv) the sexual assault of the other parent
22 of the child under Section 22.011 or 22.021, Penal Code, or under a
23 law of another state, federal law, or the Uniform Code of Military
24 Justice that contains elements that are substantially similar to
25 the elements of an offense under Section 22.011 or 22.021, Penal
26 Code; or

27 (U) been placed on community supervision,

1 including deferred adjudication community supervision, or another
2 functionally equivalent form of community supervision or
3 probation, for being criminally responsible for the sexual assault
4 of the other parent of the child under Section 22.011 or 22.021,
5 Penal Code, or under a law of another state, federal law, or the
6 Uniform Code of Military Justice that contains elements that are
7 substantially similar to the elements of an offense under Section
8 22.011 or 22.021, Penal Code; and

9 (2) that termination is in the best interest of the
10 child.

11 SECTION 2.17. Section 261.001(1), Family Code, is amended
12 to read as follows:

13 (1) "Abuse" includes the following acts or omissions
14 by a person:

15 (A) mental or emotional injury to a child that
16 results in an observable and material impairment in the child's
17 growth, development, or psychological functioning;

18 (B) causing or permitting the child to be in a
19 situation in which the child sustains a mental or emotional injury
20 that results in an observable and material impairment in the
21 child's growth, development, or psychological functioning;

22 (C) physical injury that results in substantial
23 harm to the child, or the genuine threat of substantial harm from
24 physical injury to the child, including an injury that is at
25 variance with the history or explanation given and excluding an
26 accident or reasonable discipline by a parent, guardian, or
27 managing or possessory conservator that does not expose the child

1 to a substantial risk of harm;

2 (D) failure to make a reasonable effort to
3 prevent an action by another person that results in physical injury
4 that results in substantial harm to the child;

5 (E) sexual conduct harmful to a child's mental,
6 emotional, or physical welfare, including conduct that constitutes
7 the offense of continuous sexual abuse of young child or disabled
8 individual [~~children~~] under Section 21.02, Penal Code, indecency
9 with a child under Section 21.11, Penal Code, sexual assault under
10 Section 22.011, Penal Code, or aggravated sexual assault under
11 Section 22.021, Penal Code;

12 (F) failure to make a reasonable effort to
13 prevent sexual conduct harmful to a child;

14 (G) compelling or encouraging the child to engage
15 in sexual conduct as defined by Section 43.01, Penal Code,
16 including compelling or encouraging the child in a manner that
17 constitutes an offense of trafficking of persons under Section
18 20A.02(a)(7) or (8), Penal Code, prostitution under Section
19 43.02(b), Penal Code, or compelling prostitution under Section
20 43.05(a)(2), Penal Code;

21 (H) causing, permitting, encouraging, engaging
22 in, or allowing the photographing, filming, or depicting of the
23 child if the person knew or should have known that the resulting
24 photograph, film, or depiction of the child is obscene as defined by
25 Section 43.21, Penal Code, or pornographic;

26 (I) the current use by a person of a controlled
27 substance as defined by Chapter 481, Health and Safety Code, in a

1 manner or to the extent that the use results in physical, mental, or
2 emotional injury to a child;

3 (J) causing, expressly permitting, or
4 encouraging a child to use a controlled substance as defined by
5 Chapter 481, Health and Safety Code;

6 (K) causing, permitting, encouraging, engaging
7 in, or allowing a sexual performance by a child as defined by
8 Section 43.25, Penal Code;

9 (L) knowingly causing, permitting, encouraging,
10 engaging in, or allowing a child to be trafficked in a manner
11 punishable as an offense under Section 20A.02(a)(5), (6), (7), or
12 (8), Penal Code, or the failure to make a reasonable effort to
13 prevent a child from being trafficked in a manner punishable as an
14 offense under any of those sections; or

15 (M) forcing or coercing a child to enter into a
16 marriage.

17 SECTION 2.18. Section 262.2015(b), Family Code, is amended
18 to read as follows:

19 (b) The court may find under Subsection (a) that a parent
20 has subjected the child to aggravated circumstances if:

21 (1) the parent abandoned the child without
22 identification or a means for identifying the child;

23 (2) the child or another child of the parent is a
24 victim of serious bodily injury or sexual abuse inflicted by the
25 parent or by another person with the parent's consent;

26 (3) the parent has engaged in conduct against the
27 child or another child of the parent that would constitute an

- 1 offense under the following provisions of the Penal Code:
- 2 (A) Section 19.02 (murder);
 - 3 (B) Section 19.03 (capital murder);
 - 4 (C) Section 19.04 (manslaughter);
 - 5 (D) Section 21.11 (indecent with a child);
 - 6 (E) Section 22.011 (sexual assault);
 - 7 (F) Section 22.02 (aggravated assault);
 - 8 (G) Section 22.021 (aggravated sexual assault);
 - 9 (H) Section 22.04 (injury to a child, elderly
10 individual, or disabled individual);
 - 11 (I) Section 22.041 (abandoning or endangering
12 child);
 - 13 (J) Section 25.02 (prohibited sexual conduct);
 - 14 (K) Section 43.25 (sexual performance by a
15 child);
 - 16 (L) Section 43.26 (possession or promotion of
17 child pornography);
 - 18 (M) Section 21.02 (continuous sexual abuse of
19 young child or disabled individual [~~children~~]);
 - 20 (N) Section 43.05(a)(2) (compelling
21 prostitution); or
 - 22 (O) Section 20A.02(a)(7) or (8) (trafficking of
23 persons);
- 24 (4) the parent voluntarily left the child alone or in
25 the possession of another person not the parent of the child for at
26 least six months without expressing an intent to return and without
27 providing adequate support for the child;

1 (5) the parent's parental rights with regard to
2 another child have been involuntarily terminated based on a finding
3 that the parent's conduct violated Section [161.001\(b\)\(1\)\(D\)](#) or (E)
4 or a substantially equivalent provision of another state's law;

5 (6) the parent has been convicted for:

6 (A) the murder of another child of the parent and
7 the offense would have been an offense under 18 U.S.C. Section
8 1111(a) if the offense had occurred in the special maritime or
9 territorial jurisdiction of the United States;

10 (B) the voluntary manslaughter of another child
11 of the parent and the offense would have been an offense under 18
12 U.S.C. Section 1112(a) if the offense had occurred in the special
13 maritime or territorial jurisdiction of the United States;

14 (C) aiding or abetting, attempting, conspiring,
15 or soliciting an offense under Paragraph (A) or (B); or

16 (D) the felony assault of the child or another
17 child of the parent that resulted in serious bodily injury to the
18 child or another child of the parent;

19 (7) the parent's parental rights with regard to
20 another child of the parent have been involuntarily terminated; or

21 (8) the parent is required under any state or federal
22 law to register with a sex offender registry.

23 SECTION 2.19. Section [499.027\(b\)](#), Government Code, is
24 amended to read as follows:

25 (b) An inmate is not eligible under this subchapter to be
26 considered for release to intensive supervision parole if:

27 (1) the inmate is awaiting transfer to the

1 institutional division, or serving a sentence, for an offense for
2 which the judgment contains an affirmative finding under Article
3 42A.054(c) or (d), Code of Criminal Procedure;

4 (2) the inmate is awaiting transfer to the
5 institutional division, or serving a sentence, for an offense
6 listed in one of the following sections of the Penal Code:

7 (A) Section 19.02 (murder);

8 (B) Section 19.03 (capital murder);

9 (C) Section 19.04 (manslaughter);

10 (D) Section 20.03 (kidnapping);

11 (E) Section 20.04 (aggravated kidnapping);

12 (F) Section 21.11 (indecent with a child);

13 (G) Section 22.011 (sexual assault);

14 (H) Section 22.02 (aggravated assault);

15 (I) Section 22.021 (aggravated sexual assault);

16 (J) Section 22.04 (injury to a child, elderly
17 individual, or disabled individual);

18 (K) Section 25.02 (prohibited sexual conduct);

19 (L) Section 25.08 (sale or purchase of a child);

20 (M) Section 28.02 (arson);

21 (N) Section 29.02 (robbery);

22 (O) Section 29.03 (aggravated robbery);

23 (P) Section 30.02 (burglary), if the offense is
24 punished as a first-degree felony under that section;

25 (Q) Section 43.04 (aggravated promotion of
26 prostitution);

27 (R) Section 43.05 (compelling prostitution);

1 (S) Section 43.24 (sale, distribution, or
2 display of harmful material to minor);

3 (T) Section 43.25 (sexual performance by a
4 child);

5 (U) Section 46.10 (deadly weapon in penal
6 institution);

7 (V) Section 15.01 (criminal attempt), if the
8 offense attempted is listed in this subsection;

9 (W) Section 15.02 (criminal conspiracy), if the
10 offense that is the subject of the conspiracy is listed in this
11 subsection;

12 (X) Section 15.03 (criminal solicitation), if
13 the offense solicited is listed in this subsection;

14 (Y) Section 21.02 (continuous sexual abuse of
15 young child or disabled individual [~~children~~]);

16 (Z) Section 20A.02 (trafficking of persons); or

17 (AA) Section 20A.03 (continuous trafficking of
18 persons); or

19 (3) the inmate is awaiting transfer to the
20 institutional division, or serving a sentence, for an offense under
21 Chapter 481, Health and Safety Code, punishable by a minimum term of
22 imprisonment or a maximum fine that is greater than the minimum term
23 of imprisonment or the maximum fine for a first degree felony.

24 SECTION 2.20. Section 824.009(a), Government Code, is
25 amended to read as follows:

26 (a) In this section, "qualifying felony" means an offense
27 that is punishable as a felony under the following sections of the

1 Penal Code:

2 (1) Section 21.02 (continuous sexual abuse of young
3 child or disabled individual [~~children~~]);

4 (2) Section 21.12 (improper relationship between
5 educator and student); or

6 (3) Section 22.011 (sexual assault) or Section 22.021
7 (aggravated sexual assault).

8 SECTION 2.21. Section 250.006(a), Health and Safety Code,
9 is amended to read as follows:

10 (a) A person for whom the facility or the individual
11 employer is entitled to obtain criminal history record information
12 may not be employed in a facility or by an individual employer if
13 the person has been convicted of an offense listed in this
14 subsection:

15 (1) an offense under Chapter 19, Penal Code (criminal
16 homicide);

17 (2) an offense under Chapter 20, Penal Code
18 (kidnapping, unlawful restraint, and smuggling of persons);

19 (3) an offense under Section 21.02, Penal Code
20 (continuous sexual abuse of young child or disabled individual
21 [~~children~~]), or Section 21.11, Penal Code (indecent with a child);

22 (4) an offense under Section 22.011, Penal Code
23 (sexual assault);

24 (5) an offense under Section 22.02, Penal Code
25 (aggravated assault);

26 (6) an offense under Section 22.04, Penal Code (injury
27 to a child, elderly individual, or disabled individual);

- 1 (7) an offense under Section [22.041](#), Penal Code
2 (abandoning or endangering child);
- 3 (8) an offense under Section [22.08](#), Penal Code (aiding
4 suicide);
- 5 (9) an offense under Section [25.031](#), Penal Code
6 (agreement to abduct from custody);
- 7 (10) an offense under Section [25.08](#), Penal Code (sale
8 or purchase of child);
- 9 (11) an offense under Section [28.02](#), Penal Code
10 (arson);
- 11 (12) an offense under Section [29.02](#), Penal Code
12 (robbery);
- 13 (13) an offense under Section [29.03](#), Penal Code
14 (aggravated robbery);
- 15 (14) an offense under Section [21.08](#), Penal Code
16 (indecent exposure);
- 17 (15) an offense under Section [21.12](#), Penal Code
18 (improper relationship between educator and student);
- 19 (16) an offense under Section [21.15](#), Penal Code
20 (improper photography or visual recording);
- 21 (17) an offense under Section [22.05](#), Penal Code
22 (deadly conduct);
- 23 (18) an offense under Section [22.021](#), Penal Code
24 (aggravated sexual assault);
- 25 (19) an offense under Section [22.07](#), Penal Code
26 (terroristic threat);
- 27 (20) an offense under Section [32.53](#), Penal Code

1 (exploitation of child, elderly individual, or disabled
2 individual);

3 (21) an offense under Section 33.021, Penal Code
4 (online solicitation of a minor);

5 (22) an offense under Section 34.02, Penal Code (money
6 laundering);

7 (23) an offense under Section 35A.02, Penal Code
8 (Medicaid fraud);

9 (24) an offense under Section 36.06, Penal Code
10 (obstruction or retaliation);

11 (25) an offense under Section 42.09, Penal Code
12 (cruelty to livestock animals), or under Section 42.092, Penal Code
13 (cruelty to nonlivestock animals); or

14 (26) a conviction under the laws of another state,
15 federal law, or the Uniform Code of Military Justice for an offense
16 containing elements that are substantially similar to the elements
17 of an offense listed by this subsection.

18 SECTION 2.22. Section 164.0595(a), Occupations Code, is
19 amended to read as follows:

20 (a) A disciplinary panel appointed under Section 164.059
21 may suspend or restrict the license of a person arrested for an
22 offense under:

23 (1) Section 22.011(a)(2), Penal Code (sexual assault
24 of a child);

25 (2) Section 22.021(a)(1)(B), Penal Code (aggravated
26 sexual assault of a child);

27 (3) Section 21.02, Penal Code (continuous sexual abuse

1 of a young child or disabled individual [~~children~~]); or

2 (4) Section 21.11, Penal Code (indecenty with a
3 child).

4 SECTION 2.23. Section 164.102(b), Occupations Code, is
5 amended to read as follows:

6 (b) Except on an express determination, based on
7 substantial evidence, that granting probation is in the best
8 interests of the public and of the person whose license has been
9 suspended, revoked, or canceled, the board may not grant probation
10 to a person whose license has been canceled, revoked, or suspended
11 because of a felony conviction under:

12 (1) Chapter 481 or 483, Health and Safety Code;

13 (2) Section 485.033, Health and Safety Code;

14 (3) the Comprehensive Drug Abuse Prevention and
15 Control Act of 1970 (21 U.S.C. Section 801 et seq.); or

16 (4) any of the following sections of the Penal Code:

17 (A) Section 22.011(a)(2) (sexual assault of a
18 child);

19 (B) Section 22.021(a)(1)(B) (aggravated sexual
20 assault of a child);

21 (C) Section 21.02 (continuous sexual abuse of a
22 young child or disabled individual [~~children~~]); or

23 (D) Section 21.11 (indecenty with a child).

24 SECTION 2.24. Section 301.4535(a), Occupations Code, is
25 amended to read as follows:

26 (a) The board shall suspend a nurse's license or refuse to
27 issue a license to an applicant on proof that the nurse or applicant

1 has been initially convicted of:

2 (1) murder under Section 19.02, Penal Code, capital
3 murder under Section 19.03, Penal Code, or manslaughter under
4 Section 19.04, Penal Code;

5 (2) kidnapping or unlawful restraint under Chapter 20,
6 Penal Code, and the offense was punished as a felony or state jail
7 felony;

8 (3) sexual assault under Section 22.011, Penal Code;

9 (4) aggravated sexual assault under Section 22.021,
10 Penal Code;

11 (5) continuous sexual abuse of young child or disabled
12 individual [~~children~~] under Section 21.02, Penal Code, or indecency
13 with a child under Section 21.11, Penal Code;

14 (6) aggravated assault under Section 22.02, Penal
15 Code;

16 (7) intentionally, knowingly, or recklessly injuring
17 a child, elderly individual, or disabled individual under Section
18 22.04, Penal Code;

19 (8) intentionally, knowingly, or recklessly
20 abandoning or endangering a child under Section 22.041, Penal Code;

21 (9) aiding suicide under Section 22.08, Penal Code,
22 and the offense was punished as a state jail felony;

23 (10) an offense involving a violation of certain court
24 orders or conditions of bond under Section 25.07, 25.071, or
25 25.072, Penal Code, punished as a felony;

26 (11) an agreement to abduct a child from custody under
27 Section 25.031, Penal Code;

1 (12) the sale or purchase of a child under Section
2 [25.08](#), Penal Code;

3 (13) robbery under Section [29.02](#), Penal Code;

4 (14) aggravated robbery under Section [29.03](#), Penal
5 Code;

6 (15) an offense for which a defendant is required to
7 register as a sex offender under Chapter [62](#), Code of Criminal
8 Procedure; or

9 (16) an offense under the law of another state,
10 federal law, or the Uniform Code of Military Justice that contains
11 elements that are substantially similar to the elements of an
12 offense listed in this subsection.

13 SECTION 2.25. Section [20A.02](#)(a), Penal Code, is amended to
14 read as follows:

15 (a) A person commits an offense if the person knowingly:

16 (1) traffics another person with the intent that the
17 trafficked person engage in forced labor or services;

18 (2) receives a benefit from participating in a venture
19 that involves an activity described by Subdivision (1), including
20 by receiving labor or services the person knows are forced labor or
21 services;

22 (3) traffics another person and, through force, fraud,
23 or coercion, causes the trafficked person to engage in conduct
24 prohibited by:

25 (A) Section [43.02](#) (Prostitution);

26 (B) Section [43.03](#) (Promotion of Prostitution);

27 (C) Section [43.04](#) (Aggravated Promotion of

1 Prostitution); or

2 (D) Section 43.05 (Compelling Prostitution);

3 (4) receives a benefit from participating in a venture
4 that involves an activity described by Subdivision (3) or engages
5 in sexual conduct with a person trafficked in the manner described
6 in Subdivision (3);

7 (5) traffics a child with the intent that the
8 trafficked child engage in forced labor or services;

9 (6) receives a benefit from participating in a venture
10 that involves an activity described by Subdivision (5), including
11 by receiving labor or services the person knows are forced labor or
12 services;

13 (7) traffics a child and by any means causes the
14 trafficked child to engage in, or become the victim of, conduct
15 prohibited by:

16 (A) Section 21.02 (Continuous Sexual Abuse of
17 Young Child or Disabled Individual [~~Children~~]);

18 (B) Section 21.11 (Indecency with a Child);

19 (C) Section 22.011 (Sexual Assault);

20 (D) Section 22.021 (Aggravated Sexual Assault);

21 (E) Section 43.02 (Prostitution);

22 (F) Section 43.03 (Promotion of Prostitution);

23 (G) Section 43.04 (Aggravated Promotion of
24 Prostitution);

25 (H) Section 43.05 (Compelling Prostitution);

26 (I) Section 43.25 (Sexual Performance by a
27 Child);

1 (J) Section 43.251 (Employment Harmful to
2 Children); or

3 (K) Section 43.26 (Possession or Promotion of
4 Child Pornography); or

5 (8) receives a benefit from participating in a venture
6 that involves an activity described by Subdivision (7) or engages
7 in sexual conduct with a child trafficked in the manner described in
8 Subdivision (7).

9 SECTION 2.26. Section 92.0161(c), Property Code, is amended
10 to read as follows:

11 (c) If the tenant is a victim or a parent or guardian of a
12 victim of sexual assault under Section 22.011, Penal Code,
13 aggravated sexual assault under Section 22.021, Penal Code,
14 indecency with a child under Section 21.11, Penal Code, sexual
15 performance by a child under Section 43.25, Penal Code, continuous
16 sexual abuse of a young child or disabled individual under Section
17 21.02, Penal Code, or an attempt to commit any of the foregoing
18 offenses under Section 15.01, Penal Code, that takes place during
19 the preceding six-month period on the premises or at any dwelling on
20 the premises, the tenant shall provide to the landlord or the
21 landlord's agent a copy of:

22 (1) documentation of the assault or abuse, or
23 attempted assault or abuse, of the victim from a licensed health
24 care services provider who examined the victim;

25 (2) documentation of the assault or abuse, or
26 attempted assault or abuse, of the victim from a licensed mental
27 health services provider who examined or evaluated the victim;

1 (3) documentation of the assault or abuse, or
2 attempted assault or abuse, of the victim from an individual
3 authorized under Chapter 420, Government Code, who provided
4 services to the victim; or

5 (4) documentation of a protective order issued under
6 Chapter 7A, Code of Criminal Procedure, except for a temporary ex
7 parte order.

8 ARTICLE III. TRANSITION AND EFFECTIVE DATE

9 SECTION 3.01. The change in law made by this Act applies
10 only to an offense committed on or after the effective date of this
11 Act. An offense committed before the effective date of this Act is
12 governed by the law in effect on the date the offense was committed,
13 and the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense occurred
16 before that date.

17 SECTION 3.02. This Act takes effect September 1, 2019.