

By: Smith

H.B. No. 3177

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of continuous sexual abuse of a child or disabled individual.

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

ARTICLE I. OFFENSE

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

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

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

(a) In this section:

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

(2) "Disabled individual" has the meaning assigned by Section 22.04(c).

(b) A person commits an offense if:

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

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

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

4 (B) a disabled individual.

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

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

11 (2) indecency with a child under Section 21.11(a)(1),
12 if the actor committed the offense in a manner other than by
13 touching, including touching through clothing, the breast of a
14 child;

15 (3) sexual assault under Section 22.011;

16 (4) aggravated sexual assault under Section 22.021;

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

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

22 (7) trafficking of persons under Section
23 20A.02(a)(3), (4), (7), [~~20A.02(a)(7)~~] or (8); and

24 (8) compelling prostitution under Section 43.05
25 [~~43.05(a)(2)~~].

26 (g) It is an affirmative defense to prosecution under this
27 section with respect to a victim described by Subsection (b)(2)(A)

1 that the actor:

2 (1) was not more than five years older than any ~~+~~
3 [~~(A) the~~] victim of the offense ~~[, if the offense~~
4 ~~is alleged to have been committed against only one victim; or~~
5 [~~(B) the youngest victim of the offense, if the~~
6 ~~offense is alleged to have been committed against more than one~~
7 ~~victim]~~;

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

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

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

15 (B) was not a person who under Chapter 62 had a
16 reportable conviction or adjudication for an offense under this
17 section or an act of sexual abuse as described by Subsection (c).

18 ARTICLE II. CONFORMING AMENDMENTS

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

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

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

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

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

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

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

10 (6) Section 21.11, Penal Code (indecenty with a
11 child).

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

14 (b) Notwithstanding Subsection (a), each liable defendant
15 is, in addition to his liability under Subsection (a), jointly and
16 severally liable for the damages recoverable by the claimant under
17 Section 33.012 with respect to a cause of action if:

18 (1) the percentage of responsibility attributed to the
19 defendant with respect to a cause of action is greater than 50
20 percent; or

21 (2) the defendant, with the specific intent to do harm
22 to others, acted in concert with another person to engage in the
23 conduct described in the following provisions of the Penal Code and
24 in so doing proximately caused the damages legally recoverable by
25 the claimant:

26 (A) Section 19.02 (murder);

27 (B) Section 19.03 (capital murder);

- 1 (C) Section 20.04 (aggravated kidnapping);
2 (D) Section 22.02 (aggravated assault);
3 (E) Section 22.011 (sexual assault);
4 (F) Section 22.021 (aggravated sexual assault);
5 (G) Section 22.04 (injury to a child, elderly
6 individual, or disabled individual);
7 (H) Section 32.21 (forgery);
8 (I) Section 32.43 (commercial bribery);
9 (J) Section 32.45 (misapplication of fiduciary
10 property or property of financial institution);
11 (K) Section 32.46 (securing execution of
12 document by deception);
13 (L) Section 32.47 (fraudulent destruction,
14 removal, or concealment of writing);
15 (M) conduct described in Chapter 31 the
16 punishment level for which is a felony of the third degree or
17 higher; or
18 (N) Section 21.02 (continuous sexual abuse of
19 young child or disabled individual [~~children~~]).

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

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

- 27 (1) Section 19.02 (murder);

- 1 (2) Section 19.03 (capital murder);
- 2 (3) Section 20.04 (aggravated kidnapping);
- 3 (4) Section 22.02 (aggravated assault);
- 4 (5) Section 22.011 (sexual assault);
- 5 (6) Section 22.021 (aggravated sexual assault);
- 6 (7) Section 22.04 (injury to a child, elderly
- 7 individual, or disabled individual, but not if the conduct occurred
- 8 while providing health care as defined by Section 74.001);
- 9 (8) Section 32.21 (forgery);
- 10 (9) Section 32.43 (commercial bribery);
- 11 (10) Section 32.45 (misapplication of fiduciary
- 12 property or property of financial institution);
- 13 (11) Section 32.46 (securing execution of document by
- 14 deception);
- 15 (12) Section 32.47 (fraudulent destruction, removal,
- 16 or concealment of writing);
- 17 (13) Chapter 31 (theft) the punishment level for which
- 18 is a felony of the third degree or higher;
- 19 (14) Section 49.07 (intoxication assault);
- 20 (15) Section 49.08 (intoxication manslaughter);
- 21 (16) Section 21.02 (continuous sexual abuse of young
- 22 child or disabled individual [~~children~~]); or
- 23 (17) Chapter 20A (trafficking of persons).

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

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

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

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

5 (A) Section 22.011(a)(2), Penal Code (sexual
6 assault of a child);

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

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

11 (D) Section 21.11, Penal Code (indecent with a
12 child).

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

15 (a) A person who maintains a place to which persons
16 habitually go for the following purposes and who knowingly
17 tolerates the activity and furthermore fails to make reasonable
18 attempts to abate the activity maintains a common nuisance:

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

21 (2) reckless discharge of a firearm as prohibited by
22 the Penal Code;

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

25 (4) delivery, possession, manufacture, or use of a
26 substance or other item in violation of Chapter 481, Health and
27 Safety Code;

- 1 (5) gambling, gambling promotion, or communicating
2 gambling information as prohibited by the Penal Code;
- 3 (6) prostitution, promotion of prostitution, or
4 aggravated promotion of prostitution as prohibited by the Penal
5 Code;
- 6 (7) compelling prostitution as prohibited by the Penal
7 Code;
- 8 (8) commercial manufacture, commercial distribution,
9 or commercial exhibition of obscene material as prohibited by the
10 Penal Code;
- 11 (9) aggravated assault as described by Section 22.02,
12 Penal Code;
- 13 (10) sexual assault as described by Section 22.011,
14 Penal Code;
- 15 (11) aggravated sexual assault as described by Section
16 22.021, Penal Code;
- 17 (12) robbery as described by Section 29.02, Penal
18 Code;
- 19 (13) aggravated robbery as described by Section 29.03,
20 Penal Code;
- 21 (14) unlawfully carrying a weapon as described by
22 Section 46.02, Penal Code;
- 23 (15) murder as described by Section 19.02, Penal Code;
- 24 (16) capital murder as described by Section 19.03,
25 Penal Code;
- 26 (17) continuous sexual abuse of young child or
27 disabled individual [~~children~~] as described by Section 21.02, Penal

1 Code;

2 (18) massage therapy or other massage services in
3 violation of Chapter 455, Occupations Code;

4 (19) employing a minor at a sexually oriented business
5 as defined by Section 243.002, Local Government Code;

6 (20) trafficking of persons as described by Section
7 20A.02, Penal Code;

8 (21) sexual conduct or performance by a child as
9 described by Section 43.25, Penal Code;

10 (22) employment harmful to a child as described by
11 Section 43.251, Penal Code;

12 (23) criminal trespass as described by Section 30.05,
13 Penal Code;

14 (24) disorderly conduct as described by Section 42.01,
15 Penal Code;

16 (25) arson as described by Section 28.02, Penal Code;

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

19 (27) a graffiti offense in violation of Section 28.08,
20 Penal Code.

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

23 (b) Unless good cause exists that makes electronic
24 recording infeasible, a law enforcement agency shall make a
25 complete and contemporaneous electronic recording of any custodial
26 interrogation that occurs in a place of detention and is of a person
27 suspected of committing or charged with the commission of an

1 offense under:

- 2 (1) Section 19.02, Penal Code (murder);
- 3 (2) Section 19.03, Penal Code (capital murder);
- 4 (3) Section 20.03, Penal Code (kidnapping);
- 5 (4) Section 20.04, Penal Code (aggravated
6 kidnapping);
- 7 (5) Section 20A.02, Penal Code (trafficking of
8 persons);
- 9 (6) Section 20A.03, Penal Code (continuous
10 trafficking of persons);
- 11 (7) Section 21.02, Penal Code (continuous sexual abuse
12 of young child or disabled individual [~~children~~]);
- 13 (8) Section 21.11, Penal Code (indecent with a
14 child);
- 15 (9) Section 21.12, Penal Code (improper relationship
16 between educator and student);
- 17 (10) Section 22.011, Penal Code (sexual assault);
- 18 (11) Section 22.021, Penal Code (aggravated sexual
19 assault); or
- 20 (12) Section 43.25, Penal Code (sexual performance by
21 a child).

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

24 Art. 12.01. FELONIES. Except as provided in Article 12.03,
25 felony indictments may be presented within these limits, and not
26 afterward:

- 27 (1) no limitation:

- 1 (A) murder and manslaughter;
- 2 (B) sexual assault under Section 22.011(a)(2),
3 Penal Code, or aggravated sexual assault under Section
4 22.021(a)(1)(B), Penal Code;
- 5 (C) sexual assault, if:
- 6 (i) during the investigation of the offense
7 biological matter is collected and subjected to forensic DNA
8 testing and the testing results show that the matter does not match
9 the victim or any other person whose identity is readily
10 ascertained; or
- 11 (ii) probable cause exists to believe that
12 the defendant has committed the same or a similar sexual offense
13 against five or more victims;
- 14 (D) continuous sexual abuse of young child or
15 disabled individual [~~children~~] under Section 21.02, Penal Code;
- 16 (E) indecency with a child under Section 21.11,
17 Penal Code;
- 18 (F) an offense involving leaving the scene of an
19 accident under Section 550.021, Transportation Code, if the
20 accident resulted in the death of a person;
- 21 (G) trafficking of persons under Section
22 20A.02(a)(7) or (8), Penal Code;
- 23 (H) continuous trafficking of persons under
24 Section 20A.03, Penal Code; or
- 25 (I) compelling prostitution under Section
26 43.05(a)(2), Penal Code;
- 27 (2) ten years from the date of the commission of the

1 offense:

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

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

8 (C) forgery or the uttering, using or passing of
9 forged instruments;

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

13 (E) sexual assault, except as provided by
14 Subdivision (1);

15 (F) arson;

16 (G) trafficking of persons under Section
17 20A.02(a)(1), (2), (3), or (4), Penal Code; or

18 (H) compelling prostitution under Section
19 43.05(a)(1), Penal Code;

20 (3) seven years from the date of the commission of the
21 offense:

22 (A) misapplication of fiduciary property or
23 property of a financial institution;

24 (B) securing execution of document by deception;

25 (C) a felony violation under Chapter 162, Tax
26 Code;

27 (D) false statement to obtain property or credit

1 under Section 32.32, Penal Code;

2 (E) money laundering;

3 (F) credit card or debit card abuse under Section

4 32.31, Penal Code;

5 (G) fraudulent use or possession of identifying

6 information under Section 32.51, Penal Code;

7 (H) exploitation of a child, elderly individual,

8 or disabled individual under Section 32.53, Penal Code;

9 (I) Medicaid fraud under Section 35A.02, Penal

10 Code; or

11 (J) bigamy under Section 25.01, Penal Code,

12 except as provided by Subdivision (6);

13 (4) five years from the date of the commission of the

14 offense:

15 (A) theft or robbery;

16 (B) except as provided by Subdivision (5),

17 kidnapping or burglary;

18 (C) injury to an elderly or disabled individual

19 that is not punishable as a felony of the first degree under Section

20 22.04, Penal Code;

21 (D) abandoning or endangering a child; or

22 (E) insurance fraud;

23 (5) if the investigation of the offense shows that the

24 victim is younger than 17 years of age at the time the offense is

25 committed, 20 years from the 18th birthday of the victim of one of

26 the following offenses:

27 (A) sexual performance by a child under Section

1 43.25, Penal Code;

2 (B) aggravated kidnapping under Section
3 20.04(a)(4), Penal Code, if the defendant committed the offense
4 with the intent to violate or abuse the victim sexually; or

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

10 (6) ten years from the 18th birthday of the victim of
11 the offense:

12 (A) trafficking of persons under Section
13 20A.02(a)(5) or (6), Penal Code;

14 (B) injury to a child under Section 22.04, Penal
15 Code; or

16 (C) bigamy under Section 25.01, Penal Code, if
17 the investigation of the offense shows that the person, other than
18 the legal spouse of the defendant, whom the defendant marries or
19 purports to marry or with whom the defendant lives under the
20 appearance of being married is younger than 18 years of age at the
21 time the offense is committed; or

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

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

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

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

3 (A) Section 19.03 (Capital Murder);

4 (B) Section 20.04 (Aggravated Kidnapping);

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

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

9 (E) Section 22.04 (Injury to a Child, Elderly
10 Individual, or Disabled Individual);

11 (F) Section 29.03 (Aggravated Robbery);

12 (G) Section 30.02 (Burglary);

13 (H) Section 71.02 (Engaging in Organized
14 Criminal Activity);

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

17 (J) Section 20A.03 (Continuous Trafficking of
18 Persons);

19 (2) is charged with a felony under Chapter 481, Health
20 and Safety Code, or Section 485.033, Health and Safety Code,
21 punishable by imprisonment for a minimum term or by a maximum fine
22 that is more than a minimum term or maximum fine for a first degree
23 felony; or

24 (3) does not submit to testing for the presence of a
25 controlled substance in the defendant's body as requested by the
26 court or magistrate under Subsection (c) of this article or submits
27 to testing and the test shows evidence of the presence of a

1 controlled substance in the defendant's body.

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

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

- 6 (1) Section 19.02 (murder);
- 7 (2) Section 19.03 (capital murder);
- 8 (3) Section 20.03 (kidnapping);
- 9 (4) Section 20.04 (aggravated kidnapping);
- 10 (5) Section 21.11 (indecent with a child);
- 11 (6) Section 22.01(a)(1) (assault), if the offense
12 involved family violence as defined by Section 71.004, Family Code;
- 13 (7) Section 22.011 (sexual assault);
- 14 (8) Section 22.02 (aggravated assault);
- 15 (9) Section 22.021 (aggravated sexual assault);
- 16 (10) Section 22.04 (injury to a child, elderly
17 individual, or disabled individual);
- 18 (11) Section 29.03 (aggravated robbery);
- 19 (12) Section 21.02 (continuous sexual abuse of young
20 child or disabled individual [~~children~~]); or
- 21 (13) Section 20A.03 (continuous trafficking of
22 persons).

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

25 Sec. 1. This article applies only to a hearing or proceeding
26 in which the court determines that a child younger than 13 years of
27 age would be unavailable to testify in the presence of the defendant

1 about an offense defined by any of the following sections of the
2 Penal Code:

- 3 (1) Section 19.02 (Murder);
- 4 (2) Section 19.03 (Capital Murder);
- 5 (3) Section 19.04 (Manslaughter);
- 6 (4) Section 20.04 (Aggravated Kidnapping);
- 7 (5) Section 21.11 (Indecency with a Child);
- 8 (6) Section 22.011 (Sexual Assault);
- 9 (7) Section 22.02 (Aggravated Assault);
- 10 (8) Section 22.021 (Aggravated Sexual Assault);
- 11 (9) Section 22.04(e) (Injury to a Child, Elderly
12 Individual, or Disabled Individual);
- 13 (10) Section 22.04(f) (Injury to a Child, Elderly
14 Individual, or Disabled Individual), if the conduct is committed
15 intentionally or knowingly;
- 16 (11) Section 25.02 (Prohibited Sexual Conduct);
- 17 (12) Section 29.03 (Aggravated Robbery);
- 18 (13) Section 43.25 (Sexual Performance by a Child);
- 19 (14) Section 21.02 (Continuous Sexual Abuse of Young
20 Child or Disabled Individual [~~Children~~]);
- 21 (15) Section 43.05(a)(2) (Compelling Prostitution);
- 22 or
- 23 (16) Section 20A.02(a)(7) or (8) (Trafficking of
24 Persons).

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

27 (a) Subsection (b) applies only to the trial of a defendant

1 for:

2 (1) an offense under any of the following provisions
3 of the Penal Code:

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

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

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

10 (D) Section 22.011(a)(2) (Sexual Assault of a
11 Child);

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

14 (F) Section 33.021 (Online Solicitation of a
15 Minor);

16 (G) Section 43.25 (Sexual Performance by a
17 Child); or

18 (H) Section 43.26 (Possession or Promotion of
19 Child Pornography), Penal Code; or

20 (2) an attempt or conspiracy to commit an offense
21 described by Subdivision (1).

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

24 (5) "Reportable conviction or adjudication" means a
25 conviction or adjudication, including an adjudication of
26 delinquent conduct or a deferred adjudication, that, regardless of
27 the pendency of an appeal, is a conviction for or an adjudication

1 for or based on:

2 (A) a violation of Section 21.02 (Continuous
3 sexual abuse of young child or disabled individual [~~children~~],
4 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual
5 assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited
6 sexual conduct), Penal Code;

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

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

13 (C) a violation of Section 20.04(a)(4)
14 (Aggravated kidnapping), Penal Code, if the actor committed the
15 offense or engaged in the conduct with intent to violate or abuse
16 the victim sexually;

17 (D) a violation of Section 30.02 (Burglary),
18 Penal Code, if the offense or conduct is punishable under
19 Subsection (d) of that section and the actor committed the offense
20 or engaged in the conduct with intent to commit a felony listed in
21 Paragraph (A) or (C);

22 (E) a violation of Section 20.02 (Unlawful
23 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
24 Penal Code, if, as applicable:

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

27 (ii) the order in the hearing or the papers

1 in the case contain an affirmative finding that the victim or
2 intended victim was younger than 17 years of age;

3 (F) the second violation of Section 21.08
4 (Indecent exposure), Penal Code, but not if the second violation
5 results in a deferred adjudication;

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

9 (H) a violation of the laws of another state,
10 federal law, the laws of a foreign country, or the Uniform Code of
11 Military Justice for or based on the violation of an offense
12 containing elements that are substantially similar to the elements
13 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
14 (G), (J), (K), or (L), but not if the violation results in a
15 deferred adjudication;

16 (I) the second violation of the laws of another
17 state, federal law, the laws of a foreign country, or the Uniform
18 Code of Military Justice for or based on the violation of an offense
19 containing elements that are substantially similar to the elements
20 of the offense of indecent exposure, but not if the second violation
21 results in a deferred adjudication;

22 (J) a violation of Section 33.021 (Online
23 solicitation of a minor), Penal Code;

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

26 (L) a violation of Section 20A.03 (Continuous
27 trafficking of persons), Penal Code, if the offense is based partly

1 or wholly on conduct that constitutes an offense under Section
2 20A.02(a)(3), (4), (7), or (8) of that code.

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

5 (A) an offense under Section 21.02 (Continuous
6 sexual abuse of young child or disabled individual [~~children~~],
7 21.11(a)(1) (Indecency with a child), 22.011 (Sexual assault), or
8 22.021 (Aggravated sexual assault), Penal Code;

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

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

14 (D) an offense under Section 30.02 (Burglary),
15 Penal Code, if the offense is punishable under Subsection (d) of
16 that section and the defendant committed the offense with intent to
17 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
18 or

19 (E) an offense under the laws of another state,
20 federal law, the laws of a foreign country, or the Uniform Code of
21 Military Justice if the offense contains elements that are
22 substantially similar to the elements of an offense listed under
23 Paragraph (A), (B), (C), or (D).

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

26 (h) In addition to the information described by this
27 article, information in the computerized criminal history system

1 must include the age of the victim of the offense if the offender
2 was arrested for or charged with an offense under the following
3 provisions of the Penal Code:

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

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

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

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

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

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

18 (5) Section 22.011 (Sexual Assault) or 22.021
19 (Aggravated Sexual Assault);

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

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

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

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

1 (a) This section applies only to:

2 (1) a student:

3 (A) who has been convicted of continuous sexual
4 abuse of young child or disabled individual [~~children~~] under
5 Section 21.02, Penal Code, or convicted of or placed on deferred
6 adjudication for the offense of sexual assault under Section
7 22.011, Penal Code, or aggravated sexual assault under Section
8 22.021, Penal Code, committed against another student who, at the
9 time the offense occurred, was assigned to the same campus as the
10 student convicted or placed on deferred adjudication;

11 (B) who has been adjudicated under Section 54.03,
12 Family Code, as having engaged in conduct described by Paragraph
13 (A);

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

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

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

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

24 (a) Except as provided by Subsection (k), a student shall be
25 expelled from a school if the student, on school property or while
26 attending a school-sponsored or school-related activity on or off
27 of school property:

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

5 (2) engages in conduct that contains the elements of
6 the offense of:

7 (A) aggravated assault under Section 22.02,
8 Penal Code, sexual assault under Section 22.011, Penal Code, or
9 aggravated sexual assault under Section 22.021, Penal Code;

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

11 (C) murder under Section 19.02, Penal Code,
12 capital murder under Section 19.03, Penal Code, or criminal
13 attempt, under Section 15.01, Penal Code, to commit murder or
14 capital murder;

15 (D) indecency with a child under Section 21.11,
16 Penal Code;

17 (E) aggravated kidnapping under Section 20.04,
18 Penal Code;

19 (F) aggravated robbery under Section 29.03,
20 Penal Code;

21 (G) manslaughter under Section 19.04, Penal
22 Code;

23 (H) criminally negligent homicide under Section
24 19.05, Penal Code; or

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

27 (3) engages in conduct specified by Section

1 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

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

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

6 (1) that the parent has:

7 (A) voluntarily left the child alone or in the
8 possession of another not the parent and expressed an intent not to
9 return;

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

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

17 (D) knowingly placed or knowingly allowed the
18 child to remain in conditions or surroundings which endanger the
19 physical or emotional well-being of the child;

20 (E) engaged in conduct or knowingly placed the
21 child with persons who engaged in conduct which endangers the
22 physical or emotional well-being of the child;

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

26 (G) abandoned the child without identifying the
27 child or furnishing means of identification, and the child's

1 identity cannot be ascertained by the exercise of reasonable
2 diligence;

3 (H) voluntarily, and with knowledge of the
4 pregnancy, abandoned the mother of the child beginning at a time
5 during her pregnancy with the child and continuing through the
6 birth, failed to provide adequate support or medical care for the
7 mother during the period of abandonment before the birth of the
8 child, and remained apart from the child or failed to support the
9 child since the birth;

10 (I) contumaciously refused to submit to a
11 reasonable and lawful order of a court under Subchapter D, Chapter
12 [261](#);

13 (J) been the major cause of:

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

16 (ii) the child's absence from the child's
17 home without the consent of the parents or guardian for a
18 substantial length of time or without the intent to return;

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

22 (L) been convicted or has been placed on
23 community supervision, including deferred adjudication community
24 supervision, for being criminally responsible for the death or
25 serious injury of a child under the following sections of the Penal
26 Code, or under a law of another jurisdiction that contains elements
27 that are substantially similar to the elements of an offense under

1 one of the following Penal Code sections, or adjudicated under
2 Title 3 for conduct that caused the death or serious injury of a
3 child and that would constitute a violation of one of the following
4 Penal Code sections:

- 5 (i) Section 19.02 (murder);
- 6 (ii) Section 19.03 (capital murder);
- 7 (iii) Section 19.04 (manslaughter);
- 8 (iv) Section 21.11 (indecent with a
9 child);
- 10 (v) Section 22.01 (assault);
- 11 (vi) Section 22.011 (sexual assault);
- 12 (vii) Section 22.02 (aggravated assault);
- 13 (viii) Section 22.021 (aggravated sexual
14 assault);
- 15 (ix) Section 22.04 (injury to a child,
16 elderly individual, or disabled individual);
- 17 (x) Section 22.041 (abandoning or
18 endangering child);
- 19 (xi) Section 25.02 (prohibited sexual
20 conduct);
- 21 (xii) Section 43.25 (sexual performance by
22 a child);
- 23 (xiii) Section 43.26 (possession or
24 promotion of child pornography);
- 25 (xiv) Section 21.02 (continuous sexual
26 abuse of young child or disabled individual [~~children~~]);
- 27 (xv) Section 20A.02(a)(7) or (8)

1 (trafficking of persons); and

2 (xvi) Section 43.05(a)(2) (compelling
3 prostitution);

4 (M) had his or her parent-child relationship
5 terminated with respect to another child based on a finding that the
6 parent's conduct was in violation of Paragraph (D) or (E) or
7 substantially equivalent provisions of the law of another state;

8 (N) constructively abandoned the child who has
9 been in the permanent or temporary managing conservatorship of the
10 Department of Family and Protective Services for not less than six
11 months, and:

12 (i) the department has made reasonable
13 efforts to return the child to the parent;

14 (ii) the parent has not regularly visited
15 or maintained significant contact with the child; and

16 (iii) the parent has demonstrated an
17 inability to provide the child with a safe environment;

18 (O) failed to comply with the provisions of a
19 court order that specifically established the actions necessary for
20 the parent to obtain the return of the child who has been in the
21 permanent or temporary managing conservatorship of the Department
22 of Family and Protective Services for not less than nine months as a
23 result of the child's removal from the parent under Chapter 262 for
24 the abuse or neglect of the child;

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

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

3 (ii) after completion of a court-ordered
4 substance abuse treatment program, continued to abuse a controlled
5 substance;

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

8 (i) conviction of an offense; and

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

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

15 (S) voluntarily delivered the child to a
16 designated emergency infant care provider under Section 262.302
17 without expressing an intent to return for the child;

18 (T) been convicted of:

19 (i) the murder of the other parent of the
20 child under Section 19.02 or 19.03, Penal Code, or under a law of
21 another state, federal law, the law of a foreign country, or the
22 Uniform Code of Military Justice that contains elements that are
23 substantially similar to the elements of an offense under Section
24 19.02 or 19.03, Penal Code;

25 (ii) criminal attempt under Section 15.01,
26 Penal Code, or under a law of another state, federal law, the law of
27 a foreign country, or the Uniform Code of Military Justice that

1 contains elements that are substantially similar to the elements of
2 an offense under Section 15.01, Penal Code, to commit the offense
3 described by Subparagraph (i);

4 (iii) criminal solicitation under Section
5 15.03, Penal Code, or under a law of another state, federal law, the
6 law of a foreign country, or the Uniform Code of Military Justice
7 that contains elements that are substantially similar to the
8 elements of an offense under Section 15.03, Penal Code, of the
9 offense described by Subparagraph (i); or

10 (iv) the sexual assault of the other parent
11 of the child under Section 22.011 or 22.021, Penal Code, or under a
12 law of another state, federal law, or the Uniform Code of Military
13 Justice that contains elements that are substantially similar to
14 the elements of an offense under Section 22.011 or 22.021, Penal
15 Code; or

16 (U) been placed on community supervision,
17 including deferred adjudication community supervision, or another
18 functionally equivalent form of community supervision or
19 probation, for being criminally responsible for the sexual assault
20 of the other parent of the child under Section 22.011 or 22.021,
21 Penal Code, or under a law of another state, federal law, or the
22 Uniform Code of Military Justice that contains elements that are
23 substantially similar to the elements of an offense under Section
24 22.011 or 22.021, Penal Code; and

25 (2) that termination is in the best interest of the
26 child.

27 SECTION 2.17. Section 261.001(1), Family Code, is amended

1 to read as follows:

2 (1) "Abuse" includes the following acts or omissions
3 by a person:

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

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

11 (C) physical injury that results in substantial
12 harm to the child, or the genuine threat of substantial harm from
13 physical injury to the child, including an injury that is at
14 variance with the history or explanation given and excluding an
15 accident or reasonable discipline by a parent, guardian, or
16 managing or possessory conservator that does not expose the child
17 to a substantial risk of harm;

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

21 (E) sexual conduct harmful to a child's mental,
22 emotional, or physical welfare, including conduct that constitutes
23 the offense of continuous sexual abuse of young child or disabled
24 individual [~~children~~] under Section 21.02, Penal Code, indecency
25 with a child under Section 21.11, Penal Code, sexual assault under
26 Section 22.011, Penal Code, or aggravated sexual assault under
27 Section 22.021, Penal Code;

1 (F) failure to make a reasonable effort to
2 prevent sexual conduct harmful to a child;

3 (G) compelling or encouraging the child to engage
4 in sexual conduct as defined by Section 43.01, Penal Code,
5 including compelling or encouraging the child in a manner that
6 constitutes an offense of trafficking of persons under Section
7 20A.02(a)(7) or (8), Penal Code, prostitution under Section
8 43.02(b), Penal Code, or compelling prostitution under Section
9 43.05(a)(2), Penal Code;

10 (H) causing, permitting, encouraging, engaging
11 in, or allowing the photographing, filming, or depicting of the
12 child if the person knew or should have known that the resulting
13 photograph, film, or depiction of the child is obscene as defined by
14 Section 43.21, Penal Code, or pornographic;

15 (I) the current use by a person of a controlled
16 substance as defined by Chapter 481, Health and Safety Code, in a
17 manner or to the extent that the use results in physical, mental, or
18 emotional injury to a child;

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

22 (K) causing, permitting, encouraging, engaging
23 in, or allowing a sexual performance by a child as defined by
24 Section 43.25, Penal Code;

25 (L) knowingly causing, permitting, encouraging,
26 engaging in, or allowing a child to be trafficked in a manner
27 punishable as an offense under Section 20A.02(a)(5), (6), (7), or

1 (8), Penal Code, or the failure to make a reasonable effort to
2 prevent a child from being trafficked in a manner punishable as an
3 offense under any of those sections; or

4 (M) forcing or coercing a child to enter into a
5 marriage.

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

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

10 (1) the parent abandoned the child without
11 identification or a means for identifying the child;

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

15 (3) the parent has engaged in conduct against the
16 child or another child of the parent that would constitute an
17 offense under the following provisions of the Penal Code:

18 (A) Section 19.02 (murder);

19 (B) Section 19.03 (capital murder);

20 (C) Section 19.04 (manslaughter);

21 (D) Section 21.11 (indecent with a child);

22 (E) Section 22.011 (sexual assault);

23 (F) Section 22.02 (aggravated assault);

24 (G) Section 22.021 (aggravated sexual assault);

25 (H) Section 22.04 (injury to a child, elderly
26 individual, or disabled individual);

27 (I) Section 22.041 (abandoning or endangering

1 child);

2 (J) Section 25.02 (prohibited sexual conduct);

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

5 (L) Section 43.26 (possession or promotion of
6 child pornography);

7 (M) Section 21.02 (continuous sexual abuse of
8 young child or disabled individual [~~children~~]);

9 (N) Section 43.05(a)(2) (compelling
10 prostitution); or

11 (O) Section 20A.02(a)(7) or (8) (trafficking of
12 persons);

13 (4) the parent voluntarily left the child alone or in
14 the possession of another person not the parent of the child for at
15 least six months without expressing an intent to return and without
16 providing adequate support for the child;

17 (5) the parent's parental rights with regard to
18 another child have been involuntarily terminated based on a finding
19 that the parent's conduct violated Section 161.001(b)(1)(D) or (E)
20 or a substantially equivalent provision of another state's law;

21 (6) the parent has been convicted for:

22 (A) the murder of another child of the parent and
23 the offense would have been an offense under 18 U.S.C. Section
24 1111(a) if the offense had occurred in the special maritime or
25 territorial jurisdiction of the United States;

26 (B) the voluntary manslaughter of another child
27 of the parent and the offense would have been an offense under 18

1 U.S.C. Section 1112(a) if the offense had occurred in the special
2 maritime or territorial jurisdiction of the United States;

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

5 (D) the felony assault of the child or another
6 child of the parent that resulted in serious bodily injury to the
7 child or another child of the parent;

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

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

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

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

16 (1) the inmate is awaiting transfer to the
17 institutional division, or serving a sentence, for an offense for
18 which the judgment contains an affirmative finding under Article
19 [42A.054\(c\)](#) or (d), Code of Criminal Procedure;

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

23 (A) Section [19.02](#) (murder);

24 (B) Section [19.03](#) (capital murder);

25 (C) Section [19.04](#) (manslaughter);

26 (D) Section [20.03](#) (kidnapping);

27 (E) Section [20.04](#) (aggravated kidnapping);

- 1 (F) Section 21.11 (indecenty with a child);
2 (G) Section 22.011 (sexual assault);
3 (H) Section 22.02 (aggravated assault);
4 (I) Section 22.021 (aggravated sexual assault);
5 (J) Section 22.04 (injury to a child, elderly
6 individual, or disabled individual);
7 (K) Section 25.02 (prohibited sexual conduct);
8 (L) Section 25.08 (sale or purchase of a child);
9 (M) Section 28.02 (arson);
10 (N) Section 29.02 (robbery);
11 (O) Section 29.03 (aggravated robbery);
12 (P) Section 30.02 (burglary), if the offense is
13 punished as a first-degree felony under that section;
14 (Q) Section 43.04 (aggravated promotion of
15 prostitution);
16 (R) Section 43.05 (compelling prostitution);
17 (S) Section 43.24 (sale, distribution, or
18 display of harmful material to minor);
19 (T) Section 43.25 (sexual performance by a
20 child);
21 (U) Section 46.10 (deadly weapon in penal
22 institution);
23 (V) Section 15.01 (criminal attempt), if the
24 offense attempted is listed in this subsection;
25 (W) Section 15.02 (criminal conspiracy), if the
26 offense that is the subject of the conspiracy is listed in this
27 subsection;

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

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

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

6 (AA) Section 20A.03 (continuous trafficking of
7 persons); or

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

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

15 (a) In this section, "qualifying felony" means an offense
16 that is punishable as a felony under the following sections of the
17 Penal Code:

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

20 (2) Section 21.12 (improper relationship between
21 educator and student); or

22 (3) Section 22.011 (sexual assault) or Section 22.021
23 (aggravated sexual assault).

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

26 (a) A person for whom the facility or the individual
27 employer is entitled to obtain criminal history record information

1 may not be employed in a facility or by an individual employer if
2 the person has been convicted of an offense listed in this
3 subsection:

4 (1) an offense under Chapter 19, Penal Code (criminal
5 homicide);

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

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

11 (4) an offense under Section 22.011, Penal Code
12 (sexual assault);

13 (5) an offense under Section 22.02, Penal Code
14 (aggravated assault);

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

17 (7) an offense under Section 22.041, Penal Code
18 (abandoning or endangering child);

19 (8) an offense under Section 22.08, Penal Code (aiding
20 suicide);

21 (9) an offense under Section 25.031, Penal Code
22 (agreement to abduct from custody);

23 (10) an offense under Section 25.08, Penal Code (sale
24 or purchase of child);

25 (11) an offense under Section 28.02, Penal Code
26 (arson);

27 (12) an offense under Section 29.02, Penal Code

- 1 (robbery);
- 2 (13) an offense under Section [29.03](#), Penal Code
- 3 (aggravated robbery);
- 4 (14) an offense under Section [21.08](#), Penal Code
- 5 (indecent exposure);
- 6 (15) an offense under Section [21.12](#), Penal Code
- 7 (improper relationship between educator and student);
- 8 (16) an offense under Section [21.15](#), Penal Code
- 9 (improper photography or visual recording);
- 10 (17) an offense under Section [22.05](#), Penal Code
- 11 (deadly conduct);
- 12 (18) an offense under Section [22.021](#), Penal Code
- 13 (aggravated sexual assault);
- 14 (19) an offense under Section [22.07](#), Penal Code
- 15 (terroristic threat);
- 16 (20) an offense under Section [32.53](#), Penal Code
- 17 (exploitation of child, elderly individual, or disabled
- 18 individual);
- 19 (21) an offense under Section [33.021](#), Penal Code
- 20 (online solicitation of a minor);
- 21 (22) an offense under Section [34.02](#), Penal Code (money
- 22 laundering);
- 23 (23) an offense under Section [35A.02](#), Penal Code
- 24 (Medicaid fraud);
- 25 (24) an offense under Section [36.06](#), Penal Code
- 26 (obstruction or retaliation);
- 27 (25) an offense under Section [42.09](#), Penal Code

1 (cruelty to livestock animals), or under Section 42.092, Penal Code
2 (cruelty to nonlivestock animals); or

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

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

9 (a) A disciplinary panel appointed under Section 164.059
10 may suspend or restrict the license of a person arrested for an
11 offense under:

12 (1) Section 22.011(a)(2), Penal Code (sexual assault
13 of a child);

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

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

18 (4) Section 21.11, Penal Code (indecenty with a
19 child).

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

22 (b) Except on an express determination, based on
23 substantial evidence, that granting probation is in the best
24 interests of the public and of the person whose license has been
25 suspended, revoked, or canceled, the board may not grant probation
26 to a person whose license has been canceled, revoked, or suspended
27 because of a felony conviction under:

- 1 (1) Chapter 481 or 483, Health and Safety Code;
- 2 (2) Section 485.033, Health and Safety Code;
- 3 (3) the Comprehensive Drug Abuse Prevention and
4 Control Act of 1970 (21 U.S.C. Section 801 et seq.); or
- 5 (4) any of the following sections of the Penal Code:
 - 6 (A) Section 22.011(a)(2) (sexual assault of a
7 child);
 - 8 (B) Section 22.021(a)(1)(B) (aggravated sexual
9 assault of a child);
 - 10 (C) Section 21.02 (continuous sexual abuse of a
11 young child or disabled individual [~~children~~]); or
 - 12 (D) Section 21.11 (indecent with a child).

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

15 (a) The board shall suspend a nurse's license or refuse to
16 issue a license to an applicant on proof that the nurse or applicant
17 has been initially convicted of:

- 18 (1) murder under Section 19.02, Penal Code, capital
19 murder under Section 19.03, Penal Code, or manslaughter under
20 Section 19.04, Penal Code;
- 21 (2) kidnapping or unlawful restraint under Chapter 20,
22 Penal Code, and the offense was punished as a felony or state jail
23 felony;
- 24 (3) sexual assault under Section 22.011, Penal Code;
- 25 (4) aggravated sexual assault under Section 22.021,
26 Penal Code;
- 27 (5) continuous sexual abuse of young child or disabled

1 individual [~~children~~] under Section 21.02, Penal Code, or indecency
2 with a child under Section 21.11, Penal Code;

3 (6) aggravated assault under Section 22.02, Penal
4 Code;

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

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

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

12 (10) an offense involving a violation of certain court
13 orders or conditions of bond under Section 25.07, 25.071, or
14 25.072, Penal Code, punished as a felony;

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

17 (12) the sale or purchase of a child under Section
18 25.08, Penal Code;

19 (13) robbery under Section 29.02, Penal Code;

20 (14) aggravated robbery under Section 29.03, Penal
21 Code;

22 (15) an offense for which a defendant is required to
23 register as a sex offender under Chapter 62, Code of Criminal
24 Procedure; or

25 (16) an offense under the law of another state,
26 federal law, or the Uniform Code of Military Justice that contains
27 elements that are substantially similar to the elements of an

1 offense listed in this subsection.

2 SECTION 2.25. Section 20A.02(a), Penal Code, is amended to
3 read as follows:

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

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

7 (2) receives a benefit from participating in a venture
8 that involves an activity described by Subdivision (1), including
9 by receiving labor or services the person knows are forced labor or
10 services;

11 (3) traffics another person and, through force, fraud,
12 or coercion, causes the trafficked person to engage in conduct
13 prohibited by:

14 (A) Section 43.02 (Prostitution);

15 (B) Section 43.03 (Promotion of Prostitution);

16 (C) Section 43.04 (Aggravated Promotion of
17 Prostitution); or

18 (D) Section 43.05 (Compelling Prostitution);

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

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

25 (6) receives a benefit from participating in a venture
26 that involves an activity described by Subdivision (5), including
27 by receiving labor or services the person knows are forced labor or

1 services;

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

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

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

8 (C) Section 22.011 (Sexual Assault);

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

10 (E) Section 43.02 (Prostitution);

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

12 (G) Section 43.04 (Aggravated Promotion of
13 Prostitution);

14 (H) Section 43.05 (Compelling Prostitution);

15 (I) Section 43.25 (Sexual Performance by a
16 Child);

17 (J) Section 43.251 (Employment Harmful to
18 Children); or

19 (K) Section 43.26 (Possession or Promotion of
20 Child Pornography); or

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

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

27 (c) If the tenant is a victim or a parent or guardian of a

1 victim of sexual assault under Section 22.011, Penal Code,
2 aggravated sexual assault under Section 22.021, Penal Code,
3 indecency with a child under Section 21.11, Penal Code, sexual
4 performance by a child under Section 43.25, Penal Code, continuous
5 sexual abuse of a young child or disabled individual under Section
6 21.02, Penal Code, or an attempt to commit any of the foregoing
7 offenses under Section 15.01, Penal Code, that takes place during
8 the preceding six-month period on the premises or at any dwelling on
9 the premises, the tenant shall provide to the landlord or the
10 landlord's agent a copy of:

11 (1) documentation of the assault or abuse, or
12 attempted assault or abuse, of the victim from a licensed health
13 care services provider who examined the victim;

14 (2) documentation of the assault or abuse, or
15 attempted assault or abuse, of the victim from a licensed mental
16 health services provider who examined or evaluated the victim;

17 (3) documentation of the assault or abuse, or
18 attempted assault or abuse, of the victim from an individual
19 authorized under Chapter 420, Government Code, who provided
20 services to the victim; or

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

24 ARTICLE III. TRANSITION AND EFFECTIVE DATE

25 SECTION 3.01. The change in law made by this Act applies
26 only to an offense committed on or after the effective date of this
27 Act. An offense committed before the effective date of this Act is

1 governed by the law in effect on the date the offense was committed,
2 and the former law is continued in effect for that purpose. For
3 purposes of this section, an offense was committed before the
4 effective date of this Act if any element of the offense occurred
5 before that date.

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