87R9388 SRA-D

By:  Swanson H.B. No. 2855

A BILL TO BE ENTITLED

AN ACT

relating to criminal penalties for performing certain abortions; creating criminal offenses.

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

SECTION 1.  Chapter 170, Health and Safety Code, is amended by adding Section 170.003 to read as follows:

Sec. 170.003.  CRIMINAL PENALTY. (a) A person who violates Section 170.002(a) commits an offense.

(b)  An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the person has previously been convicted of an offense under this section or under Section 171.049, 171.103, or 171.153.

(c)  If conduct constituting an offense under this section also constitutes an offense under another section of this code or the Penal Code, the actor may be prosecuted under this section or under both sections.

SECTION 2.  Subchapter C, Chapter 171, Health and Safety Code, is amended by adding Section 171.049 to read as follows:

Sec. 171.049.  CRIMINAL PENALTY. (a) A person who violates Section 171.043 or 171.044 commits an offense.

(b)  An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the person has previously been convicted of an offense under this section or under Section 170.003, 171.103, or 171.153.

(c)  If conduct constituting an offense under this section also constitutes an offense under another section of this code or the Penal Code, the actor may be prosecuted under this section or under both sections.

SECTION 3.  Section 171.103, Health and Safety Code, is amended to read as follows:

Sec. 171.103.  CRIMINAL PENALTY. (a) A person who violates Section 171.102 commits an offense.

(b)  An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the person has previously been convicted of an offense under this section or under Section 170.003, 171.049, or 171.153 [~~state jail felony~~].

(c)  If conduct constituting an offense under this section also constitutes an offense under another section of this code or the Penal Code, the actor may be prosecuted under this section or under both sections.

SECTION 4.  Section 171.153, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b)  An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the person has previously been convicted of an offense under this section or under Section 170.003, 171.049, or 171.103 [~~state jail felony~~].

(c)  If conduct constituting an offense under this section also constitutes an offense under another section of this code or the Penal Code, the actor may be prosecuted under this section or under both sections.

SECTION 5.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6.  The changes in law made by this Act apply only to an abortion performed, induced, or attempted on or after the effective date of this Act. An abortion performed, induced, or attempted before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 7.  This Act takes effect September 1, 2021.