

By: Lozano

H.B. No. 341

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of organized criminal activity involving a controlled substance or dangerous drug.

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

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

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

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

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

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

(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

1 (5) unlawful manufacture, delivery, dispensation, or  
2 distribution of a controlled substance or dangerous drug[7] or  
3 unlawful possession of a controlled substance or dangerous drug:

4 (A) through forgery, fraud, misrepresentation,  
5 or deception; or

6 (B) with the intent to deliver the controlled  
7 substance or dangerous drug;

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

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

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

17 (8) any felony offense under Chapter 32;

18 (9) any offense under Chapter 36;

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

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

21 (12) any offense under Chapter 20A;

22 (13) any offense under Section 37.10;

23 (14) any offense under Section 38.06, 38.07, 38.09, or  
24 38.11;

25 (15) any offense under Section 42.10;

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

27 (17) any offense under Section 20.05 or 20.06;

1           (18) any offense under Section 16.02; or

2           (19) any offense classified as a felony under the Tax  
3 Code.

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

12           SECTION 3. This Act takes effect September 1, 2021.