

By: Dutton

H.B. No. 2153

A BILL TO BE ENTITLED

AN ACT

relating to the definition of abuse of a child.

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

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

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

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

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

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

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

1           (E) sexual conduct harmful to a child's mental,  
2 emotional, or physical welfare, including conduct that constitutes  
3 the offense of continuous sexual abuse of young child or children  
4 under Section 21.02, Penal Code, indecency with a child under  
5 Section 21.11, Penal Code, sexual assault under Section 22.011,  
6 Penal Code, or aggravated sexual assault under Section 22.021,  
7 Penal Code;

8           (F) failure to make a reasonable effort to  
9 prevent sexual conduct harmful to a child;

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

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

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

26           (J) causing, expressly permitting, or  
27 encouraging a child to use a controlled substance as defined by

1 Chapter 481, Health and Safety Code;

2 (K) causing, permitting, encouraging, engaging  
3 in, or allowing a sexual performance by a child as defined by  
4 Section 43.25, Penal Code;

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

11 (M) forcing or coercing a child to enter into a  
12 marriage; or

13 (N) engaging in conduct that results in a child's  
14 reluctance or refusal, without legitimate justification, to have a  
15 relationship with one of the child's parents.

16 SECTION 2. This Act takes effect September 1, 2021.