

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.

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

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

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

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

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

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

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

26 (c) If conduct constituting an offense under this section
27 also constitutes an offense under another section of this code or

1 the Penal Code, the actor may be prosecuted under this section or
2 under both sections.

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

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

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