

By: Leach

H.B. No. 3599

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offenses of providing material support or resources to a foreign terrorist organization, engaging in terroristic activities, and threatened terroristic violence.

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

ARTICLE 1. TERRORISM

SECTION 1.01. The heading to Title 11, Penal Code, is amended to read as follows:

TITLE 11. ORGANIZED CRIME AND TERRORISM

SECTION 1.02. Title 11, Penal Code, is amended by adding Chapter 72 to read as follows:

CHAPTER 72. TERRORISM

Sec. 72.01. DEFINITIONS. In this chapter:

(1) "Foreign terrorist organization" means an organization designated as a foreign terrorist organization under 8 U.S.C. Section 1189.

(2) "Material support or resources" means any property, service, or personnel.

(3) "Property" means:

(A) real property;

(B) tangible or intangible personal property, including anything severed from land; or

(C) a document, including money, that represents or embodies anything of value.

1           (4) "Service" includes:

2                   (A) labor and professional service;

3                   (B) telecommunication, public utility, or  
4 transportation service;

5                   (C) lodging, restaurant service, and  
6 entertainment; and

7                   (D) the supply of a motor vehicle or other  
8 property for use.

9           Sec. 72.02. PROVIDING MATERIAL SUPPORT OR RESOURCES TO  
10 FOREIGN TERRORIST ORGANIZATION. (a) A person commits an offense if  
11 the person knowingly provides material support or resources to a  
12 foreign terrorist organization.

13           (b) An offense under this section is a felony of the first  
14 degree.

15           Sec. 72.03. ENGAGING IN TERRORISTIC ACTIVITIES. (a) A  
16 person commits an offense if the person, with intent to support or  
17 participate in the activities of a foreign terrorist organization,  
18 commits or conspires to commit one or more of the following:

19                   (1) kidnapping;

20                   (2) robbery;

21                   (3) arson;

22                   (4) trafficking of persons;

23                   (5) any felony offense under Chapter 31 or 32;

24                   (6) money laundering;

25                   (7) any unlawful manufacture, delivery, dispensation,  
26 or distribution of a controlled substance or dangerous drug that is  
27 punishable as a felony;

1           (8) tampering with a witness;

2           (9) tampering with or fabricating physical evidence;

3           (10) tampering with a governmental record; or

4           (11) hindering apprehension or prosecution.

5           (b) Except as provided by Subsections (c) and (d), an  
6 offense under this section is one category higher than the most  
7 serious offense listed in Subsection (a) that was committed.

8           (c) If the most serious offense listed in Subsection (a)  
9 that was committed is a felony of the first degree, an offense under  
10 this section is a felony of the first degree punishable by  
11 imprisonment in the Texas Department of Criminal Justice for life  
12 or for any term of not more than 99 years or less than 15 years.

13           (d) If the most serious offense listed in Subsection (a)  
14 that was committed is described by Subsection (a)(10) or (11), an  
15 offense under this section is a felony of the third degree.

16           Sec. 72.04. THREATENED TERRORISTIC VIOLENCE. (a) A person  
17 commits an offense if the person threatens to commit any offense  
18 involving violence to any person or property with intent to:

19           (1) cause impairment or interruption of public  
20 communications, public transportation, or public water, gas, or  
21 power supply or other public service;

22           (2) place the public or a substantial group of the  
23 public in fear of serious bodily injury;

24           (3) influence the conduct or activities of a branch or  
25 agency of the federal government, the state, or a political  
26 subdivision of the state; or

27           (4) prevent access to or use of a building owned or

1 controlled by the federal government, the state, or a political  
2 subdivision of the state.

3 (b) An offense under this section is a felony of the third  
4 degree.

5 Sec. 72.05. APPLICABILITY OF OTHER LAW. If conduct that  
6 constitutes an offense under this chapter also constitutes an  
7 offense under other law, the actor may be prosecuted under the  
8 applicable section of this chapter, the other law, or both.

9 ARTICLE 2. CONFORMING AMENDMENTS

10 SECTION 2.01. Section 125.061(3), Civil Practice and  
11 Remedies Code, is amended to read as follows:

12 (3) "Gang activity" means the following types of  
13 conduct:

14 (A) organized criminal activity as described by  
15 Section 71.02, Penal Code;

16 (B) terroristic threat as described by Section  
17 22.07, Penal Code, or threatened terroristic violence as described  
18 by Section 72.04, Penal Code;

19 (C) coercing, soliciting, or inducing gang  
20 membership as described by Section 71.022(a) or (a-1), Penal Code;

21 (D) criminal trespass as described by Section  
22 30.05, Penal Code;

23 (E) disorderly conduct as described by Section  
24 42.01, Penal Code;

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

27 (G) a graffiti offense in violation of Section

1 28.08, Penal Code;

2 (H) a weapons offense in violation of Chapter 46,  
3 Penal Code; or

4 (I) unlawful possession of a substance or other  
5 item in violation of Chapter 481, Health and Safety Code.

6 SECTION 2.02. Article 2.30(a), Code of Criminal Procedure,  
7 is amended to read as follows:

8 (a) This article applies only to the following offenses:

9 (1) assault under Section 22.01, Penal Code;

10 (2) aggravated assault under Section 22.02, Penal  
11 Code;

12 (3) sexual assault under Section 22.011, Penal Code;

13 (4) aggravated sexual assault under Section 22.021,  
14 Penal Code; ~~and~~

15 (5) terroristic threat under Section 22.07, Penal  
16 Code; and

17 (6) threatened terroristic violence under Section  
18 72.04, Penal Code.

19 SECTION 2.03. Section 37.006(a), Education Code, is amended  
20 to read as follows:

21 (a) A student shall be removed from class and placed in a  
22 disciplinary alternative education program as provided by Section  
23 37.008 if the student:

24 (1) engages in conduct involving a public school that  
25 contains the elements of the offense of false alarm or report under  
26 Section 42.06, Penal Code, ~~or~~ terroristic threat under Section  
27 22.07, Penal Code, or threatened terroristic violence under Section

1 72.04, Penal Code; or

2 (2) commits the following on or within 300 feet of  
3 school property, as measured from any point on the school's real  
4 property boundary line, or while attending a school-sponsored or  
5 school-related activity on or off of school property:

6 (A) engages in conduct punishable as a felony;

7 (B) engages in conduct that contains the elements  
8 of the offense of assault under Section 22.01(a)(1), Penal Code;

9 (C) sells, gives, or delivers to another person  
10 or possesses or uses or is under the influence of:

11 (i) marihuana or a controlled substance, as  
12 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.  
13 Section 801 et seq.; or

14 (ii) a dangerous drug, as defined by  
15 Chapter 483, Health and Safety Code;

16 (D) sells, gives, or delivers to another person  
17 an alcoholic beverage, as defined by Section 1.04, Alcoholic  
18 Beverage Code, commits a serious act or offense while under the  
19 influence of alcohol, or possesses, uses, or is under the influence  
20 of an alcoholic beverage;

21 (E) engages in conduct that contains the elements  
22 of an offense relating to an abusable volatile chemical under  
23 Sections 485.031 through 485.034, Health and Safety Code;

24 (F) engages in conduct that contains the elements  
25 of the offense of public lewdness under Section 21.07, Penal Code,  
26 or indecent exposure under Section 21.08, Penal Code; or

27 (G) engages in conduct that contains the elements

1 of the offense of harassment under Section 42.07(a)(1), (2), (3),  
2 or (7), Penal Code, against an employee of the school district.

3 SECTION 2.04. Section 37.007(b), Education Code, is amended  
4 to read as follows:

5 (b) A student may be expelled if the student:

6 (1) engages in conduct involving a public school that  
7 contains the elements of the offense of false alarm or report under  
8 Section 42.06, Penal Code, [~~or~~] terroristic threat under Section  
9 22.07, Penal Code, or threatened terroristic violence under Section  
10 72.04, Penal Code;

11 (2) while on or within 300 feet of school property, as  
12 measured from any point on the school's real property boundary  
13 line, or while attending a school-sponsored or school-related  
14 activity on or off of school property:

15 (A) sells, gives, or delivers to another person  
16 or possesses, uses, or is under the influence of any amount of:

17 (i) marihuana or a controlled substance, as  
18 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.  
19 Section 801 et seq.;

20 (ii) a dangerous drug, as defined by  
21 Chapter 483, Health and Safety Code; or

22 (iii) an alcoholic beverage, as defined by  
23 Section 1.04, Alcoholic Beverage Code;

24 (B) engages in conduct that contains the elements  
25 of an offense relating to an abusable volatile chemical under  
26 Sections 485.031 through 485.034, Health and Safety Code;

27 (C) engages in conduct that contains the elements

1 of an offense under Section 22.01(a)(1), Penal Code, against a  
2 school district employee or a volunteer as defined by Section  
3 22.053; or

4 (D) engages in conduct that contains the elements  
5 of the offense of deadly conduct under Section 22.05, Penal Code;

6 (3) subject to Subsection (d), while within 300 feet  
7 of school property, as measured from any point on the school's real  
8 property boundary line:

9 (A) engages in conduct specified by Subsection  
10 (a); or

11 (B) possesses a firearm, as defined by 18 U.S.C.  
12 Section 921;

13 (4) engages in conduct that contains the elements of  
14 any offense listed in Subsection (a)(2)(A) or (C) or the offense of  
15 aggravated robbery under Section 29.03, Penal Code, against another  
16 student, without regard to whether the conduct occurs on or off of  
17 school property or while attending a school-sponsored or  
18 school-related activity on or off of school property; or

19 (5) engages in conduct that contains the elements of  
20 the offense of breach of computer security under Section 33.02,  
21 Penal Code, if:

22 (A) the conduct involves accessing a computer,  
23 computer network, or computer system owned by or operated on behalf  
24 of a school district; and

25 (B) the student knowingly:

26 (i) alters, damages, or deletes school  
27 district property or information; or



1 (ii) commits a breach of any other  
2 computer, computer network, or computer system.

3 SECTION 2.05. Section 37.011(b), Education Code, is amended  
4 to read as follows:

5 (b) If a student admitted into the public schools of a  
6 school district under Section 25.001(b) is expelled from school for  
7 conduct for which expulsion is required under Section 37.007(a),  
8 (d), or (e), ~~[or]~~ for conduct that contains the elements of the  
9 offense of terroristic threat as described by Section 22.07(c-1) or  
10 ~~[r]~~ (d), ~~[or (e),]~~ Penal Code, or for conduct that contains the  
11 elements of the offense of threatened terroristic violence as  
12 described by Section 72.04, Penal Code, the juvenile court, the  
13 juvenile board, or the juvenile board's designee, as appropriate,  
14 shall:

15 (1) if the student is placed on probation under  
16 Section 54.04, Family Code, order the student to attend the  
17 juvenile justice alternative education program in the county in  
18 which the student resides from the date of disposition as a  
19 condition of probation, unless the child is placed in a  
20 post-adjudication treatment facility;

21 (2) if the student is placed on deferred prosecution  
22 under Section 53.03, Family Code, by the court, prosecutor, or  
23 probation department, require the student to immediately attend the  
24 juvenile justice alternative education program in the county in  
25 which the student resides for a period not to exceed six months as a  
26 condition of the deferred prosecution;

27 (3) in determining the conditions of the deferred

1 prosecution or court-ordered probation, consider the length of the  
2 school district's expulsion order for the student; and

3 (4) provide timely educational services to the student  
4 in the juvenile justice alternative education program in the county  
5 in which the student resides, regardless of the student's age or  
6 whether the juvenile court has jurisdiction over the student.

7 SECTION 2.06. Section 37.015(a), Education Code, is amended  
8 to read as follows:

9 (a) The principal of a public or private primary or  
10 secondary school, or a person designated by the principal under  
11 Subsection (d), shall notify any school district police department  
12 and the police department of the municipality in which the school is  
13 located or, if the school is not in a municipality, the sheriff of  
14 the county in which the school is located if the principal has  
15 reasonable grounds to believe that any of the following activities  
16 occur in school, on school property, or at a school-sponsored or  
17 school-related activity on or off school property, whether or not  
18 the activity is investigated by school security officers:

19 (1) conduct that may constitute an offense listed  
20 under Section 508.149, Government Code;

21 (2) deadly conduct under Section 22.05, Penal Code;

22 (3) a terroristic threat under Section 22.07, Penal  
23 Code, or threatened terroristic violence under Section 72.04, Penal  
24 Code;

25 (4) the use, sale, or possession of a controlled  
26 substance, drug paraphernalia, or marihuana under Chapter 481,  
27 Health and Safety Code;

1           (5) the possession of any of the weapons or devices  
2 listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal  
3 Code;

4           (6) conduct that may constitute a criminal offense  
5 under Section 71.02, Penal Code; or

6           (7) conduct that may constitute a criminal offense for  
7 which a student may be expelled under Section 37.007(a), (d), or  
8 (e).

9           SECTION 2.07. Section 37.113, Education Code, is amended to  
10 read as follows:

11           Sec. 37.113. NOTIFICATION REGARDING BOMB THREAT, ~~[OR]~~  
12 TERRORISTIC THREAT, OR THREATENED TERRORISTIC VIOLENCE. A school  
13 district that receives a bomb threat, ~~[or]~~ terroristic threat, or  
14 threat of terroristic violence relating to a campus or other  
15 district facility at which students are present shall provide  
16 notification of the threat as soon as possible to the parent or  
17 guardian of or other person standing in parental relation to each  
18 student who is assigned to the campus or who regularly uses the  
19 facility, as applicable.

20           SECTION 2.08. Section 1104.353(b), Estates Code, is amended  
21 to read as follows:

22           (b) It is presumed to be not in the best interests of a ward  
23 or incapacitated person to appoint as guardian of the ward or  
24 incapacitated person a person who has been finally convicted of:

25           (1) any sexual offense, including sexual assault,  
26 aggravated sexual assault, and prohibited sexual conduct;

27           (2) aggravated assault;

- 1 (3) injury to a child, elderly individual, or disabled  
2 individual;
- 3 (4) abandoning or endangering a child;
- 4 (5) terroristic threat or threatened terroristic  
5 violence; or
- 6 (6) continuous violence against the family of the ward  
7 or incapacitated person.

8 SECTION 2.09. Section 250.006(a), Health and Safety Code,  
9 is amended to read as follows:

10 (a) A person for whom the facility or the individual  
11 employer is entitled to obtain criminal history record information  
12 may not be employed in a facility or by an individual employer if  
13 the person has been convicted of an offense listed in this  
14 subsection:

15 (1) an offense under Chapter 19, Penal Code (criminal  
16 homicide);

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

19 (3) an offense under Section 21.02, Penal Code  
20 (continuous sexual abuse of young child or children), or Section  
21 21.11, Penal Code (indecent with a child);

22 (4) an offense under Section 22.011, Penal Code  
23 (sexual assault);

24 (5) an offense under Section 22.02, Penal Code  
25 (aggravated assault);

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

- 1 (7) an offense under Section 22.041, Penal Code  
2 (abandoning or endangering child);
- 3 (8) an offense under Section 22.08, Penal Code (aiding  
4 suicide);
- 5 (9) an offense under Section 25.031, Penal Code  
6 (agreement to abduct from custody);
- 7 (10) an offense under Section 25.08, Penal Code (sale  
8 or purchase of child);
- 9 (11) an offense under Section 28.02, Penal Code  
10 (arson);
- 11 (12) an offense under Section 29.02, Penal Code  
12 (robbery);
- 13 (13) an offense under Section 29.03, Penal Code  
14 (aggravated robbery);
- 15 (14) an offense under Section 21.08, Penal Code  
16 (indecent exposure);
- 17 (15) an offense under Section 21.12, Penal Code  
18 (improper relationship between educator and student);
- 19 (16) an offense under Section 21.15, Penal Code  
20 (invasive visual recording);
- 21 (17) an offense under Section 22.05, Penal Code  
22 (deadly conduct);
- 23 (18) an offense under Section 22.021, Penal Code  
24 (aggravated sexual assault);
- 25 (19) an offense under Section 22.07, Penal Code  
26 (terroristic threat), or under Section 72.04, Penal Code  
27 (threatened terroristic violence);

1           (20) an offense under Section 32.53, Penal Code  
2 (exploitation of child, elderly individual, or disabled  
3 individual);

4           (21) an offense under Section 33.021, Penal Code  
5 (online solicitation of a minor);

6           (22) an offense under Section 34.02, Penal Code (money  
7 laundering);

8           (23) an offense under Section 35A.02, Penal Code  
9 (health care fraud);

10          (24) an offense under Section 36.06, Penal Code  
11 (obstruction or retaliation);

12          (25) an offense under Section 42.09, Penal Code  
13 (cruelty to livestock animals), or under Section 42.092, Penal Code  
14 (cruelty to nonlivestock animals); or

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

19          SECTION 2.10. Section 19.03(a), Penal Code, is amended to  
20 read as follows:

21          (a) A person commits an offense if the person commits murder  
22 as defined under Section 19.02(b)(1) and:

23               (1) the person murders a peace officer or fireman who  
24 is acting in the lawful discharge of an official duty and who the  
25 person knows is a peace officer or fireman;

26               (2) the person intentionally commits the murder in the  
27 course of committing or attempting to commit kidnapping, burglary,

1 robbery, aggravated sexual assault, arson, obstruction or  
2 retaliation, threatened terroristic violence, or terroristic  
3 threat under Section 22.07(a)(1) or ~~(3) [(4), (5), or (6)]~~;

4 (3) the person commits the murder for remuneration or  
5 the promise of remuneration or employs another to commit the murder  
6 for remuneration or the promise of remuneration;

7 (4) the person commits the murder while escaping or  
8 attempting to escape from a penal institution;

9 (5) the person, while incarcerated in a penal  
10 institution, murders another:

11 (A) who is employed in the operation of the penal  
12 institution; or

13 (B) with the intent to establish, maintain, or  
14 participate in a combination or in the profits of a combination;

15 (6) the person:

16 (A) while incarcerated for an offense under this  
17 section or Section 19.02, murders another; or

18 (B) while serving a sentence of life imprisonment  
19 or a term of 99 years for an offense under Section 20.04, 22.021, or  
20 29.03, murders another;

21 (7) the person murders more than one person:

22 (A) during the same criminal transaction; or

23 (B) during different criminal transactions but  
24 the murders are committed pursuant to the same scheme or course of  
25 conduct;

26 (8) the person murders an individual under 10 years of  
27 age;

1           (9) the person murders an individual 10 years of age or  
2 older but younger than 15 years of age; or

3           (10) the person murders another person in retaliation  
4 for or on account of the service or status of the other person as a  
5 judge or justice of the supreme court, the court of criminal  
6 appeals, a court of appeals, a district court, a criminal district  
7 court, a constitutional county court, a statutory county court, a  
8 justice court, or a municipal court.

9           SECTION 2.11. Section 22.07(a), Penal Code, is amended to  
10 read as follows:

11           (a) A person commits an offense if the person [~~he~~] threatens  
12 to commit any offense involving violence to any person or property  
13 with intent to:

14           (1) cause a reaction of any type to the [~~his~~] threat by  
15 an official or volunteer agency organized to deal with emergencies;

16           (2) place any person in fear of imminent serious  
17 bodily injury; or

18           (3) prevent or interrupt the occupation or use of a  
19 building, room, place of assembly, place to which the public has  
20 access, place of employment or occupation, aircraft, automobile, or  
21 other form of conveyance, or other public place[~~+~~

22           ~~[(4) cause impairment or interruption of public~~  
23 ~~communications, public transportation, public water, gas, or power~~  
24 ~~supply or other public service,~~

25           ~~[(5) place the public or a substantial group of the~~  
26 ~~public in fear of serious bodily injury, or~~

27           ~~[(6) influence the conduct or activities of a branch~~



1 ~~or agency of the federal government, the state, or a political~~  
2 ~~subdivision of the state]~~.

3 SECTION 2.12. Section 22.07(e), Penal Code, is repealed.

4 ARTICLE 3. TRANSITION AND EFFECTIVE DATE

5 SECTION 3.01. The changes in law made by this Act apply only  
6 to an offense committed on or after the effective date of this Act.  
7 An offense committed before the effective date of this Act is  
8 governed by the law in effect on the date the offense was committed,  
9 and the former law is continued in effect for that purpose. For  
10 purposes of this section, an offense was committed before the  
11 effective date of this Act if any element of the offense occurred  
12 before that date.

13 SECTION 3.02. This Act takes effect September 1, 2021.