

House Bill 2315
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. (a) Article 59.01(2), Code of Criminal Procedure, as effective until January 1, 2022, is amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

- (i) any first or second degree felony under the Penal Code;
- (ii) any felony under Section 15.031(b), 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;
- (iii) any felony under Chapter 43, Penal Code, except as provided by Paragraph (B);
- (iv) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or
- (v) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

- (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
- (ii) any felony under Chapter 483, Health and Safety Code;
- (iii) a felony under Chapter 151, Finance Code;
- (iv) any felony under Chapter 20A or 34, Penal Code;
- (v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;
- (vi) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves a health care program, as defined by Section 35A.01, Penal Code;
- (vii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;
- (viii) a Class A misdemeanor under Section 306.051,

SENATE VERSION (IE)

SECTION 1. Same as House version.

CONFERENCE

House Bill 2315
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Business & Commerce Code;

(ix) any offense under Section 42.10, Penal Code;

(x) any offense under Section 46.06(a)(1) or 46.14, Penal Code;

(xi) any offense under Chapter 71, Penal Code;

(xii) any offense under Section 20.05, 20.06, 20.07, 43.04, or 43.05, Penal Code; [øø]

(xiii) an offense under Section 326.002, Business & Commerce Code; or

(xiv) a Class A misdemeanor or any felony under Section 545.420, Transportation Code, other than a Class A misdemeanor that is classified as a Class A misdemeanor based solely on conduct constituting a violation of Subsection (e)(2)(B) of that section;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or Chapter 43, Penal Code; or

(F) used to facilitate or intended to be used to facilitate the commission of an offense under Section 20.05, 20.06, or 20.07 or Chapter 20A, Penal Code.

(b) Article 59.01(2), Code of Criminal Procedure, as effective on January 1, 2022, is amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

House Bill 2315
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(A) used in the commission of:

- (i) any first or second degree felony under the Penal Code;
- (ii) any felony under Section 15.031(b), 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;
- (iii) any felony under Chapter 43, Penal Code, except as provided by Paragraph (B);
- (iv) any felony under The Securities Act (Title 12, Government Code); or
- (v) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

- (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
- (ii) any felony under Chapter 483, Health and Safety Code;
- (iii) a felony under Chapter 151, Finance Code;
- (iv) any felony under Chapter 20A or 34, Penal Code;
- (v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;
- (vi) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves a health care program, as defined by Section 35A.01, Penal Code;
- (vii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;
- (viii) a Class A misdemeanor under Section 306.051, Business & Commerce Code;
- (ix) any offense under Section 42.10, Penal Code;
- (x) any offense under Section 46.06(a)(1) or 46.14, Penal Code;
- (xi) any offense under Chapter 71, Penal Code;

House Bill 2315
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (xii) any offense under Section 20.05, 20.06, 20.07, 43.04, or 43.05, Penal Code; ~~[or]~~
- (xiii) an offense under Section 326.002, Business & Commerce Code; or
- (xiv) a Class A misdemeanor or any felony under Section 545.420, Transportation Code, other than a Class A misdemeanor that is classified as a Class A misdemeanor based solely on conduct constituting a violation of Subsection (e)(2)(B) of that section;
- (C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;
- (D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;
- (E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or Chapter 43, Penal Code; or
- (F) used to facilitate or intended to be used to facilitate the commission of an offense under Section 20.05, 20.06, or 20.07 or Chapter 20A, Penal Code.

No equivalent provision.

SENATE VERSION (IE)

CONFERENCE

SECTION __.Section 42.03, Penal Code, is amended by amending Subsection (c) and adding Subsections (d), (e), and (f) to read as follows:

(c) Except as otherwise provided by Subsections (d) and (e), an ~~[An]~~ offense under this section is a Class B misdemeanor.

(d) Subject to Subsection (e), an offense under this section is a Class A misdemeanor if it is shown on the trial of the offense

House Bill 2315
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

that, at the time of the offense, the person was operating a motor vehicle while engaging in a reckless driving exhibition.

(e) An offense under this section is a state jail felony if it is shown on the trial of the offense that, at the time of the offense, the person was operating a motor vehicle while engaging in a reckless driving exhibition, and:

(1) the person has previously been convicted of an offense punishable under Subsection (d);

(2) at the time of the offense, the person was operating a motor vehicle while intoxicated, as defined by Section 49.01;
or

(3) a person suffered bodily injury as a result of the offense.

(f) For purposes of this section, "reckless driving exhibition" means an operator of a motor vehicle, on a highway or street and in the presence of two or more persons assembled for the purpose of spectating the conduct, intentionally:

(1) breaking the traction of the vehicle's rear tires;

(2) spinning the vehicle's rear tires continuously by pressing the accelerator and increasing the engine speed; and

(3) steering the vehicle in a manner designed to rotate the vehicle. [FA1(2)]

No equivalent provision.

SECTION __.Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4205 to read as follows:

Sec. 545.4205. INTERFERENCE WITH PEACE OFFICER INVESTIGATION OF HIGHWAY RACING OR RECKLESS DRIVING EXHIBITION; CRIMINAL OFFENSE. (a) A person commits an offense if the person uses the person's body, a car, or a barricade to knowingly impede or otherwise interfere with a peace officer's

House Bill 2315
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

investigation of conduct prohibited under Section 545.420 or a reckless driving exhibition, as defined by Section 42.03, Penal Code.

(b) An offense under this section is a Class B misdemeanor.

(c) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both. [FA1(2)]

SECTION 2.

The change in law made by this Act applies only to property or proceeds seized on or after the effective date of this Act. Property or proceeds seized before the effective date of this Act are governed by the law in effect on the date the property or proceeds were seized, and the former law is continued in effect for that purpose. For purposes of this section, property or proceeds were seized before the effective date of this Act if any portion of the property or proceeds were seized before that date.

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

SECTION 2. (a) Except as otherwise provided by this section, 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.

(b) Article 59.01, Code of Criminal Procedure, as amended by this Act applies only to property or proceeds seized on or after the effective date of this Act. Property or proceeds seized before the effective date of this Act are governed by the law in effect on the date the property or proceeds were seized, and the former law is continued in effect for that purpose. For purposes of this section, property or proceeds were seized before the effective date of this Act if any portion of the property or proceeds were seized before that date. [FA1(1)]

SECTION 3. Same as House version.