By:  Harris of Anderson, et al. H.B. No. 4520

     (Senate Sponsor - Bettencourt)

(In the Senate - Received from the House May 2, 2023; May 4, 2023, read first time and referred to Committee on Finance; May 18, 2023, reported favorably by the following vote: Yeas 16, Nays 1; May 18, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Huffman              X

Hinojosa             X

Bettencourt          X

Campbell             X

Creighton            X

Flores               X

Hall                 X

Hancock              X

Hughes               X

Kolkhorst            X

Nichols              X

Paxton               X

Perry                X

Schwertner           X

West                     X

Whitmire             X

Zaffirini            X

A BILL TO BE ENTITLED

AN ACT

relating to employment and retirement consequences for an educator convicted of or placed on deferred adjudication community supervision for the sale, distribution, or display of harmful material to a minor.

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

SECTION 1.  Article 42.018(a), Code of Criminal Procedure, is amended to read as follows:

(a)  This article applies only to:

(1)  conviction or deferred adjudication community supervision granted on the basis of an offense for which a conviction or grant of deferred adjudication community supervision requires the defendant to register as a sex offender under Chapter 62; [~~or~~]

(2)  conviction of an offense under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or

(3)  conviction or deferred adjudication community supervision granted on the basis of an offense under Section 43.24, Penal Code.

SECTION 2.  Section 21.058(a), Education Code, is amended to read as follows:

(a)  The procedures described by Subsections (b) and (c) apply only to:

(1)  [~~to~~] conviction of or placement on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; [~~or~~]

(2)  [~~to~~] conviction of a felony offense under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or

(3)  conviction of or placement on deferred adjudication community supervision for an offense under Section 43.24, Penal Code.

SECTION 3.  Section 824.009(a), Government Code, is amended to read as follows:

(a)  In this section, "qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code:

(1)  Section 21.02 (continuous sexual abuse of young child or disabled individual);

(2)  Section 21.12 (improper relationship between educator and student); [~~or~~]

(3)  Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault); or

(4)  Section 43.24 (sale, distribution, or display of harmful material to minor).

SECTION 4.  (a) Article 42.018, Code of Criminal Procedure, as amended by this Act, applies only to a judgment of conviction or order granting deferred adjudication community supervision entered on or after the effective date of this Act.

(b)  Section 824.009, Government Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before that date is governed by the law in effect on the date 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.

SECTION 5.  This Act takes effect September 1, 2023.

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