88R12594 BDP-D

By:  Bryant H.B. No. 5026

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, Family Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a), (3-a), and (10) 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;

(E)  sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

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

(G)  compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under Section 43.021, Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

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

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

(J)  causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

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

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

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

(N)  forcing, coercing, or causing a child to undergo conversion therapy.

(1-a)  "Conversion therapy":

(A)  means a practice or treatment a health care provider, including a health care provider who is affiliated with a religious organization, provides to an individual that attempts to:

(i)  change the individual's sexual orientation, including by attempting to change the individual's behavior, gender identity, or expression of gender; or

(ii)  eliminate or reduce the individual's sexual or romantic attractions or feelings toward other individuals of the same sex; and

(B)  does not mean a practice or treatment a health care provider, including a health care provider who is affiliated with a religious organization, provides to an individual that:

(i)  provides acceptance, support, and understanding or facilitates coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices; and

(ii)  does not attempt to change the individual's sexual orientation or gender identity.

(3-a)  "Gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual with or without regard to the individual's designated sex at birth.

(10)  "Sexual orientation" means an individual's actual or perceived heterosexuality, bisexuality, or homosexuality.

SECTION 2.  This Act takes effect September 1, 2023.