

By: Metcalf, Herrero, et al.

H.B. No. 1227

A BILL TO BE ENTITLED

AN ACT

relating to changing the eligibility for community supervision of a person convicted of possession or promotion of child pornography.

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

SECTION 1. Article 42A.054(a), Code of Criminal Procedure, is amended to read as follows:

(a) Article 42A.053 does not apply to a defendant adjudged guilty of an offense under:

(1) Section 15.03, Penal Code, if the offense is punishable as a felony of the first degree;

(2) Section 19.02, Penal Code (Murder);

(3) Section 19.03, Penal Code (Capital Murder);

(4) Section 20.04, Penal Code (Aggravated Kidnapping);

(5) Section 20A.02, Penal Code (Trafficking of Persons);

(6) Section 20A.03, Penal Code (Continuous Trafficking of Persons);

(7) Section 21.11, Penal Code (Indecency with a Child);

(8) Section 22.011, Penal Code (Sexual Assault);

(9) Section 22.021, Penal Code (Aggravated Sexual Assault);

(10) Section 22.04(a)(1), Penal Code (Injury to a

Child, Elderly Individual, or Disabled Individual), if:

(A) the offense is punishable as a felony of the first degree; and

(B) the victim of the offense is a child;

(11) Section 29.03, Penal Code (Aggravated Robbery);

(12) Section 30.02, Penal Code (Burglary), if:

(A) the offense is punishable under Subsection (d) of that section; and

(B) the actor committed the offense with the intent to commit a felony under Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code;

(13) Section 43.04, Penal Code (Aggravated Promotion of Prostitution);

(14) Section 43.05, Penal Code (Compelling Prostitution);

(15) Section 43.25, Penal Code (Sexual Performance by a Child);

(16) Section 43.26, Penal Code (Possession or Promotion of Child Pornography);

(17) Chapter 481, Health and Safety Code, for which punishment is increased under:

(A) Section 481.140 of that code (Use of Child in Commission of Offense); or

(B) Section 481.134(c), (d), (e), or (f) of that code (Drug-free Zones) if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any of those subsections; or

1 (18) [~~(17)~~] Section 481.1123, Health and Safety Code
2 (Manufacture or Delivery of Substance in Penalty Group 1-B), if the
3 offense is punishable under Subsection (d), (e), or (f) of that
4 section.

5 SECTION 2. Section 773.0614(c), Health and Safety Code, is
6 amended to read as follows:

7 (c) A certificate holder's certificate shall be revoked if
8 the certificate holder has been convicted of or placed on deferred
9 adjudication community supervision or deferred disposition for:

10 (1) an offense listed in Article 42A.054(a)(2), (3),
11 (4), (7), (8), (9), (11), or (17) [~~(16)~~], Code of Criminal
12 Procedure; or

13 (2) an offense, other than an offense described by
14 Subdivision (1), committed on or after September 1, 2009, for which
15 the person is subject to registration under Chapter 62, Code of
16 Criminal Procedure.

17 SECTION 3. Section 773.06141(a), Health and Safety Code, is
18 amended to read as follows:

19 (a) The department may suspend, revoke, or deny an emergency
20 medical services provider license on the grounds that the
21 provider's administrator of record, employee, or other
22 representative:

23 (1) has been convicted of, or placed on deferred
24 adjudication community supervision or deferred disposition for, an
25 offense that directly relates to the duties and responsibilities of
26 the administrator, employee, or representative, other than an
27 offense described by Section 542.304, Transportation Code;

1 (2) has been convicted of or placed on deferred
2 adjudication community supervision or deferred disposition for an
3 offense, including:

4 (A) an offense listed in Article 42A.054(a)(2),
5 (3), (4), (7), (8), (9), (11), or (17) [~~(16)~~], Code of Criminal
6 Procedure; or

7 (B) an offense, other than an offense described
8 by Subdivision (1), for which the person is subject to registration
9 under Chapter 62, Code of Criminal Procedure; or

10 (3) has been convicted of Medicare or Medicaid fraud,
11 has been excluded from participation in the state Medicaid program,
12 or has a hold on payment for reimbursement under the state Medicaid
13 program under Subchapter C, Chapter 531, Government Code.

14 SECTION 4. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 governed by the law in effect on the date the offense was committed,
18 and the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense occurred
21 before that date.

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