

1-1 By: Metcalf, et al. (Senate Sponsor - Bettencourt) H.B. No. 1227  
1-2 (In the Senate - Received from the House April 24, 2023;  
1-3 April 25, 2023, read first time and referred to Committee on  
1-4 Criminal Justice; May 19, 2023, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to changing the eligibility for community supervision of a  
1-18 person convicted of possession or promotion of child pornography.  
1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-20 SECTION 1. Article [42A.054](#)(a), Code of Criminal Procedure,  
1-21 is amended to read as follows:  
1-22 (a) Article [42A.053](#) does not apply to a defendant adjudged  
1-23 guilty of an offense under:  
1-24 (1) Section [15.03](#), Penal Code, if the offense is  
1-25 punishable as a felony of the first degree;  
1-26 (2) Section [19.02](#), Penal Code (Murder);  
1-27 (3) Section [19.03](#), Penal Code (Capital Murder);  
1-28 (4) Section [20.04](#), Penal Code (Aggravated  
1-29 Kidnapping);  
1-30 (5) Section [20A.02](#), Penal Code (Trafficking of  
1-31 Persons);  
1-32 (6) Section [20A.03](#), Penal Code (Continuous  
1-33 Trafficking of Persons);  
1-34 (7) Section [21.11](#), Penal Code (Indecency with a  
1-35 Child);  
1-36 (8) Section [22.011](#), Penal Code (Sexual Assault);  
1-37 (9) Section [22.021](#), Penal Code (Aggravated Sexual  
1-38 Assault);  
1-39 (10) Section [22.04](#)(a)(1), Penal Code (Injury to a  
1-40 Child, Elderly Individual, or Disabled Individual), if:  
1-41 (A) the offense is punishable as a felony of the  
1-42 first degree; and  
1-43 (B) the victim of the offense is a child;  
1-44 (11) Section [29.03](#), Penal Code (Aggravated Robbery);  
1-45 (12) Section [30.02](#), Penal Code (Burglary), if:  
1-46 (A) the offense is punishable under Subsection  
1-47 (d) of that section; and  
1-48 (B) the actor committed the offense with the  
1-49 intent to commit a felony under Section [21.02](#), [21.11](#), [22.011](#),  
1-50 [22.021](#), or [25.02](#), Penal Code;  
1-51 (13) Section [43.04](#), Penal Code (Aggravated Promotion  
1-52 of Prostitution);  
1-53 (14) Section [43.05](#), Penal Code (Compelling  
1-54 Prostitution);  
1-55 (15) Section [43.25](#), Penal Code (Sexual Performance by  
1-56 a Child);  
1-57 (16) Section [43.26](#), Penal Code (Possession or  
1-58 Promotion of Child Pornography);  
1-59 (17) Chapter [481](#), Health and Safety Code, for which  
1-60 punishment is increased under:  
1-61 (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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. The change in law made by this Act applies 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 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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