

1-1 By: A. Johnson of Harris, et al. H.B. No. 1442  
 1-2 (Senate Sponsor - Bettencourt)  
 1-3 (In the Senate - Received from the House April 24, 2023;  
 1-4 April 24, 2023, read first time and referred to Committee on  
 1-5 Criminal Justice; May 12, 2023, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 6, Nays 0;  
 1-7 May 12, 2023, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 COMMITTEE SUBSTITUTE FOR H.B. No. 1442 By: King

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to the prosecution of certain criminal conduct involving a  
 1-21 reckless driving exhibition or racing on a highway and to the  
 1-22 forfeiture of contraband as a result of a reckless driving  
 1-23 exhibition.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Article 59.01(2), Code of Criminal Procedure, is  
 1-26 amended to read as follows:

1-27 (2) "Contraband" means property of any nature,  
 1-28 including real, personal, tangible, or intangible, that is:

1-29 (A) used in the commission of:

1-30 (i) any first or second degree felony under  
 1-31 the Penal Code;

1-32 (ii) any felony under Section 15.031(b),  
 1-33 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal  
 1-34 Code;

1-35 (iii) any felony under Chapter 43, Penal  
 1-36 Code, except as provided by Paragraph (B);

1-37 (iv) any felony under The Securities Act  
 1-38 (Title 12, Government Code); or

1-39 (v) any offense under Chapter 49, Penal  
 1-40 Code, that is punishable as a felony of the third degree or state  
 1-41 jail felony, if the defendant has been previously convicted three  
 1-42 times of an offense under that chapter;

1-43 (B) used or intended to be used in the commission  
 1-44 of:

1-45 (i) any felony under Chapter 481, Health  
 1-46 and Safety Code (Texas Controlled Substances Act);

1-47 (ii) any felony under Chapter 483, Health  
 1-48 and Safety Code;

1-49 (iii) a felony under Chapter 151, Finance  
 1-50 Code;

1-51 (iv) any felony under Chapter 20A or 34,  
 1-52 Penal Code;

1-53 (v) a Class A misdemeanor under Subchapter  
 1-54 B, Chapter 365, Health and Safety Code, if the defendant has been  
 1-55 previously convicted twice of an offense under that subchapter;

1-56 (vi) any felony under Chapter 32, Human  
 1-57 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that  
 1-58 involves a health care program, as defined by Section 35A.01, Penal  
 1-59 Code;

1-60 (vii) a Class B misdemeanor under Chapter

2-1 522, Business & Commerce Code;  
2-2 (viii) a Class A misdemeanor under Section  
2-3 306.051, Business & Commerce Code;  
2-4 (ix) any offense under Section 42.10, Penal  
2-5 Code;  
2-6 (x) any offense under Section 46.06(a)(1)  
2-7 or 46.14, Penal Code;  
2-8 (xi) any offense under Chapter 71, Penal  
2-9 Code;  
2-10 (xii) any offense under Section 20.05,  
2-11 20.06, 20.07, 43.04, or 43.05, Penal Code;  
2-12 (xiii) an offense under Section 326.002,  
2-13 Business & Commerce Code; ~~[or]~~  
2-14 (xiv) ~~[a Class A misdemeanor or]~~ any  
2-15 offense ~~[felony]~~ under Section 545.420, Transportation Code~~[,~~  
2-16 ~~other than a Class A misdemeanor that is classified as a Class A~~  
2-17 ~~misdemeanor based solely on conduct constituting a violation of~~  
2-18 ~~Subsection (e)(2)(B) of that section]; or~~  
2-19 (xv) any offense punishable under Section  
2-20 42.03(d) or (e), Penal Code;  
2-21 (C) the proceeds gained from the commission of a  
2-22 felony listed in Paragraph (A) or (B) of this subdivision, a  
2-23 misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), ~~[or]~~  
2-24 (xii), (xiv), or (xv) of this subdivision, or a crime of violence;  
2-25 (D) acquired with proceeds gained from the  
2-26 commission of a felony listed in Paragraph (A) or (B) of this  
2-27 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),  
2-28 (xi), ~~[or]~~ (xii), (xiv), or (xv) of this subdivision, or a crime of  
2-29 violence;  
2-30 (E) used to facilitate or intended to be used to  
2-31 facilitate the commission of a felony under Section 15.031 or  
2-32 Chapter 43, Penal Code; or  
2-33 (F) used to facilitate or intended to be used to  
2-34 facilitate the commission of an offense under Section 20.05, 20.06,  
2-35 or 20.07 or Chapter 20A, Penal Code.  
2-36 SECTION 2. Section 42.03, Penal Code, is amended by adding  
2-37 Subsection (g) to read as follows:  
2-38 (g) If conduct that constitutes an offense under this  
2-39 section also constitutes an offense under any other law, the actor  
2-40 may be prosecuted under this section or the other law, but not both.  
2-41 SECTION 3. Section 71.02(a), Penal Code, is amended to read  
2-42 as follows:  
2-43 (a) A person commits an offense if, with the intent to  
2-44 establish, maintain, or participate in a combination or in the  
2-45 profits of a combination or as a member of a criminal street gang,  
2-46 the person commits or conspires to commit one or more of the  
2-47 following:  
2-48 (1) murder, capital murder, arson, aggravated  
2-49 robbery, robbery, burglary, theft, aggravated kidnapping,  
2-50 kidnapping, aggravated assault, aggravated sexual assault, sexual  
2-51 assault, continuous sexual abuse of young child or disabled  
2-52 individual, solicitation of a minor, forgery, deadly conduct,  
2-53 assault punishable as a Class A misdemeanor, burglary of a motor  
2-54 vehicle, or unauthorized use of a motor vehicle;  
2-55 (2) any gambling offense punishable as a Class A  
2-56 misdemeanor;  
2-57 (3) promotion of prostitution, aggravated promotion  
2-58 of prostitution, or compelling prostitution;  
2-59 (4) unlawful manufacture, transportation, repair, or  
2-60 sale of firearms or prohibited weapons;  
2-61 (5) unlawful manufacture, delivery, dispensation, or  
2-62 distribution of a controlled substance or dangerous drug, or  
2-63 unlawful possession of a controlled substance or dangerous drug  
2-64 through forgery, fraud, misrepresentation, or deception;  
2-65 (5-a) causing the unlawful delivery, dispensation, or  
2-66 distribution of a controlled substance or dangerous drug in  
2-67 violation of Subtitle B, Title 3, Occupations Code;  
2-68 (6) any unlawful wholesale promotion or possession of  
2-69 any obscene material or obscene device with the intent to wholesale

3-1 promote the same;

3-2 (7) any offense under Subchapter B, Chapter 43,

3-3 depicting or involving conduct by or directed toward a child

3-4 younger than 18 years of age;

3-5 (8) any felony offense under Chapter 32;

3-6 (9) any offense under Chapter 36;

3-7 (10) any offense under Chapter 34, 35, or 35A;

3-8 (11) any offense under Section 37.11(a);

3-9 (12) any offense under Chapter 20A;

3-10 (13) any offense under Section 37.10;

3-11 (14) any offense under Section 38.06, 38.07, 38.09, or

3-12 38.11;

3-13 (15) any offense under Section 42.10;

3-14 (16) any offense under Section 46.06(a)(1) or 46.14;

3-15 (17) any offense under Section 20.05 or 20.06;

3-16 (18) any offense under Section 16.02; [~~or~~]

3-17 (19) any offense punishable under Section 42.03(d) or

3-18 (e);

3-19 (20) [~~(19)~~] any offense classified as a felony under

3-20 the Tax Code; or

3-21 (21) any offense under Section 545.420,

3-22 Transportation Code.

3-23 SECTION 4. The change in law made by this Act applies only

3-24 to an offense committed on or after the effective date of this Act.

3-25 An offense committed before the effective date of this Act is

3-26 governed by the law in effect on the date the offense was committed,

3-27 and the former law is continued in effect for that purpose. For

3-28 purposes of this section, an offense was committed before the

3-29 effective date of this Act if any element of the offense occurred

3-30 before that date.

3-31 SECTION 5. This Act takes effect September 1, 2023.

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