

By: Cook, Capriglione, Murr, Goldman

H.B. No. 1654

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility of a child for a determinate sentence
3 for engaging in delinquent conduct that constitutes certain
4 organized criminal activity.

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

6 SECTION 1. Section 53.045(a), Family Code, is amended to
7 read as follows:

8 (a) Except as provided by Subsection (e), the prosecuting
9 attorney may refer the petition to the grand jury of the county in
10 which the court in which the petition is filed presides if the
11 petition alleges that the child engaged in delinquent conduct that
12 constitutes habitual felony conduct as described by Section 51.031
13 or that included the violation of any of the following provisions:

- 14 (1) Section 19.02, Penal Code (murder);
15 (2) Section 19.03, Penal Code (capital murder);
16 (3) Section 19.04, Penal Code (manslaughter);
17 (4) Section 20.04, Penal Code (aggravated
18 kidnapping);
19 (5) Section 22.011, Penal Code (sexual assault) or
20 Section 22.021, Penal Code (aggravated sexual assault);
21 (6) Section 22.02, Penal Code (aggravated assault);
22 (7) Section 29.03, Penal Code (aggravated robbery);
23 (8) Section 22.04, Penal Code (injury to a child,
24 elderly individual, or disabled individual), if the offense is

1 punishable as a felony, other than a state jail felony;

2 (9) Section 22.05(b), Penal Code (felony deadly
3 conduct involving discharging a firearm);

4 (10) Subchapter D, Chapter 481, Health and Safety
5 Code, if the conduct constitutes a felony of the first degree or an
6 aggravated controlled substance felony (certain offenses involving
7 controlled substances);

8 (11) Section 15.03, Penal Code (criminal
9 solicitation);

10 (12) Section 21.11(a)(1), Penal Code (indecent with a
11 child);

12 (13) Section 15.031, Penal Code (criminal
13 solicitation of a minor);

14 (14) Section 15.01, Penal Code (criminal attempt), if
15 the offense attempted was an offense under Section 19.02, Penal
16 Code (murder), or Section 19.03, Penal Code (capital murder), or an
17 offense listed by Article 42A.054(a), Code of Criminal Procedure;

18 (15) Section 28.02, Penal Code (arson), if bodily
19 injury or death is suffered by any person by reason of the
20 commission of the conduct;

21 (16) Section 49.08, Penal Code (intoxication
22 manslaughter); ~~[or]~~

23 (17) Section 15.02, Penal Code (criminal conspiracy),
24 if the offense made the subject of the criminal conspiracy includes
25 a violation of any of the provisions referenced in Subdivisions (1)
26 through (16); or

27 (18) Section 71.02, Penal Code (engaging in organized

1 criminal activity), if the offense made the subject of the
2 organized criminal activity includes a violation of any of the
3 provisions referenced in Subdivisions (1) through (16).

4 SECTION 2. The changes in law made by this Act apply only to
5 conduct violating a penal law of this state that occurs on or after
6 the effective date of this Act. Conduct violating a penal law of
7 this state that occurs before the effective date of this Act is
8 governed by the law in effect on the date the conduct occurred, and
9 the former law is continued in effect for that purpose. For
10 purposes of this section, conduct occurred before the effective
11 date of this Act if any element of the conduct occurred before that
12 date.

13 SECTION 3. This Act takes effect September 1, 2023.