

1-1 By: Davis, Garcia H.B. No. 2187
1-2 (Senate Sponsor - Menéndez)
1-3 (In the Senate - Received from the House May 10, 2023;
1-4 May 11, 2023, read first time and referred to Committee on Criminal
1-5 Justice; May 19, 2023, reported favorably by the following vote:
1-6 Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Flores	X		
1-11	Bettencourt	X		
1-12	Hinojosa	X		
1-13	Huffman	X		
1-14	King	X		
1-15	Miles	X		

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the criminal offense of abandoning or endangering a
1-19 child, elderly individual, or disabled individual.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 22.041, Penal Code, is amended to read as
1-22 follows:

1-23 Sec. 22.041. ABANDONING OR ENDANGERING A CHILD, ELDERLY
1-24 INDIVIDUAL, OR DISABLED INDIVIDUAL. (a) In this section:

1-25 (1) "Abandon" [~~,"abandon"~~] means to leave [~~a child~~] in
1-26 any place without providing reasonable and necessary care a [~~for~~
1-27 ~~the~~] child, elderly individual, or disabled individual under
1-28 circumstances under which no reasonable, similarly situated person
1-29 [~~adult~~] would leave a child or individual of that age and ability.

1-30 (2) "Child," "elderly individual," and "disabled
1-31 individual" have the meanings assigned by Section 22.04.

1-32 (b) A person commits an offense if the person, having
1-33 custody, care, or control of a child, elderly individual, or
1-34 disabled individual [~~younger than 15 years~~], [~~he~~] intentionally
1-35 abandons the child or individual in any place under circumstances
1-36 that expose the child or individual to an unreasonable risk of harm.

1-37 (c) A person commits an offense if the person [~~he~~]
1-38 intentionally, knowingly, recklessly, or with criminal negligence,
1-39 by act or omission, engages in conduct that places a child, elderly
1-40 individual, or disabled individual [~~younger than 15 years~~] in
1-41 imminent danger of death, bodily injury, or physical or mental
1-42 impairment.

1-43 (c-1) For purposes of Subsection (c), it is presumed that a
1-44 person engaged in conduct that places a child, elderly individual,
1-45 or disabled individual in imminent danger of death, bodily injury,
1-46 or physical or mental impairment if:

1-47 (1) the person manufactured, possessed, or in any way
1-48 introduced into the body of any person the controlled substance
1-49 methamphetamine in the presence of the child, elderly individual,
1-50 or disabled individual;

1-51 (2) the person's conduct related to the proximity or
1-52 accessibility of the controlled substance methamphetamine to the
1-53 child, elderly individual, or disabled individual and an analysis
1-54 of a specimen of the child's or individual's blood, urine, or other
1-55 bodily substance indicates the presence of methamphetamine in the
1-56 body of the child or individual [~~child's body~~]; or

1-57 (3) the person injected, ingested, inhaled, or
1-58 otherwise introduced a controlled substance listed in Penalty Group
1-59 1, Section 481.102, Health and Safety Code, or Penalty Group 1-B,
1-60 Section 481.1022, Health and Safety Code, into the human body when
1-61 the person was not in lawful possession of the substance as defined

2-1 by Section 481.002(24) of that code.

2-2 (d) Except as provided by Subsection (e), an offense under
2-3 Subsection (b) is:

2-4 (1) a state jail felony if the actor abandoned the
2-5 child, elderly individual, or disabled individual with intent to
2-6 return for the child or individual; or

2-7 (2) a felony of the third degree if the actor abandoned
2-8 the child, elderly individual, or disabled individual without
2-9 intent to return for the child or individual.

2-10 (e) An offense under Subsection (b) is a felony of the
2-11 second degree if the actor abandons the child, elderly individual,
2-12 or disabled individual under circumstances that a reasonable person
2-13 would believe would place the child or individual in imminent
2-14 danger of death, bodily injury, or physical or mental impairment.

2-15 (f) An offense under Subsection (c) is a state jail felony.

2-16 (g) It is a defense to prosecution under Subsection (c) that
2-17 the act or omission enables the child, elderly individual, or
2-18 disabled individual to practice for or participate in an organized
2-19 athletic event and that appropriate safety equipment and procedures
2-20 are employed in the event.

2-21 (h) It is an exception to the application of this section
2-22 for abandoning or endangering a child that the actor voluntarily
2-23 delivered the child to a designated emergency infant care provider
2-24 under Section 262.302, Family Code.

2-25 SECTION 2. Article 12.01, Code of Criminal Procedure, is
2-26 amended to read as follows:

2-27 Art. 12.01. FELONIES. Except as provided in Article 12.03,
2-28 felony indictments may be presented within these limits, and not
2-29 afterward:

2-30 (1) no limitation:

2-31 (A) murder and manslaughter;

2-32 (B) sexual assault under Section 22.011(a)(2),
2-33 Penal Code, or aggravated sexual assault under Section
2-34 22.021(a)(1)(B), Penal Code;

2-35 (C) sexual assault, if:

2-36 (i) during the investigation of the offense
2-37 biological matter is collected and the matter:

2-38 (a) has not yet been subjected to
2-39 forensic DNA testing; or

2-40 (b) has been subjected to forensic DNA
2-41 testing and the testing results show that the matter does not match
2-42 the victim or any other person whose identity is readily
2-43 ascertained; or

2-44 (ii) probable cause exists to believe that
2-45 the defendant has committed the same or a similar sex offense
2-46 against five or more victims;

2-47 (D) continuous sexual abuse of young child or
2-48 disabled individual under Section 21.02, Penal Code;

2-49 (E) indecency with a child under Section 21.11,
2-50 Penal Code;

2-51 (F) an offense involving leaving the scene of an
2-52 accident under Section 550.021, Transportation Code, if the
2-53 accident resulted in the death of a person;

2-54 (G) trafficking of persons under Section
2-55 20A.02(a)(7) or (8), Penal Code;

2-56 (H) continuous trafficking of persons under
2-57 Section 20A.03, Penal Code; or

2-58 (I) compelling prostitution under Section
2-59 43.05(a)(2), Penal Code;

2-60 (2) ten years from the date of the commission of the
2-61 offense:

2-62 (A) theft of any estate, real, personal or mixed,
2-63 by an executor, administrator, guardian or trustee, with intent to
2-64 defraud any creditor, heir, legatee, ward, distributee,
2-65 beneficiary or settlor of a trust interested in such estate;

2-66 (B) theft by a public servant of government
2-67 property over which the public servant exercises control in the
2-68 public servant's official capacity;

2-69 (C) forgery or the uttering, using, or passing of

3-1 forged instruments;
 3-2 (D) injury to an elderly or disabled individual
 3-3 punishable as a felony of the first degree under Section 22.04,
 3-4 Penal Code;
 3-5 (E) sexual assault, except as provided by
 3-6 Subdivision (1) or (7);
 3-7 (F) arson;
 3-8 (G) trafficking of persons under Section
 3-9 20A.02(a)(1), (2), (3), or (4), Penal Code; or
 3-10 (H) compelling prostitution under Section
 3-11 43.05(a)(1), Penal Code;
 3-12 (3) seven years from the date of the commission of the
 3-13 offense:
 3-14 (A) misapplication of fiduciary property or
 3-15 property of a financial institution;
 3-16 (B) fraudulent securing of document execution;
 3-17 (C) a felony violation under Chapter 162, Tax
 3-18 Code;
 3-19 (D) false statement to obtain property or credit
 3-20 under Section 32.32, Penal Code;
 3-21 (E) money laundering;
 3-22 (F) credit card or debit card abuse under Section
 3-23 32.31, Penal Code;
 3-24 (G) fraudulent use or possession of identifying
 3-25 information under Section 32.51, Penal Code;
 3-26 (H) exploitation of a child, elderly individual,
 3-27 or disabled individual under Section 32.53, Penal Code;
 3-28 (I) health care fraud under Section 35A.02, Penal
 3-29 Code; or
 3-30 (J) bigamy under Section 25.01, Penal Code,
 3-31 except as provided by Subdivision (6);
 3-32 (4) five years from the date of the commission of the
 3-33 offense:
 3-34 (A) theft or robbery;
 3-35 (B) except as provided by Subdivision (5),
 3-36 kidnapping or burglary;
 3-37 (C) injury to an elderly or disabled individual
 3-38 that is not punishable as a felony of the first degree under Section
 3-39 22.04, Penal Code;
 3-40 (D) abandoning or endangering a child, elderly
 3-41 individual, or disabled individual; or
 3-42 (E) insurance fraud;
 3-43 (5) if the investigation of the offense shows that the
 3-44 victim is younger than 17 years of age at the time the offense is
 3-45 committed, 20 years from the 18th birthday of the victim of one of
 3-46 the following offenses:
 3-47 (A) sexual performance by a child under Section
 3-48 43.25, Penal Code;
 3-49 (B) aggravated kidnapping under Section
 3-50 20.04(a)(4), Penal Code, if the defendant committed the offense
 3-51 with the intent to violate or abuse the victim sexually; or
 3-52 (C) burglary under Section 30.02, Penal Code, if
 3-53 the offense is punishable under Subsection (d) of that section and
 3-54 the defendant committed the offense with the intent to commit an
 3-55 offense described by Subdivision (1)(B) or (D) of this article or
 3-56 Paragraph (B) of this subdivision;
 3-57 (6) ten years from the 18th birthday of the victim of
 3-58 the offense:
 3-59 (A) trafficking of persons under Section
 3-60 20A.02(a)(5) or (6), Penal Code;
 3-61 (B) injury to a child under Section 22.04, Penal
 3-62 Code; or
 3-63 (C) bigamy under Section 25.01, Penal Code, if
 3-64 the investigation of the offense shows that the person, other than
 3-65 the legal spouse of the defendant, whom the defendant marries or
 3-66 purports to marry or with whom the defendant lives under the
 3-67 appearance of being married is younger than 18 years of age at the
 3-68 time the offense is committed;
 3-69 (7) two years from the date the offense was

4-1 discovered: sexual assault punishable as a state jail felony under
4-2 Section 22.011(f)(2), Penal Code; or
4-3 (8) three years from the date of the commission of the
4-4 offense: all other felonies.

4-5 SECTION 3. Section 201.062(a), Estates Code, is amended to
4-6 read as follows:

4-7 (a) A probate court may enter an order declaring that the
4-8 parent of a child under 18 years of age may not inherit from or
4-9 through the child under the laws of descent and distribution if the
4-10 court finds by clear and convincing evidence that the parent has:

4-11 (1) voluntarily abandoned and failed to support the
4-12 child in accordance with the parent's obligation or ability for at
4-13 least three years before the date of the child's death, and did not
4-14 resume support for the child before that date;

4-15 (2) voluntarily and with knowledge of the pregnancy:

4-16 (A) abandoned the child's mother beginning at a
4-17 time during her pregnancy with the child and continuing through the
4-18 birth;

4-19 (B) failed to provide adequate support or medical
4-20 care for the mother during the period of abandonment before the
4-21 child's birth; and

4-22 (C) remained apart from and failed to support the
4-23 child since birth; or

4-24 (3) been convicted or has been placed on community
4-25 supervision, including deferred adjudication community
4-26 supervision, for being criminally responsible for the death or
4-27 serious injury of a child under the following sections of the Penal
4-28 Code or adjudicated under Title 3, Family Code, for conduct that
4-29 caused the death or serious injury of a child and that would
4-30 constitute a violation of one of the following sections of the Penal
4-31 Code:

4-32 (A) Section 19.02 (murder);

4-33 (B) Section 19.03 (capital murder);

4-34 (C) Section 19.04 (manslaughter);

4-35 (D) Section 21.11 (indecency with a child);

4-36 (E) Section 22.01 (assault);

4-37 (F) Section 22.011 (sexual assault);

4-38 (G) Section 22.02 (aggravated assault);

4-39 (H) Section 22.021 (aggravated sexual assault);

4-40 (I) Section 22.04 (injury to a child, elderly
4-41 individual, or disabled individual);

4-42 (J) Section 22.041 (abandoning or endangering a
4-43 child, elderly individual, or disabled individual);

4-44 (K) Section 25.02 (prohibited sexual conduct);

4-45 (L) Section 43.25 (sexual performance by a
4-46 child); or

4-47 (M) Section 43.26 (possession or promotion of
4-48 child pornography).

4-49 SECTION 4. Section 1104.353(b), Estates Code, is amended to
4-50 read as follows:

4-51 (b) It is presumed to be not in the best interests of a ward
4-52 or incapacitated person to appoint as guardian of the ward or
4-53 incapacitated person a person who has been finally convicted of:

4-54 (1) any sexual offense, including sexual assault,
4-55 aggravated sexual assault, and prohibited sexual conduct;

4-56 (2) aggravated assault;

4-57 (3) injury to a child, elderly individual, or disabled
4-58 individual;

4-59 (4) abandoning or endangering a child, elderly
4-60 individual, or disabled individual;

4-61 (5) terroristic threat; or

4-62 (6) continuous violence against the family of the ward
4-63 or incapacitated person.

4-64 SECTION 5. Section 161.001(b), Family Code, is amended to
4-65 read as follows:

4-66 (b) The court may order termination of the parent-child
4-67 relationship if the court finds by clear and convincing evidence:

4-68 (1) that the parent has:

4-69 (A) voluntarily left the child alone or in the

5-1 possession of another not the parent and expressed an intent not to
5-2 return;

5-3 (B) voluntarily left the child alone or in the
5-4 possession of another not the parent without expressing an intent
5-5 to return, without providing for the adequate support of the child,
5-6 and remained away for a period of at least three months;

5-7 (C) voluntarily left the child alone or in the
5-8 possession of another without providing adequate support of the
5-9 child and remained away for a period of at least six months;

5-10 (D) knowingly placed or knowingly allowed the
5-11 child to remain in conditions or surroundings which endanger the
5-12 physical or emotional well-being of the child;

5-13 (E) engaged in conduct or knowingly placed the
5-14 child with persons who engaged in conduct which endangers the
5-15 physical or emotional well-being of the child;

5-16 (F) failed to support the child in accordance
5-17 with the parent's ability during a period of one year ending within
5-18 six months of the date of the filing of the petition;

5-19 (G) abandoned the child without identifying the
5-20 child or furnishing means of identification, and the child's
5-21 identity cannot be ascertained by the exercise of reasonable
5-22 diligence;

5-23 (H) voluntarily, and with knowledge of the
5-24 pregnancy, abandoned the mother of the child beginning at a time
5-25 during her pregnancy with the child and continuing through the
5-26 birth, failed to provide adequate support or medical care for the
5-27 mother during the period of abandonment before the birth of the
5-28 child, and remained apart from the child or failed to support the
5-29 child since the birth;

5-30 (I) contumaciously refused to submit to a
5-31 reasonable and lawful order of a court under Subchapter D, Chapter
5-32 261;

5-33 (J) been the major cause of:

5-34 (i) the failure of the child to be enrolled
5-35 in school as required by the Education Code; or

5-36 (ii) the child's absence from the child's
5-37 home without the consent of the parents or guardian for a
5-38 substantial length of time or without the intent to return;

5-39 (K) executed before or after the suit is filed an
5-40 unrevoked or irrevocable affidavit of relinquishment of parental
5-41 rights as provided by this chapter;

5-42 (L) been convicted or has been placed on
5-43 community supervision, including deferred adjudication community
5-44 supervision, for being criminally responsible for the death or
5-45 serious injury of a child under the following sections of the Penal
5-46 Code, or under a law of another jurisdiction that contains elements
5-47 that are substantially similar to the elements of an offense under
5-48 one of the following Penal Code sections, or adjudicated under
5-49 Title 3 for conduct that caused the death or serious injury of a
5-50 child and that would constitute a violation of one of the following
5-51 Penal Code sections:

5-52 (i) Section 19.02 (murder);

5-53 (ii) Section 19.03 (capital murder);

5-54 (iii) Section 19.04 (manslaughter);

5-55 (iv) Section 21.11 (indecent with a
5-56 child);

5-57 (v) Section 22.01 (assault);

5-58 (vi) Section 22.011 (sexual assault);

5-59 (vii) Section 22.02 (aggravated assault);

5-60 (viii) Section 22.021 (aggravated sexual
5-61 assault);

5-62 (ix) Section 22.04 (injury to a child,
5-63 elderly individual, or disabled individual);

5-64 (x) Section 22.041 (abandoning or
5-65 endangering a child, elderly individual, or disabled individual);

5-66 (xi) Section 25.02 (prohibited sexual
5-67 conduct);

5-68 (xii) Section 43.25 (sexual performance by
5-69 a child);

6-1 (xiii) Section 43.26 (possession or
6-2 promotion of child pornography);
6-3 (xiv) Section 21.02 (continuous sexual
6-4 abuse of young child or disabled individual);
6-5 (xv) Section 20A.02(a)(7) or (8)
6-6 (trafficking of persons); and
6-7 (xvi) Section 43.05(a)(2) (compelling
6-8 prostitution);
6-9 (M) had his or her parent-child relationship
6-10 terminated with respect to another child based on a finding that the
6-11 parent's conduct was in violation of Paragraph (D) or (E) or
6-12 substantially equivalent provisions of the law of another state;
6-13 (N) constructively abandoned the child who has
6-14 been in the permanent or temporary managing conservatorship of the
6-15 Department of Family and Protective Services for not less than six
6-16 months, and:
6-17 (i) the department has made reasonable
6-18 efforts to return the child to the parent;
6-19 (ii) the parent has not regularly visited
6-20 or maintained significant contact with the child; and
6-21 (iii) the parent has demonstrated an
6-22 inability to provide the child with a safe environment;
6-23 (O) failed to comply with the provisions of a
6-24 court order that specifically established the actions necessary for
6-25 the parent to obtain the return of the child who has been in the
6-26 permanent or temporary managing conservatorship of the Department
6-27 of Family and Protective Services for not less than nine months as a
6-28 result of the child's removal from the parent under Chapter 262 for
6-29 the abuse or neglect of the child;
6-30 (P) used a controlled substance, as defined by
6-31 Chapter 481, Health and Safety Code, in a manner that endangered the
6-32 health or safety of the child, and:
6-33 (i) failed to complete a court-ordered
6-34 substance abuse treatment program; or
6-35 (ii) after completion of a court-ordered
6-36 substance abuse treatment program, continued to abuse a controlled
6-37 substance;
6-38 (Q) knowingly engaged in criminal conduct that
6-39 has resulted in the parent's:
6-40 (i) conviction of an offense; and
6-41 (ii) confinement or imprisonment and
6-42 inability to care for the child for not less than two years from the
6-43 date of filing the petition;
6-44 (R) been the cause of the child being born
6-45 addicted to alcohol or a controlled substance, other than a
6-46 controlled substance legally obtained by prescription;
6-47 (S) voluntarily delivered the child to a
6-48 designated emergency infant care provider under Section 262.302
6-49 without expressing an intent to return for the child;
6-50 (T) been convicted of:
6-51 (i) the murder of the other parent of the
6-52 child under Section 19.02 or 19.03, Penal Code, or under a law of
6-53 another state, federal law, the law of a foreign country, or the
6-54 Uniform Code of Military Justice that contains elements that are
6-55 substantially similar to the elements of an offense under Section
6-56 19.02 or 19.03, Penal Code;
6-57 (ii) criminal attempt under Section 15.01,
6-58 Penal Code, or under a law of another state, federal law, the law of
6-59 a foreign country, or the Uniform Code of Military Justice that
6-60 contains elements that are substantially similar to the elements of
6-61 an offense under Section 15.01, Penal Code, to commit the offense
6-62 described by Subparagraph (i);
6-63 (iii) criminal solicitation under Section
6-64 15.03, Penal Code, or under a law of another state, federal law, the
6-65 law of a foreign country, or the Uniform Code of Military Justice
6-66 that contains elements that are substantially similar to the
6-67 elements of an offense under Section 15.03, Penal Code, of the
6-68 offense described by Subparagraph (i); or
6-69 (iv) the sexual assault of the other parent

7-1 of the child under Section 22.011 or 22.021, Penal Code, or under a
 7-2 law of another state, federal law, or the Uniform Code of Military
 7-3 Justice that contains elements that are substantially similar to
 7-4 the elements of an offense under Section 22.011 or 22.021, Penal
 7-5 Code; or

7-6 (U) been placed on community supervision,
 7-7 including deferred adjudication community supervision, or another
 7-8 functionally equivalent form of community supervision or
 7-9 probation, for being criminally responsible for the sexual assault
 7-10 of the other parent of the child under Section 22.011 or 22.021,
 7-11 Penal Code, or under a law of another state, federal law, or the
 7-12 Uniform Code of Military Justice that contains elements that are
 7-13 substantially similar to the elements of an offense under Section
 7-14 22.011 or 22.021, Penal Code; and

7-15 (2) that termination is in the best interest of the
 7-16 child.

7-17 SECTION 6. Section 262.2015(b), Family Code, is amended to
 7-18 read as follows:

7-19 (b) The court may find under Subsection (a) that a parent
 7-20 has subjected the child to aggravated circumstances if:

7-21 (1) the parent abandoned the child without
 7-22 identification or a means for identifying the child;

7-23 (2) the child or another child of the parent is a
 7-24 victim of serious bodily injury or sexual abuse inflicted by the
 7-25 parent or by another person with the parent's consent;

7-26 (3) the parent has engaged in conduct against the
 7-27 child or another child of the parent that would constitute an
 7-28 offense under the following provisions of the Penal Code:

7-29 (A) Section 19.02 (murder);

7-30 (B) Section 19.03 (capital murder);

7-31 (C) Section 19.04 (manslaughter);

7-32 (D) Section 21.11 (indecent with a child);

7-33 (E) Section 22.011 (sexual assault);

7-34 (F) Section 22.02 (aggravated assault);

7-35 (G) Section 22.021 (aggravated sexual assault);

7-36 (H) Section 22.04 (injury to a child, elderly
 7-37 individual, or disabled individual);

7-38 (I) Section 22.041 (abandoning or endangering a
 7-39 child, elderly individual, or disabled individual);

7-40 (J) Section 25.02 (prohibited sexual conduct);

7-41 (K) Section 43.25 (sexual performance by a
 7-42 child);

7-43 (L) Section 43.26 (possession or promotion of
 7-44 child pornography);

7-45 (M) Section 21.02 (continuous sexual abuse of
 7-46 young child or disabled individual);

7-47 (N) Section 43.05(a)(2) (compelling
 7-48 prostitution); or

7-49 (O) Section 20A.02(a)(7) or (8) (trafficking of
 7-50 persons);

7-51 (4) the parent voluntarily left the child alone or in
 7-52 the possession of another person not the parent of the child for at
 7-53 least six months without expressing an intent to return and without
 7-54 providing adequate support for the child;

7-55 (5) the parent has been convicted for:

7-56 (A) the murder of another child of the parent and
 7-57 the offense would have been an offense under 18 U.S.C. Section
 7-58 1111(a) if the offense had occurred in the special maritime or
 7-59 territorial jurisdiction of the United States;

7-60 (B) the voluntary manslaughter of another child
 7-61 of the parent and the offense would have been an offense under 18
 7-62 U.S.C. Section 1112(a) if the offense had occurred in the special
 7-63 maritime or territorial jurisdiction of the United States;

7-64 (C) aiding or abetting, attempting, conspiring,
 7-65 or soliciting an offense under Paragraph (A) or (B); or

7-66 (D) the felony assault of the child or another
 7-67 child of the parent that resulted in serious bodily injury to the
 7-68 child or another child of the parent; or

7-69 (6) the parent is required under any state or federal

8-1 law to register with a sex offender registry.

8-2 SECTION 7. Section 250.006(a), Health and Safety Code, is
8-3 amended to read as follows:

8-4 (a) A person for whom the facility or the individual
8-5 employer is entitled to obtain criminal history record information
8-6 may not be employed in a facility or by an individual employer if
8-7 the person has been convicted of an offense listed in this
8-8 subsection:

- 8-9 (1) an offense under Chapter 19, Penal Code (criminal
8-10 homicide);
- 8-11 (2) an offense under Chapter 20, Penal Code
8-12 (kidnapping, unlawful restraint, and smuggling of persons);
- 8-13 (3) an offense under Section 21.02, Penal Code
8-14 (continuous sexual abuse of young child or disabled individual), or
8-15 Section 21.11, Penal Code (indecent with a child);
- 8-16 (4) an offense under Section 22.011, Penal Code
8-17 (sexual assault);
- 8-18 (5) an offense under Section 22.02, Penal Code
8-19 (aggravated assault);
- 8-20 (6) an offense under Section 22.04, Penal Code (injury
8-21 to a child, elderly individual, or disabled individual);
- 8-22 (7) an offense under Section 22.041, Penal Code
8-23 (abandoning or endangering a child, elderly individual, or disabled
8-24 individual);
- 8-25 (8) an offense under Section 22.08, Penal Code (aiding
8-26 suicide);
- 8-27 (9) an offense under Section 25.031, Penal Code
8-28 (agreement to abduct from custody);
- 8-29 (10) an offense under Section 25.08, Penal Code (sale
8-30 or purchase of child);
- 8-31 (11) an offense under Section 28.02, Penal Code
8-32 (arson);
- 8-33 (12) an offense under Section 29.02, Penal Code
8-34 (robbery);
- 8-35 (13) an offense under Section 29.03, Penal Code
8-36 (aggravated robbery);
- 8-37 (14) an offense under Section 21.08, Penal Code
8-38 (indecent exposure);
- 8-39 (15) an offense under Section 21.12, Penal Code
8-40 (improper relationship between educator and student);
- 8-41 (16) an offense under Section 21.15, Penal Code
8-42 (invasive visual recording);
- 8-43 (17) an offense under Section 22.05, Penal Code
8-44 (deadly conduct);
- 8-45 (18) an offense under Section 22.021, Penal Code
8-46 (aggravated sexual assault);
- 8-47 (19) an offense under Section 22.07, Penal Code
8-48 (terroristic threat);
- 8-49 (20) an offense under Section 32.53, Penal Code
8-50 (exploitation of child, elderly individual, or disabled
8-51 individual);
- 8-52 (21) an offense under Section 33.021, Penal Code
8-53 (online solicitation of a minor);
- 8-54 (22) an offense under Section 34.02, Penal Code (money
8-55 laundering);
- 8-56 (23) an offense under Section 35A.02, Penal Code
8-57 (health care fraud);
- 8-58 (24) an offense under Section 36.06, Penal Code
8-59 (obstruction or retaliation);
- 8-60 (25) an offense under Section 42.09, Penal Code
8-61 (cruelty to livestock animals), or under Section 42.092, Penal Code
8-62 (cruelty to nonlivestock animals); or
- 8-63 (26) a conviction under the laws of another state,
8-64 federal law, or the Uniform Code of Military Justice for an offense
8-65 containing elements that are substantially similar to the elements
8-66 of an offense listed by this subsection.

8-67 SECTION 8. Section 301.4535(a), Occupations Code, is
8-68 amended to read as follows:

8-69 (a) The board shall suspend a nurse's license or refuse to

- 9-1 issue a license to an applicant on proof that the nurse or applicant
9-2 has been initially convicted of:
- 9-3 (1) murder under Section 19.02, Penal Code, capital
9-4 murder under Section 19.03, Penal Code, or manslaughter under
9-5 Section 19.04, Penal Code;
 - 9-6 (2) kidnapping or unlawful restraint under Chapter 20,
9-7 Penal Code, and the offense was punished as a felony or state jail
9-8 felony;
 - 9-9 (3) sexual assault under Section 22.011, Penal Code;
 - 9-10 (4) aggravated sexual assault under Section 22.021,
9-11 Penal Code;
 - 9-12 (5) continuous sexual abuse of young child or disabled
9-13 individual under Section 21.02, Penal Code, or indecency with a
9-14 child under Section 21.11, Penal Code;
 - 9-15 (6) aggravated assault under Section 22.02, Penal
9-16 Code;
 - 9-17 (7) intentionally, knowingly, or recklessly injuring
9-18 a child, elderly individual, or disabled individual under Section
9-19 22.04, Penal Code;
 - 9-20 (8) intentionally, knowingly, or recklessly
9-21 abandoning or endangering a child, elderly individual, or disabled
9-22 individual under Section 22.041, Penal Code;
 - 9-23 (9) aiding suicide under Section 22.08, Penal Code,
9-24 and the offense was punished as a state jail felony;
 - 9-25 (10) an offense involving a violation of certain court
9-26 orders or conditions of bond under Section 25.07, 25.071, or
9-27 25.072, Penal Code, punished as a felony;
 - 9-28 (11) an agreement to abduct a child from custody under
9-29 Section 25.031, Penal Code;
 - 9-30 (12) the sale or purchase of a child under Section
9-31 25.08, Penal Code;
 - 9-32 (13) robbery under Section 29.02, Penal Code;
 - 9-33 (14) aggravated robbery under Section 29.03, Penal
9-34 Code;
 - 9-35 (15) an offense for which a defendant is required to
9-36 register as a sex offender under Chapter 62, Code of Criminal
9-37 Procedure; or
 - 9-38 (16) an offense under the law of another state,
9-39 federal law, or the Uniform Code of Military Justice that contains
9-40 elements that are substantially similar to the elements of an
9-41 offense listed in this subsection.

9-42 SECTION 9. The changes in law made by this Act apply only to
9-43 an offense committed on or after the effective date of this Act. An
9-44 offense committed before the effective date of this Act is governed
9-45 by the law in effect on the date the offense was committed, and the
9-46 former law is continued in effect for that purpose. For purposes of
9-47 this section, an offense was committed before the effective date of
9-48 this Act if any element of the offense was committed before that
9-49 date.

9-50 SECTION 10. This Act takes effect September 1, 2023.

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