

By: Frazier

H.B. No. 4180

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of organized criminal activity
3 involving obstructing a highway or other passageway by engaging in
4 a reckless driving exhibition or street racing on a highway.

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

6 SECTION 1. Section 71.02(a), Penal Code, is amended to read
7 as follows:

8 (a) A person commits an offense if, with the intent to
9 establish, maintain, or participate in a combination or in the
10 profits of a combination or as a member of a criminal street gang,
11 the person commits or conspires to commit one or more of the
12 following:

13 (1) murder, capital murder, arson, aggravated robbery,
14 robbery, burglary, theft, aggravated kidnapping, kidnapping,
15 aggravated assault, aggravated sexual assault, sexual assault,
16 continuous sexual abuse of young child or disabled individual,
17 solicitation of a minor, forgery, deadly conduct, assault
18 punishable as a Class A misdemeanor, burglary of a motor vehicle, or
19 unauthorized use of a motor vehicle;

20 (2) any gambling offense punishable as a Class A
21 misdemeanor;

22 (3) promotion of prostitution, aggravated promotion of
23 prostitution, or compelling prostitution;

24 (4) unlawful manufacture, transportation, repair, or sale

1 of firearms or prohibited weapons;

2 (5) unlawful manufacture, delivery, dispensation, or
3 distribution of a controlled substance or dangerous drug, or
4 unlawful possession of a controlled substance or dangerous drug
5 through forgery, fraud, misrepresentation, or deception;

6 (5-a) causing the unlawful delivery, dispensation, or
7 distribution of a controlled substance or dangerous drug in
8 violation of Subtitle B, Title 3, Occupations Code;

9 (6) any unlawful wholesale promotion or possession of any
10 obscene material or obscene device with the intent to wholesale
11 promote the same;

12 (7) any offense under Subchapter B, Chapter 43, depicting or
13 involving conduct by or directed toward a child younger than 18
14 years of age;

15 (8) any felony offense under Chapter 32;

16 (9) any offense under Chapter 36;

17 (10) any offense under Chapter 34, 35, or 35A;

18 (11) any offense under Section 37.11(a);

19 (12) any offense under Chapter 20A;

20 (13) any offense under Section 37.10;

21 (14) any offense under Section 38.06, 38.07, 38.09, or
22 38.11;

23 (15) any offense under Section 42.10

24 (16) any offense under Section 46.06(a)(1) or 46.14;

25 (17) any offense under Section 20.05 or 20.06;

26 (18) any offense under Section 16.02; or

27 (19) any offense punishable under Section 42.03(d) or

1 42.03(e);

2 (20) any offense classified as a felony under the Tax Code;

3 (21) any offense under Section 545.420 of the
4 Transportation Code.

5 SECTION 2. The change in law made by this Act applies only
6 to an offense committed on or after the effective date of this Act.
7 An offense committed before the effective date of this Act is
8 governed by the law in effect on the date the offense was committed,
9 and the former law is continued in effect for that purpose. For
10 purposes of this section, an offense was committed before the
11 effective date of this Act if any element of the offense occurred
12 before that date.

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