

By: Guillen

H.B. No. 4642

Substitute the following for H.B. No. 4642:

By: Troxclair

C.S.H.B. No. 4642

A BILL TO BE ENTITLED

AN ACT

relating to offenses involving the manufacture or delivery of certain controlled substances and the enforcement and prevention of those offenses; creating a criminal offense.

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

SECTION 1. Article 2.32(b), Code of Criminal Procedure, is amended to read as follows:

(b) Unless good cause exists that makes electronic recording infeasible, a law enforcement agency shall make a complete and contemporaneous electronic recording of any custodial interrogation that occurs in a place of detention and is of a person suspected of committing or charged with the commission of an offense under:

(1) Section 19.02, Penal Code (murder);

(2) Section 19.03, Penal Code (capital murder);

(3) Section 19.07, Penal Code (lethal opioid poisoning);

(4) Section 20.03, Penal Code (kidnapping);

(5) ~~[(4)]~~ Section 20.04, Penal Code (aggravated kidnapping);

(6) ~~[(5)]~~ Section 20A.02, Penal Code (trafficking of persons);

(7) ~~[(6)]~~ Section 20A.03, Penal Code (continuous trafficking of persons);

1 (8) [~~(7)~~] Section 21.02, Penal Code (continuous
2 sexual abuse of young child or disabled individual);

3 (9) [~~(8)~~] Section 21.11, Penal Code (indecenty with a
4 child);

5 (10) [~~(9)~~] Section 21.12, Penal Code (improper
6 relationship between educator and student);

7 (11) [~~(10)~~] Section 22.011, Penal Code (sexual
8 assault);

9 (12) [~~(11)~~] Section 22.021, Penal Code (aggravated
10 sexual assault); or

11 (13) [~~(12)~~] Section 43.25, Penal Code (sexual
12 performance by a child).

13 SECTION 2. Article 12.01, Code of Criminal Procedure, is
14 amended to read as follows:

15 Art. 12.01. FELONIES. Except as provided in Article 12.03,
16 felony indictments may be presented within these limits, and not
17 afterward:

18 (1) no limitation:

19 (A) murder and manslaughter;

20 (B) sexual assault under Section 22.011(a)(2),
21 Penal Code, or aggravated sexual assault under Section
22 22.021(a)(1)(B), Penal Code;

23 (C) sexual assault, if:

24 (i) during the investigation of the offense
25 biological matter is collected and the matter:

26 (a) has not yet been subjected to
27 forensic DNA testing; or

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

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

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

(E) indecency with a child under Section 21.11, Penal Code;

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

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

(H) continuous trafficking of persons under Section 20A.03, Penal Code; ~~or~~

(I) compelling prostitution under Section 43.05(a)(2), Penal Code; or

(J) lethal opioid poisoning under Section 19.07, Penal Code;

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

(A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee,

beneficiary or settlor of a trust interested in such estate;

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

(C) forgery or the uttering, using, or passing of forged instruments;

(D) injury to an elderly or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;

(E) sexual assault, except as provided by Subdivision (1) or (7);

(F) arson;

(G) trafficking of persons under Section 20A.02(a)(1), (2), (3), or (4), Penal Code; or

(H) compelling prostitution under Section 43.05(a)(1), Penal Code;

(3) seven years from the date of the commission of the offense:

(A) misapplication of fiduciary property or property of a financial institution;

(B) fraudulent securing of document execution;

(C) a felony violation under Chapter 162, Tax Code;

(D) false statement to obtain property or credit under Section 32.32, Penal Code;

(E) money laundering;

(F) credit card or debit card abuse under Section

1 32.31, Penal Code;

2 (G) fraudulent use or possession of identifying

3 information under Section 32.51, Penal Code;

4 (H) exploitation of a child, elderly individual,

5 or disabled individual under Section 32.53, Penal Code;

6 (I) health care fraud under Section 35A.02, Penal

7 Code; or

8 (J) bigamy under Section 25.01, Penal Code,

9 except as provided by Subdivision (6);

10 (4) five years from the date of the commission of the

11 offense:

12 (A) theft or robbery;

13 (B) except as provided by Subdivision (5),

14 kidnapping or burglary;

15 (C) injury to an elderly or disabled individual

16 that is not punishable as a felony of the first degree under Section

17 22.04, Penal Code;

18 (D) abandoning or endangering a child; or

19 (E) insurance fraud;

20 (5) if the investigation of the offense shows that the

21 victim is younger than 17 years of age at the time the offense is

22 committed, 20 years from the 18th birthday of the victim of one of

23 the following offenses:

24 (A) sexual performance by a child under Section

25 43.25, Penal Code;

26 (B) aggravated kidnapping under Section

27 20.04(a)(4), Penal Code, if the defendant committed the offense

1 with the intent to violate or abuse the victim sexually; or

2 (C) burglary under Section 30.02, Penal Code, if
3 the offense is punishable under Subsection (d) of that section and
4 the defendant committed the offense with the intent to commit an
5 offense described by Subdivision (1)(B) or (D) of this article or
6 Paragraph (B) of this subdivision;

7 (6) ten years from the 18th birthday of the victim of
8 the offense:

9 (A) trafficking of persons under Section
10 20A.02(a)(5) or (6), Penal Code;

11 (B) injury to a child under Section 22.04, Penal
12 Code; or

13 (C) bigamy under Section 25.01, Penal Code, if
14 the investigation of the offense shows that the person, other than
15 the legal spouse of the defendant, whom the defendant marries or
16 purports to marry or with whom the defendant lives under the
17 appearance of being married is younger than 18 years of age at the
18 time the offense is committed;

19 (7) two years from the date the offense was
20 discovered: sexual assault punishable as a state jail felony under
21 Section 22.011(f)(2), Penal Code; or

22 (8) three years from the date of the commission of the
23 offense: all other felonies.

24 SECTION 3. Article 17.03(b-2), Code of Criminal Procedure,
25 is amended to read as follows:

26 (b-2) Except as provided by Articles 15.21, 17.033, and
27 17.151, a defendant may not be released on personal bond if the

defendant:

(1) is charged with:

(A) an offense involving violence; or

(B) an offense under Section 19.07, Penal Code
(lethal opioid poisoning); or

(2) while released on bail or community supervision
for an offense described by Subdivision (1) ~~[involving violence]~~,
is charged with committing:

(A) any offense punishable as a felony; or

(B) an offense under the following provisions of
the Penal Code:

(i) Section 22.01(a)(1) (assault);

(ii) Section 22.05 (deadly conduct);

(iii) Section 22.07 (terroristic threat);

or

(iv) Section 42.01(a)(7) or (8) (disorderly
conduct involving firearm).

SECTION 4. Article 17.032(b), Code of Criminal Procedure,
is amended to read as follows:

(b) Notwithstanding Article 17.03(b), or a bond schedule
adopted or a standing order entered by a judge, a magistrate shall
release a defendant on personal bond unless good cause is shown
otherwise if:

(1) the defendant is not charged with and has not been
previously convicted of a violent offense or an offense under
Section 19.07, Penal Code;

(2) the defendant is examined by the service provider

1 that contracts with the jail to provide mental health or
2 intellectual and developmental disability services, the local
3 mental health authority, the local intellectual and developmental
4 disability authority, or another qualified mental health or
5 intellectual and developmental disability expert under Article
6 [16.22](#);

7 (3) the applicable expert, in a written report
8 submitted to the magistrate under Article [16.22](#):

9 (A) concludes that the defendant has a mental
10 illness or is a person with an intellectual disability and is
11 nonetheless competent to stand trial; and

12 (B) recommends mental health treatment or
13 intellectual and developmental disability services for the
14 defendant, as applicable;

15 (4) the magistrate determines, in consultation with
16 the local mental health authority or local intellectual and
17 developmental disability authority, that appropriate
18 community-based mental health or intellectual and developmental
19 disability services for the defendant are available in accordance
20 with Section [534.053](#) or [534.103](#), Health and Safety Code, or through
21 another mental health or intellectual and developmental disability
22 services provider; and

23 (5) the magistrate finds, after considering all the
24 circumstances, a pretrial risk assessment, if applicable, and any
25 other credible information provided by the attorney representing
26 the state or the defendant, that release on personal bond would
27 reasonably ensure the defendant's appearance in court as required

1 and the safety of the community and the victim of the alleged
2 offense.

3 SECTION 5. Article 17.50(b), Code of Criminal Procedure, is
4 amended to read as follows:

5 (b) As soon as practicable but not later than the next day
6 after the date a magistrate issues an order imposing a condition of
7 bond on a defendant under this chapter for a violent offense or an
8 offense under Section 19.07, Penal Code, the magistrate shall
9 notify the sheriff of the condition and provide to the sheriff the
10 following information:

11 (1) the information listed in Section 411.042(b)(6),
12 Government Code, as that information relates to an order described
13 by this subsection;

14 (2) the name and address of any named person the
15 condition of bond is intended to protect, and if different and
16 applicable, the name and address of the victim of the alleged
17 offense;

18 (3) the date the order releasing the defendant on bond
19 was issued; and

20 (4) the court that issued the order releasing the
21 defendant on bond.

22 SECTION 6. Article 18A.101, Code of Criminal Procedure, is
23 amended to read as follows:

24 Art. 18A.101. OFFENSES FOR WHICH INTERCEPTION ORDER MAY BE
25 ISSUED. A judge of competent jurisdiction may issue an
26 interception order only if the prosecutor applying for the order
27 shows probable cause to believe that the interception will provide

evidence of the commission of:

(1) a felony under any of the following provisions of the Health and Safety Code:

(A) Chapter 481, other than felony possession of marihuana;

(B) Chapter 483; or

(C) Section 485.032;

(2) an offense under any of the following provisions of the Penal Code:

(A) Section 19.02;

(B) Section 19.03;

(C) Section 19.07;

(D) Section 20.03;

(E) [~~(D)~~] Section 20.04;

(F) [~~(E)~~] Chapter 20A;

(G) [~~(F)~~] Chapter 34, if the criminal activity giving rise to the proceeds involves the commission of an offense under Title 5, Penal Code, or an offense under federal law or the laws of another state containing elements that are substantially similar to the elements of an offense under Title 5;

(H) [~~(G)~~] Section 38.11;

(I) [~~(H)~~] Section 43.04;

(J) [~~(I)~~] Section 43.041;

(K) [~~(J)~~] Section 43.05; or

(L) [~~(K)~~] Section 43.26; or

(3) an attempt, conspiracy, or solicitation to commit an offense listed in Subdivision (1) or (2).

SECTION 7. Section 1, Article 38.071, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. This article applies only to a hearing or proceeding in which the court determines that a child younger than 13 years of age would be unavailable to testify in the presence of the defendant about an offense defined by any of the following sections of the Penal Code:

- (1) Section 19.02 (Murder);
- (2) Section 19.03 (Capital Murder);
- (3) Section 19.04 (Manslaughter);
- (4) Section 19.07 (Lethal Opioid Poisoning);
- (5) Section 20.04 (Aggravated Kidnapping);
- (6) [~~5~~] Section 21.11 (Indecency with a Child);
- (7) [~~6~~] Section 22.011 (Sexual Assault);
- (8) [~~7~~] Section 22.02 (Aggravated Assault);
- (9) [~~8~~] Section 22.021 (Aggravated Sexual Assault);
- (10) [~~9~~] Section 22.04(e) (Injury to a Child, Elderly Individual, or Disabled Individual);
- (11) [~~10~~] Section 22.04(f) (Injury to a Child, Elderly Individual, or Disabled Individual), if the conduct is committed intentionally or knowingly;
- (12) [~~11~~] Section 25.02 (Prohibited Sexual Conduct);
- (13) [~~12~~] Section 29.03 (Aggravated Robbery);
- (14) [~~13~~] Section 43.25 (Sexual Performance by a Child);
- (15) [~~14~~] Section 21.02 (Continuous Sexual Abuse of

Young Child or Disabled Individual);

(16) [~~(15)~~] Section 43.05(a)(2) (Compelling Prostitution); or

(17) [~~(16)~~] Section 20A.02(a)(7) or (8) (Trafficking of Persons).

SECTION 8. Article 42A.054(a), Code of Criminal Procedure, is amended to read as follows:

(a) Article 42A.053 does not apply to a defendant adjudged guilty of an offense under:

(1) Section 15.03, Penal Code, if the offense is punishable as a felony of the first degree;

(2) Section 19.02, Penal Code (Murder);

(3) Section 19.03, Penal Code (Capital Murder);

(4) Section 20.04, Penal Code (Aggravated Kidnapping);

(5) Section 20A.02, Penal Code (Trafficking of Persons);

(6) Section 20A.03, Penal Code (Continuous Trafficking of Persons);

(7) Section 21.11, Penal Code (Indecency with a Child);

(8) Section 22.011, Penal Code (Sexual Assault);

(9) Section 22.021, Penal Code (Aggravated Sexual Assault);

(10) Section 22.04(a)(1), Penal Code (Injury to a Child, Elderly Individual, or Disabled Individual), if:

(A) the offense is punishable as a felony of the

1 first degree; and

2 (B) the victim of the offense is a child;

3 (11) Section 29.03, Penal Code (Aggravated Robbery);

4 (12) Section 30.02, Penal Code (Burglary), if:

5 (A) the offense is punishable under Subsection

6 (d) of that section; and

7 (B) the actor committed the offense with the

8 intent to commit a felony under Section 21.02, 21.11, 22.011,

9 22.021, or 25.02, Penal Code;

10 (13) Section 43.04, Penal Code (Aggravated Promotion

11 of Prostitution);

12 (14) Section 43.05, Penal Code (Compelling

13 Prostitution);

14 (15) Section 43.25, Penal Code (Sexual Performance by

15 a Child);

16 (16) Chapter 481, Health and Safety Code, for which

17 punishment is increased under:

18 (A) Section 481.140 of that code (Use of Child in

19 Commission of Offense); or

20 (B) Section 481.134(c), (d), (e), or (f) of that

21 code (Drug-free Zones) if it is shown that the defendant has been

22 previously convicted of an offense for which punishment was

23 increased under any of those subsections; ~~or~~

24 (17) Section 481.1123, Health and Safety Code

25 (Manufacture or Delivery of Substance in Penalty Group 1-B), if the

26 offense is punishable under Subsection (d), (e), or (f) of that

27 section; or

1 (18) Section 19.07, Penal Code (Lethal Opioid
2 Poisoning).

3 SECTION 9. Article 42A.056, Code of Criminal Procedure, is
4 amended to read as follows:

5 Art. 42A.056. LIMITATION ON JURY-RECOMMENDED COMMUNITY
6 SUPERVISION. A defendant is not eligible for community supervision
7 under Article 42A.055 if the defendant:

8 (1) is sentenced to a term of imprisonment that
9 exceeds 10 years;

10 (2) is convicted of a state jail felony for which
11 suspension of the imposition of the sentence occurs automatically
12 under Article 42A.551;

13 (3) is adjudged guilty of an offense under Section
14 19.02 or 19.07, Penal Code;

15 (4) is convicted of an offense under Section 21.11,
16 22.011, or 22.021, Penal Code, if the victim of the offense was
17 younger than 14 years of age at the time the offense was committed;

18 (5) is convicted of an offense under Section 20.04,
19 Penal Code, if:

20 (A) the victim of the offense was younger than 14
21 years of age at the time the offense was committed; and

22 (B) the actor committed the offense with the
23 intent to violate or abuse the victim sexually;

24 (6) is convicted of an offense under Section 20A.02,
25 20A.03, 43.04, 43.05, or 43.25, Penal Code;

26 (7) is convicted of an offense for which punishment is
27 increased under Section 481.134(c), (d), (e), or (f), Health and

Safety Code, 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

(8) is convicted of an offense under Section 481.1123, Health and Safety Code, if the offense is punishable under Subsection (d), (e), or (f) of that section.

SECTION 10. Article 42A.102(b), Code of Criminal Procedure, is amended to read as follows:

(b) In all other cases, the judge may grant deferred adjudication community supervision unless:

(1) the defendant is charged with an offense:

(A) under Section 20A.02, 20A.03, 49.045, 49.05, 49.065, 49.07, or 49.08, Penal Code;

(B) under Section 49.04 or 49.06, Penal Code, and, at the time of the offense:

(i) the defendant held a commercial driver's license or a commercial learner's permit; or

(ii) the defendant's alcohol concentration, as defined by Section 49.01, Penal Code, was 0.15 or more;

(C) for which punishment may be increased under Section 49.09, Penal Code;

(D) for which punishment may be increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any one of those subsections; or

(E) under Section 481.1123, Health and Safety

Code, that is punishable under Subsection (d), (e), or (f) of that section;

(2) the defendant:

(A) is charged with an offense under Section 21.11, 22.011, 22.021, 43.04, or 43.05, Penal Code, regardless of the age of the victim, or a felony described by Article 42A.453(b), other than a felony described by Subdivision (1)(A) or (3)(B) of this subsection; and

(B) has previously been placed on community supervision for an offense under Paragraph (A);

(3) the defendant is charged with an offense under:

(A) Section 21.02, Penal Code; ~~[ex]~~

(B) Section 22.021, Penal Code, that is punishable under Subsection (f) of that section or under Section 12.42(c)(3) or (4), Penal Code; or

(C) Section 19.07, Penal Code; or

(4) the defendant is charged with an offense under Section 19.02, Penal Code, except that the judge may grant deferred adjudication community supervision on determining that the defendant did not cause the death of the deceased, did not intend to kill the deceased or another, and did not anticipate that a human life would be taken.

SECTION 11. Section 37.007(a), Education Code, is amended to read as follows:

(a) Except as provided by Subsection (k), a student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off

1 of school property:

2 (1) engages in conduct that contains the elements of
3 the offense of unlawfully carrying weapons under Section 46.02,
4 Penal Code, or elements of an offense relating to prohibited
5 weapons under Section 46.05, Penal Code;

6 (2) engages in conduct that contains the elements of
7 the offense of:

8 (A) aggravated assault under Section 22.02,
9 Penal Code, sexual assault under Section 22.011, Penal Code, or
10 aggravated sexual assault under Section 22.021, Penal Code;

11 (B) arson under Section 28.02, Penal Code;

12 (C) murder under Section 19.02, Penal Code,
13 capital murder under Section 19.03, Penal Code, or criminal
14 attempt, under Section 15.01, Penal Code, to commit murder or
15 capital murder;

16 (D) indecency with a child under Section 21.11,
17 Penal Code;

18 (E) aggravated kidnapping under Section 20.04,
19 Penal Code;

20 (F) aggravated robbery under Section 29.03,
21 Penal Code;

22 (G) manslaughter under Section 19.04, Penal
23 Code;

24 (H) criminally negligent homicide under Section
25 19.05, Penal Code; ~~[or]~~

26 (I) continuous sexual abuse of young child or
27 disabled individual under Section 21.02, Penal Code; or

1 (J) lethal opioid poisoning under Section 19.07,
2 Penal Code; or

3 (3) engages in conduct specified by Section
4 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

5 SECTION 12. Section 201.062(a), Estates Code, is amended to
6 read as follows:

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

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

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

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

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

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

24 (3) been convicted or has been placed on community
25 supervision, including deferred adjudication community
26 supervision, for being criminally responsible for the death or
27 serious injury of a child under the following sections of the Penal

Code or adjudicated under Title 3, Family Code, for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following sections of the Penal Code:

- (A) Section 19.02 (murder);
- (B) Section 19.03 (capital murder);
- (C) Section 19.04 (manslaughter);
- (D) Section 19.07 (lethal opioid poisoning);
- (E) Section 21.11 (indecent with a child);
- (F) [~~(E)~~] Section 22.01 (assault);
- (G) [~~(F)~~] Section 22.011 (sexual assault);
- (H) [~~(G)~~] Section 22.02 (aggravated assault);
- (I) [~~(H)~~] Section 22.021 (aggravated sexual assault);
- (J) [~~(I)~~] Section 22.04 (injury to a child, elderly individual, or disabled individual);
- (K) [~~(J)~~] Section 22.041 (abandoning or endangering child);
- (L) [~~(K)~~] Section 25.02 (prohibited sexual conduct);
- (M) [~~(L)~~] Section 43.25 (sexual performance by a child); or
- (N) [~~(M)~~] Section 43.26 (possession or promotion of child pornography).

SECTION 13. Section 53.045(a), Family Code, is amended to read as follows:

- (a) Except as provided by Subsection (e), the prosecuting

1 attorney may refer the petition to the grand jury of the county in
2 which the court in which the petition is filed presides if the
3 petition alleges that the child engaged in delinquent conduct that
4 constitutes habitual felony conduct as described by Section 51.031
5 or that included the violation of any of the following provisions:

6 (1) Section 19.02, Penal Code (murder);
7 (2) Section 19.03, Penal Code (capital murder);
8 (3) Section 19.04, Penal Code (manslaughter);
9 (4) Section 20.04, Penal Code (aggravated
10 kidnapping);

11 (5) Section 22.011, Penal Code (sexual assault) or
12 Section 22.021, Penal Code (aggravated sexual assault);

13 (6) Section 22.02, Penal Code (aggravated assault);

14 (7) Section 29.03, Penal Code (aggravated robbery);

15 (8) Section 22.04, Penal Code (injury to a child,
16 elderly individual, or disabled individual), if the offense is
17 punishable as a felony, other than a state jail felony;

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

20 (10) Subchapter D, Chapter 481, Health and Safety
21 Code, if the conduct constitutes a felony of the first degree or an
22 aggravated controlled substance felony (certain offenses involving
23 controlled substances);

24 (11) Section 15.03, Penal Code (criminal
25 solicitation);

26 (12) Section 21.11(a)(1), Penal Code (indecent with a
27 child);

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

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

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

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

(17) Section 19.07, Penal Code (lethal opioid poisoning); or

(18) Section 15.02, Penal Code (criminal conspiracy), if the offense made the subject of the criminal conspiracy includes a violation of any of the provisions referenced in Subdivisions (1) through (17) ~~(16)~~.

SECTION 14. Section 161.001(b), Family Code, is amended to read as follows:

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

(1) that the parent has:

(A) voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return;

(B) voluntarily left the child alone or in the possession of another not the parent without expressing an intent

1 to return, without providing for the adequate support of the child,
2 and remained away for a period of at least three months;

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

6 (D) knowingly placed or knowingly allowed the
7 child to remain in conditions or surroundings which endanger the
8 physical or emotional well-being of the child;

9 (E) engaged in conduct or knowingly placed the
10 child with persons who engaged in conduct which endangers the
11 physical or emotional well-being of the child;

12 (F) failed to support the child in accordance
13 with the parent's ability during a period of one year ending within
14 six months of the date of the filing of the petition;

15 (G) abandoned the child without identifying the
16 child or furnishing means of identification, and the child's
17 identity cannot be ascertained by the exercise of reasonable
18 diligence;

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

26 (I) contumaciously refused to submit to a
27 reasonable and lawful order of a court under Subchapter D, Chapter

261;

(J) been the major cause of:

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

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

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

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

(i) Section 19.02 (murder);

(ii) Section 19.03 (capital murder);

(iii) Section 19.04 (manslaughter);

(iv) Section 19.07 (lethal opioid poisoning);

(v) Section 21.11 (indecent with a child);

(vi) [~~(v)~~] Section 22.01 (assault);

1 (vii) [~~(vi)~~] Section 22.011 (sexual
2 assault);

3 (viii) [~~(vii)~~] Section 22.02 (aggravated
4 assault);

5 (ix) [~~(viii)~~] Section 22.021 (aggravated
6 sexual assault);

7 (x) [~~(ix)~~] Section 22.04 (injury to a
8 child, elderly individual, or disabled individual);

9 (xi) [~~(x)~~] Section 22.041 (abandoning or
10 endangering child);

11 (xii) [~~(xi)~~] Section 25.02 (prohibited
12 sexual conduct);

13 (xiii) [~~(xii)~~] Section 43.25 (sexual
14 performance by a child);

15 (xiv) [~~(xiii)~~] Section 43.26 (possession or
16 promotion of child pornography);

17 (xv) [~~(xiv)~~] Section 21.02 (continuous
18 sexual abuse of young child or disabled individual);

19 (xvi) [~~(xv)~~] Section 20A.02(a)(7) or (8)
20 (trafficking of persons); and

21 (xvii) [~~(xvi)~~] Section 43.05(a)(2)
22 (compelling prostitution);

23 (M) had his or her parent-child relationship
24 terminated with respect to another child based on a finding that the
25 parent's conduct was in violation of Paragraph (D) or (E) or
26 substantially equivalent provisions of the law of another state;

27 (N) constructively abandoned the child who has

1 been in the permanent or temporary managing conservatorship of the
2 Department of Family and Protective Services for not less than six
3 months, and:

4 (i) the department has made reasonable
5 efforts to return the child to the parent;

6 (ii) the parent has not regularly visited
7 or maintained significant contact with the child; and

8 (iii) the parent has demonstrated an
9 inability to provide the child with a safe environment;

10 (O) failed to comply with the provisions of a
11 court order that specifically established the actions necessary for
12 the parent to obtain the return of the child who has been in the
13 permanent or temporary managing conservatorship of the Department
14 of Family and Protective Services for not less than nine months as a
15 result of the child's removal from the parent under Chapter 262 for
16 the abuse or neglect of the child;

17 (P) used a controlled substance, as defined by
18 Chapter 481, Health and Safety Code, in a manner that endangered the
19 health or safety of the child, and:

20 (i) failed to complete a court-ordered
21 substance abuse treatment program; or

22 (ii) after completion of a court-ordered
23 substance abuse treatment program, continued to abuse a controlled
24 substance;

25 (Q) knowingly engaged in criminal conduct that
26 has resulted in the parent's:

27 (i) conviction of an offense; and

1 (ii) confinement or imprisonment and
2 inability to care for the child for not less than two years from the
3 date of filing the petition;

4 (R) been the cause of the child being born
5 addicted to alcohol or a controlled substance, other than a
6 controlled substance legally obtained by prescription;

7 (S) voluntarily delivered the child to a
8 designated emergency infant care provider under Section 262.302
9 without expressing an intent to return for the child;

10 (T) been convicted of:

11 (i) the murder of the other parent of the
12 child under Section 19.02 or 19.03, Penal Code, or under a law of
13 another state, federal law, the law of a foreign country, or the
14 Uniform Code of Military Justice that contains elements that are
15 substantially similar to the elements of an offense under Section
16 19.02 or 19.03, Penal Code;

17 (ii) criminal attempt under Section 15.01,
18 Penal Code, or under a law of another state, federal law, the law of
19 a foreign country, or the Uniform Code of Military Justice that
20 contains elements that are substantially similar to the elements of
21 an offense under Section 15.01, Penal Code, to commit the offense
22 described by Subparagraph (i);

23 (iii) criminal solicitation under Section
24 15.03, Penal Code, or under a law of another state, federal law, the
25 law of a foreign country, or the Uniform Code of Military Justice
26 that contains elements that are substantially similar to the
27 elements of an offense under Section 15.03, Penal Code, of the

1 offense described by Subparagraph (i); or

2 (iv) the sexual assault of the other parent
3 of the child under Section 22.011 or 22.021, Penal Code, or under a
4 law of another state, federal law, or the Uniform Code of Military
5 Justice that contains elements that are substantially similar to
6 the elements of an offense under Section 22.011 or 22.021, Penal
7 Code; or

8 (U) been placed on community supervision,
9 including deferred adjudication community supervision, or another
10 functionally equivalent form of community supervision or
11 probation, for being criminally responsible for the sexual assault
12 of the other parent of the child under Section 22.011 or 22.021,
13 Penal Code, or under a law of another state, federal law, or the
14 Uniform Code of Military Justice that contains elements that are
15 substantially similar to the elements of an offense under Section
16 22.011 or 22.021, Penal Code; and

17 (2) that termination is in the best interest of the
18 child.

19 SECTION 15. Section 262.2015(b), Family Code, is amended to
20 read as follows:

21 (b) The court may find under Subsection (a) that a parent
22 has subjected the child to aggravated circumstances if:

23 (1) the parent abandoned the child without
24 identification or a means for identifying the child;

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

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

- (A) Section 19.02 (murder);
- (B) Section 19.03 (capital murder);
- (C) Section 19.04 (manslaughter);
- (D) Section 21.11 (indecent with a child);
- (E) Section 22.011 (sexual assault);
- (F) Section 22.02 (aggravated assault);
- (G) Section 22.021 (aggravated sexual assault);
- (H) Section 22.04 (injury to a child, elderly individual, or disabled individual);
- (I) Section 22.041 (abandoning or endangering child);
- (J) Section 25.02 (prohibited sexual conduct);
- (K) Section 43.25 (sexual performance by a child);
- (L) Section 43.26 (possession or promotion of child pornography);
- (M) Section 21.02 (continuous sexual abuse of young child or disabled individual);
- (N) Section 43.05(a)(2) (compelling prostitution); ~~or~~
- (O) Section 20A.02(a)(7) or (8) (trafficking of persons); or
- (P) Section 19.07 (lethal opioid poisoning);

(4) the parent voluntarily left the child alone or in

1 the possession of another person not the parent of the child for at
2 least six months without expressing an intent to return and without
3 providing adequate support for the child;

4 (5) the parent has been convicted for:

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

9 (B) the voluntary manslaughter of another child
10 of the parent and the offense would have been an offense under 18
11 U.S.C. Section 1112(a) if the offense had occurred in the special
12 maritime or territorial jurisdiction of the United States;

13 (C) aiding or abetting, attempting, conspiring,
14 or soliciting an offense under Paragraph (A) or (B); or

15 (D) the felony assault of the child or another
16 child of the parent that resulted in serious bodily injury to the
17 child or another child of the parent; or

18 (6) the parent is required under any state or federal
19 law to register with a sex offender registry.

20 SECTION 16. Subchapter A, Chapter 411, Government Code, is
21 amended by adding Section 411.02094 to read as follows:

22 Sec. 411.02094. FENTANYL OFFENSES ENFORCEMENT TRAINING
23 PROGRAM. (a) The department, in coordination with local law
24 enforcement agencies, shall establish and administer a fentanyl
25 offenses enforcement training program for peace officers employed
26 by local law enforcement agencies that will prepare the officers
27 to:

1 (1) collaborate and cooperate with and assist any law
2 enforcement agency in the interdiction, investigation, and
3 prosecution of offenses under Section 481.1123, Health and Safety
4 Code; and

5 (2) collaborate and cooperate with and assist district
6 attorneys, county attorneys, the border prosecution unit, and other
7 prosecutors in the investigation and prosecution of allegations of
8 offenses under Section 481.1123, Health and Safety Code.

9 (b) The training program under Subsection (a) must include:

10 (1) information on:

11 (A) criminal activity related to a controlled
12 substance listed in Penalty Group 1-B under Section 481.1022,
13 Health and Safety Code, occurring along the Texas-Mexico border,
14 including manufacture and delivery of those controlled substances
15 carried out by cartels, transnational gangs, and other groups
16 engaged in organized criminal activity; and

17 (B) methods for identifying intrastate criminal
18 activity associated with the manufacture or delivery of a
19 controlled substance listed in Penalty Group 1-B under Section
20 481.1022, Health and Safety Code, and other organized criminal
21 activity related to those controlled substances; and

22 (2) best practices for:

23 (A) investigating and prosecuting the criminal
24 activity described by Subdivision (1); and

25 (B) the safest method, as determined by the
26 Health and Human Services Commission, for handling a controlled
27 substance listed in Penalty Group 1-B under Section 481.1022,

1 Health and Safety Code.

2 SECTION 17. Section 411.074(b), Government Code, is amended
3 to read as follows:

4 (b) A person may not be granted an order of nondisclosure of
5 criminal history record information under this subchapter and is
6 not entitled to petition the court for an order of nondisclosure
7 under this subchapter if:

8 (1) the person requests the order of nondisclosure
9 for, or the person has been previously convicted of or placed on
10 deferred adjudication community supervision for:

11 (A) an offense requiring registration as a sex
12 offender under Chapter 62, Code of Criminal Procedure;

13 (B) an offense under Section 20.04, Penal Code,
14 regardless of whether the offense is a reportable conviction or
15 adjudication for purposes of Chapter 62, Code of Criminal
16 Procedure;

17 (C) an offense under Section 19.02, 19.03, 19.07,
18 20A.02, 20A.03, 22.04, 22.041, 25.07, 25.072, or 42.072, Penal
19 Code; or

20 (D) any other offense involving family violence,
21 as defined by Section 71.004, Family Code; or

22 (2) the court makes an affirmative finding that the
23 offense for which the order of nondisclosure is requested involved
24 family violence, as defined by Section 71.004, Family Code.

25 SECTION 18. Section 411.1471(a), Government Code, is
26 amended to read as follows:

27 (a) This section applies to a defendant who is:

(1) arrested for a felony prohibited under any of the following Penal Code sections:

- (A) Section 19.02;
- (B) Section 19.03;
- (C) Section 19.07;
- (D) Section 20.03;
- (E) [~~(D)~~] Section 20.04;
- (F) [~~(E)~~] Section 20.05;
- (G) [~~(F)~~] Section 20.06;
- (H) [~~(G)~~] Section 20A.02;
- (I) [~~(H)~~] Section 20A.03;
- (J) [~~(I)~~] Section 21.02;
- (K) [~~(J)~~] Section 21.11;
- (L) [~~(K)~~] Section 22.01;
- (M) [~~(L)~~] Section 22.011;
- (N) [~~(M)~~] Section 22.02;
- (O) [~~(N)~~] Section 22.021;
- (P) [~~(O)~~] Section 25.02;
- (Q) [~~(P)~~] Section 29.02;
- (R) [~~(Q)~~] Section 29.03;
- (S) [~~(R)~~] Section 30.02;
- (T) [~~(S)~~] Section 31.03;
- (U) [~~(T)~~] Section 43.03;
- (V) [~~(U)~~] Section 43.04;
- (W) [~~(V)~~] Section 43.05;
- (X) [~~(W)~~] Section 43.25; or
- (Y) [~~(X)~~] Section 43.26; or

(2) convicted of an offense:

(A) under Title 5, Penal Code, other than an offense described by Subdivision (1), that is punishable as a Class A misdemeanor or any higher category of offense, except for an offense punishable as a Class A misdemeanor under Section 22.05, Penal Code; or

(B) under Section 21.08, 25.04, 43.021, or 43.24, Penal Code.

SECTION 19. Section 499.027(b), Government Code, is amended to read as follows:

(b) An inmate is not eligible under this subchapter to be considered for release to intensive supervision parole if:

(1) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure;

(2) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense listed in one of the following sections of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 19.04 (manslaughter);

(D) Section 20.03 (kidnapping);

(E) Section 20.04 (aggravated kidnapping);

(F) Section 21.11 (indecent with a child);

(G) Section 22.011 (sexual assault);

(H) Section 22.02 (aggravated assault);

- 1 (I) Section 22.021 (aggravated sexual assault);
- 2 (J) Section 22.04 (injury to a child, elderly
- 3 individual, or disabled individual);
- 4 (K) Section 25.02 (prohibited sexual conduct);
- 5 (L) Section 25.08 (sale or purchase of a child);
- 6 (M) Section 28.02 (arson);
- 7 (N) Section 29.02 (robbery);
- 8 (O) Section 29.03 (aggravated robbery);
- 9 (P) Section 30.02 (burglary), if the offense is
- 10 punished as a first-degree felony under that section;
- 11 (Q) Section 43.04 (aggravated promotion of
- 12 prostitution);
- 13 (R) Section 43.05 (compelling prostitution);
- 14 (S) Section 43.24 (sale, distribution, or
- 15 display of harmful material to minor);
- 16 (T) Section 43.25 (sexual performance by a
- 17 child);
- 18 (U) Section 46.10 (deadly weapon in penal
- 19 institution);
- 20 (V) Section 15.01 (criminal attempt), if the
- 21 offense attempted is listed in this subsection;
- 22 (W) Section 15.02 (criminal conspiracy), if the
- 23 offense that is the subject of the conspiracy is listed in this
- 24 subsection;
- 25 (X) Section 15.03 (criminal solicitation), if
- 26 the offense solicited is listed in this subsection;
- 27 (Y) Section 21.02 (continuous sexual abuse of

1 young child or disabled individual);

2 (Z) Section 20A.02 (trafficking of persons);

3 (AA) Section 20A.03 (continuous trafficking of
4 persons); ~~[or]~~

5 (BB) Section 43.041 (aggravated online promotion
6 of prostitution); or

7 (CC) Section 19.07 (lethal opioid poisoning); or

8 (3) the inmate is awaiting transfer to the
9 institutional division, or serving a sentence, for an offense under
10 Chapter 481, Health and Safety Code, punishable by a minimum term of
11 imprisonment or a maximum fine that is greater than the minimum term
12 of imprisonment or the maximum fine for a first degree felony.

13 SECTION 20. Section 508.149(a), Government Code, is amended
14 to read as follows:

15 (a) An inmate may not be released to mandatory supervision
16 if the inmate is serving a sentence for or has been previously
17 convicted of:

18 (1) an offense for which the judgment contains an
19 affirmative finding under Article 42A.054(c) or (d), Code of
20 Criminal Procedure;

21 (2) a first degree felony or a second degree felony
22 under Section 19.02, Penal Code;

23 (3) a capital felony under Section 19.03, Penal Code;

24 (4) a first degree felony or a second degree felony
25 under Section 20.04, Penal Code;

26 (5) an offense under Section 21.11, Penal Code;

27 (6) a felony under Section 22.011, Penal Code;

- 1 (7) a first degree felony or a second degree felony
2 under Section 22.02, Penal Code;
- 3 (8) a first degree felony under Section 22.021, Penal
4 Code;
- 5 (9) a first degree felony under Section 22.04, Penal
6 Code;
- 7 (10) a first degree felony under Section 28.02, Penal
8 Code;
- 9 (11) a second degree felony under Section 29.02, Penal
10 Code;
- 11 (12) a first degree felony under Section 29.03, Penal
12 Code;
- 13 (13) a first degree felony under Section 30.02, Penal
14 Code;
- 15 (14) a felony for which the punishment is increased
16 under Section 481.134 or Section 481.140, Health and Safety Code;
- 17 (15) an offense under Section 43.25, Penal Code;
- 18 (16) an offense under Section 21.02, Penal Code;
- 19 (17) a first degree felony under Section 15.03, Penal
20 Code;
- 21 (18) an offense under Section 43.05, Penal Code;
- 22 (19) an offense under Section 20A.02, Penal Code;
- 23 (20) an offense under Section 20A.03, Penal Code;
- 24 (21) a first degree felony under Section 71.02 or
25 71.023, Penal Code; ~~or~~
- 26 (22) an offense under Section 19.07, Penal Code; or
- 27 (23) an offense under Section 481.1123, Health and

Safety Code, punished under Subsection (d), (e), or (f) of that section.

SECTION 21. Section 481.141, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) Punishment may not be increased under this section if the defendant is also prosecuted under Section 19.07, Penal Code, for conduct occurring during the same criminal episode.

SECTION 22. Section 301.4535(a), Occupations Code, is amended to read as follows:

(a) The board shall suspend a nurse's license or refuse to issue a license to an applicant on proof that the nurse or applicant has been initially convicted of:

(1) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, ~~or~~ manslaughter under Section 19.04, Penal Code, or lethal opioid poisoning under Section 19.07, Penal Code;

(2) kidnapping or unlawful restraint under Chapter 20, Penal Code, and the offense was punished as a felony or state jail felony;

(3) sexual assault under Section 22.011, Penal Code;

(4) aggravated sexual assault under Section 22.021, Penal Code;

(5) continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code, or indecency with a child under Section 21.11, Penal Code;

(6) aggravated assault under Section 22.02, Penal Code;

(7) intentionally, knowingly, or recklessly injuring a child, elderly individual, or disabled individual under Section 22.04, Penal Code;

(8) intentionally, knowingly, or recklessly abandoning or endangering a child under Section 22.041, Penal Code;

(9) aiding suicide under Section 22.08, Penal Code, and the offense was punished as a state jail felony;

(10) an offense involving a violation of certain court orders or conditions of bond under Section 25.07, 25.071, or 25.072, Penal Code, punished as a felony;

(11) an agreement to abduct a child from custody under Section 25.031, Penal Code;

(12) the sale or purchase of a child under Section 25.08, Penal Code;

(13) robbery under Section 29.02, Penal Code;

(14) aggravated robbery under Section 29.03, Penal Code;

(15) an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(16) an offense under the law of another state, federal law, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense listed in this subsection.

SECTION 23. Subchapter H, Chapter 1701, Occupations Code, is amended by adding Section 1701.359 to read as follows:

Sec. 1701.359. FENTANYL OFFENSES ENFORCEMENT TRAINING

1 PROGRAM. The commission may:

2 (1) recognize, or with the consent of the Department
3 of Public Safety administer or assist in administering, the
4 fentanyl offenses enforcement training program established under
5 Section 411.02094, Government Code, as a continuing education
6 program for officers; and

7 (2) credit an officer who successfully completes the
8 program described by Subdivision (1) with the appropriate number of
9 continuing education hours.

10 SECTION 24. Section 19.01(b), Penal Code, is amended to
11 read as follows:

12 (b) Criminal homicide is murder, capital murder,
13 manslaughter, ~~or~~ criminally negligent homicide, or lethal opioid
14 poisoning.

15 SECTION 25. Chapter 19, Penal Code, is amended by adding
16 Section 19.07 to read as follows:

17 Sec. 19.07. LETHAL OPIOID POISONING. (a) A person commits
18 an offense if the person knowingly manufactures or delivers a
19 controlled substance listed in Penalty Group 1-B under Section
20 481.1022, Health and Safety Code, in violation of Section 481.1123,
21 Health and Safety Code, and an individual dies as a result of
22 injecting, ingesting, inhaling, or introducing into the
23 individual's body any amount of the controlled substance
24 manufactured or delivered by the actor, regardless of whether the
25 controlled substance was used by itself or with another substance,
26 including a drug, adulterant, or dilutant.

27 (b) It is a defense to prosecution under this section that

1 the actor's conduct in manufacturing or delivering the controlled
2 substance was authorized under Chapter 481, Health and Safety Code,
3 or other state or federal law.

4 (c) If conduct that constitutes an offense under this
5 section also constitutes an offense under another section of this
6 chapter, the actor may be prosecuted under this section or the other
7 law, but not both.

8 (d) An offense under this section is a felony of the first
9 degree.

10 SECTION 26. Section 71.02(a), Penal Code, is amended to
11 read as follows:

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

17 (1) murder, capital murder, lethal opioid poisoning,
18 arson, aggravated robbery, robbery, burglary, theft, aggravated
19 kidnapping, kidnapping, aggravated assault, aggravated sexual
20 assault, sexual assault, continuous sexual abuse of young child or
21 disabled individual, solicitation of a minor, forgery, deadly
22 conduct, assault punishable as a Class A misdemeanor, burglary of a
23 motor vehicle, or unauthorized use of a motor vehicle;

24 (2) any gambling offense punishable as a Class A
25 misdemeanor;

26 (3) promotion of prostitution, aggravated promotion
27 of prostitution, or compelling prostitution;

1 (4) unlawful manufacture, transportation, repair, or
2 sale of firearms or prohibited weapons;

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

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

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

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

16 (8) any felony offense under Chapter 32;

17 (9) any offense under Chapter 36;

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

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

20 (12) any offense under Chapter 20A;

21 (13) any offense under Section 37.10;

22 (14) any offense under Section 38.06, 38.07, 38.09, or
23 38.11;

24 (15) any offense under Section 42.10;

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

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

27 (18) any offense under Section 16.02; or

1 (19) any offense classified as a felony under the Tax
2 Code.

3 SECTION 27. (a) The fentanyl offenses enforcement task
4 force is established under this section to:

5 (1) compile data on criminal activity in the
6 Texas-Mexico border region related to the manufacture or delivery
7 of a controlled substance listed in Penalty Group 1-B under Section
8 [481.1022](#), Health and Safety Code; and

9 (2) develop best practices for:

10 (A) investigating, interdicting, and prosecuting
11 criminal activity that constitutes an offense under Section
12 [481.1123](#), Health and Safety Code; and

13 (B) safely handling a controlled substance
14 listed in Penalty Group 1-B under Section [481.1022](#), Health and
15 Safety Code.

16 (b) The governor shall appoint to the task force:

17 (1) two members representing the Department of Public
18 Safety;

19 (2) two members representing the Health and Human
20 Services Commission; and

21 (3) two members representing the Texas Commission on
22 Law Enforcement.

23 (c) Not later than six months after the date the governor
24 appoints members to the task force, the task force shall submit to
25 the governor and the director of the Department of Public Safety a
26 report containing the data and best practices described by
27 Subsection (a) of this section.

1 (d) The task force established under this section is
2 abolished and this section expires December 1, 2024.

3 SECTION 28. To the extent of any conflict, this Act prevails
4 over another Act of the 88th Legislature, Regular Session, 2023,
5 relating to nonsubstantive additions to and corrections in enacted
6 codes.

7 SECTION 29. This Act takes effect September 1, 2023.