

1-1 By: Flores S.B. No. 1427
1-2 (In the Senate - Filed March 2, 2023; March 13, 2023, read
1-3 first time and referred to Committee on Border Security;
1-4 April 4, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 4, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----------------|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | <u>Birdwell</u> | X | | |
| 1-10 | <u>Flores</u> | X | | |
| 1-11 | <u>Blanco</u> | X | | |
| 1-12 | <u>Hinojosa</u> | X | | |
| 1-13 | <u>King</u> | X | | |

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1427 By: Flores

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to certain criminal conduct and organizations that
1-18 threaten the security of this state and its residents and borders;
1-19 increasing criminal penalties.

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

1-21 ARTICLE 1. CRIMINAL CONDUCT INVOLVING SMUGGLING OF PERSONS OR
1-22 OPERATION OF A STASH HOUSE

1-23 SECTION 1.01. Section 12.50, Penal Code, is amended by
1-24 amending Subsections (a), (b), and (c) and adding Subsection (d) to
1-25 read as follows:

1-26 (a) Subject to Subsections ~~[Subsection]~~ (c) and (d), the
1-27 punishment for an offense described by Subsection (b) is increased
1-28 to the punishment prescribed for the next higher category of
1-29 offense if it is shown on the trial of the offense that the offense
1-30 was committed in an area that was, at the time of the offense:

1-31 (1) subject to a declaration of a state of disaster
1-32 made by:

1-33 (A) the president of the United States under the
1-34 Robert T. Stafford Disaster Relief and Emergency Assistance Act (42
1-35 U.S.C. Section 5121 et seq.);

1-36 (B) the governor under Section 418.014,
1-37 Government Code; or

1-38 (C) the presiding officer of the governing body
1-39 of a political subdivision under Section 418.108, Government Code;
1-40 or

1-41 (2) subject to an emergency evacuation order.

1-42 (b) The increase in punishment authorized by this section
1-43 applies only to an offense under:

1-44 (1) Section 20.05;

1-45 (2) Section 20.06;

1-46 (3) Section 20.07;

1-47 (4) Section 22.01;

1-48 (5) ~~[(2)]~~ Section 28.02;

1-49 (6) ~~[(3)]~~ Section 29.02;

1-50 (7) ~~[(4)]~~ Section 30.02;

1-51 (8) ~~[(5)]~~ Section 30.03;

1-52 (9) ~~[(6)]~~ Section 30.04;

1-53 (10) ~~[(7)]~~ Section 30.05; and

1-54 (11) ~~[(8)]~~ Section 31.03.

1-55 (c) If an offense listed under Subsection (b) ~~[(b)(1), (5),~~
1-56 ~~(6), (7), or (8)]~~ is punishable as a Class A misdemeanor, the
1-57 minimum term of confinement for the offense is increased to 180
1-58 days. Except as provided by Subsection (d), if ~~[[~~ an offense
1-59 listed under Subsection (b) ~~[(b)(2), (4), or (8)]~~ is punishable as a
1-60 felony of the first degree, the punishment for that offense may not
1-61 be increased under this section.

2-1 (d) Except as otherwise provided by this subsection, the
2-2 minimum term of imprisonment for an offense listed under Subsection
2-3 (b)(1) or (2) for which punishment is increased under this section
2-4 is 10 years. If an offense listed under Subsection (b)(1) or (2) is
2-5 punishable as a felony of the first degree, the minimum term of
2-6 imprisonment is increased to 15 years unless another provision of
2-7 law applicable to the offense provides for a minimum term of
2-8 imprisonment of 15 years or more.

2-9 SECTION 1.02. Section 20.05(b), Penal Code, is amended to
2-10 read as follows:

2-11 (b) An offense under this section is a felony of the third
2-12 degree with a term of imprisonment of 10 years, except that the
2-13 offense is:

2-14 (1) a felony of the second degree with a minimum term
2-15 of imprisonment of 10 years if:

2-16 (A) the actor commits the offense in a manner
2-17 that creates a substantial likelihood that the smuggled individual
2-18 will suffer serious bodily injury or death;

2-19 (B) the smuggled individual is a child younger
2-20 than 18 years of age at the time of the offense;

2-21 (C) the offense was committed with the intent to
2-22 obtain a pecuniary benefit;

2-23 (D) during the commission of the offense the
2-24 actor, another party to the offense, or an individual assisted,
2-25 guided, or directed by the actor knowingly possessed a firearm; or

2-26 (E) the actor commits the offense under
2-27 Subsection (a)(1)(B); or

2-28 (2) a felony of the first degree with a minimum term of
2-29 imprisonment of 10 years if:

2-30 (A) it is shown on the trial of the offense that,
2-31 as a direct result of the commission of the offense, the smuggled
2-32 individual became a victim of sexual assault, as defined by Section
2-33 22.011, or aggravated sexual assault, as defined by Section 22.021;
2-34 or

2-35 (B) the smuggled individual suffered serious
2-36 bodily injury or death.

2-37 SECTION 1.03. Sections 20.06(e) and (f), Penal Code, are
2-38 amended to read as follows:

2-39 (e) Except as provided by Subsections (f) and (g), an
2-40 offense under this section is a felony of the second degree with a
2-41 minimum term of imprisonment of 10 years.

2-42 (f) An offense under this section is a felony of the first
2-43 degree with a minimum term of imprisonment of 10 years if:

2-44 (1) the conduct constituting an offense under Section
2-45 20.05 is conducted in a manner that creates a substantial
2-46 likelihood that the smuggled individual will suffer serious bodily
2-47 injury or death; or

2-48 (2) the smuggled individual is a child younger than 18
2-49 years of age at the time of the offense.

2-50 SECTION 1.04. Section 20.07(b), Penal Code, is amended to
2-51 read as follows:

2-52 (b) An offense under this section is a felony of the third
2-53 degree [~~Class A misdemeanor~~].

2-54 SECTION 1.05. The changes in law made by this article apply
2-55 only to an offense committed on or after the effective date of this
2-56 Act. An offense committed before the effective date of this Act is
2-57 governed by the law in effect on the date the offense was committed,
2-58 and the former law is continued in effect for that purpose. For
2-59 purposes of this section, an offense was committed before the
2-60 effective date of this Act if any element of the offense was
2-61 committed before that date.

2-62 ARTICLE 2. FOREIGN TERRORIST ORGANIZATIONS

2-63 SECTION 2.01. The heading to Subchapter D, Chapter 125,
2-64 Civil Practice and Remedies Code, is amended to read as follows:

2-65 SUBCHAPTER D. MEMBERSHIP IN CRIMINAL STREET GANG OR FOREIGN
2-66 TERRORIST ORGANIZATION

2-67 SECTION 2.02. Sections 125.061(1) and (3), Civil Practice
2-68 and Remedies Code, are amended to read as follows:

2-69 (1) "Combination," [~~and~~] "criminal street gang," and

3-1 "foreign terrorist organization" have the meanings assigned by
3-2 Section 71.01, Penal Code.
3-3 (3) "Gang activity" means the following types of
3-4 conduct:
3-5 (A) organized criminal activity as described by
3-6 Section 71.02, Penal Code;
3-7 (B) terroristic threat as described by Section
3-8 22.07, Penal Code;
3-9 (C) coercing, inducing, or soliciting~~[, or~~
3-10 ~~inducing gang]~~ membership in a criminal street gang or foreign
3-11 terrorist organization as described by Section 71.022(a) or (a-1),
3-12 Penal Code;
3-13 (D) criminal trespass as described by Section
3-14 30.05, Penal Code;
3-15 (E) disorderly conduct as described by Section
3-16 42.01, Penal Code;
3-17 (F) criminal mischief as described by Section
3-18 28.03, Penal Code, that causes a pecuniary loss of \$500 or more;
3-19 (G) a graffiti offense in violation of Section
3-20 28.08, Penal Code;
3-21 (H) a weapons offense in violation of Chapter 46,
3-22 Penal Code; or
3-23 (I) unlawful possession of a substance or other
3-24 item in violation of Chapter 481, Health and Safety Code.
3-25 SECTION 2.03. Section 125.062, Civil Practice and Remedies
3-26 Code, is amended to read as follows:
3-27 Sec. 125.062. PUBLIC NUISANCE; COMBINATION. A
3-28 combination, ~~[or]~~ criminal street gang, or foreign terrorist
3-29 organization that continuously or regularly associates in gang
3-30 activities is a public nuisance.
3-31 SECTION 2.04. Section 125.063, Civil Practice and Remedies
3-32 Code, is amended to read as follows:
3-33 Sec. 125.063. PUBLIC NUISANCE; USE OF PLACE. The habitual
3-34 use of a place by a combination, ~~[or]~~ criminal street gang, or
3-35 foreign terrorist organization for engaging in gang activity is a
3-36 public nuisance.
3-37 SECTION 2.05. Section 125.064(b), Civil Practice and
3-38 Remedies Code, is amended to read as follows:
3-39 (b) Any person who habitually associates with others to
3-40 engage in gang activity as a member of a combination, ~~[or]~~ criminal
3-41 street gang, or foreign terrorist organization may be made a
3-42 defendant in the suit. Any person who owns or is responsible for
3-43 maintaining a place that is habitually used for engaging in gang
3-44 activity may be made a defendant in the suit.
3-45 SECTION 2.06. Section 125.065(a), Civil Practice and
3-46 Remedies Code, is amended to read as follows:
3-47 (a) If the court finds that a combination, ~~[or]~~ criminal
3-48 street gang, or foreign terrorist organization constitutes a public
3-49 nuisance, the court may enter an order:
3-50 (1) enjoining a defendant in the suit from engaging in
3-51 the gang activities of the combination, criminal street ~~[or]~~ gang,
3-52 or foreign terrorist organization; and
3-53 (2) imposing other reasonable requirements to prevent
3-54 the combination, criminal street ~~[or]~~ gang, or foreign terrorist
3-55 organization from engaging in future gang activities.
3-56 SECTION 2.07. Section 125.069, Civil Practice and Remedies
3-57 Code, is amended to read as follows:
3-58 Sec. 125.069. USE OF PLACE; EVIDENCE. In an action brought
3-59 under this subchapter, proof that gang activity by a member of a
3-60 combination, ~~[or]~~ a criminal street gang, or a foreign terrorist
3-61 organization is frequently committed at a place or proof that a
3-62 place is frequently used for engaging in gang activity by a member
3-63 of a combination, ~~[or]~~ a criminal street gang, or a foreign
3-64 terrorist organization is prima facie evidence that the proprietor
3-65 knowingly permitted the act, unless the act constitutes conspiring
3-66 to commit gang activity.
3-67 SECTION 2.08. Sections 125.070(b), (c), and (e), Civil
3-68 Practice and Remedies Code, are amended to read as follows:
3-69 (b) A criminal street gang or foreign terrorist

4-1 organization or a member of a criminal street gang or foreign
4-2 terrorist organization is liable to the state or a governmental
4-3 entity injured by the violation of a temporary or permanent
4-4 injunctive order under this subchapter.

4-5 (c) In an action brought against a member of a criminal
4-6 street gang or a member of a foreign terrorist organization, the
4-7 plaintiff must show that the member violated the temporary or
4-8 permanent injunctive order.

4-9 (e) The property of the criminal street gang or foreign
4-10 terrorist organization or a member of the criminal street gang or
4-11 foreign terrorist organization may be seized in execution on a
4-12 judgment under this section. Property may not be seized under this
4-13 subsection if the owner or interest holder of the property proves by
4-14 a preponderance of the evidence that the owner or interest holder
4-15 was not a member of the criminal street gang or foreign terrorist
4-16 organization and did not violate the temporary or permanent
4-17 injunctive order. The owner or interest holder of property that is
4-18 in the possession of a criminal street gang or foreign terrorist
4-19 organization or a member of the criminal street gang or foreign
4-20 terrorist organization and that is subject to execution under this
4-21 subsection must show that the property:

4-22 (1) was stolen from the owner or interest holder; or

4-23 (2) was used or intended to be used without the
4-24 effective consent of the owner or interest holder by the criminal
4-25 street gang or foreign terrorist organization or a member of the
4-26 criminal street gang or foreign terrorist organization.

4-27 SECTION 2.09. The heading to Chapter 67, Code of Criminal
4-28 Procedure, is amended to read as follows:

4-29 CHAPTER 67. COMPILATION OF INFORMATION PERTAINING TO COMBINATIONS,
4-30 [AND] CRIMINAL STREET GANGS, AND FOREIGN TERRORIST ORGANIZATIONS

4-31 SECTION 2.10. Article 67.001, Code of Criminal Procedure,
4-32 is amended by adding Subdivision (8-a) and amending Subdivision (9)
4-33 to read as follows:

4-34 (8-a) "Foreign terrorist organization" has the meaning
4-35 assigned by Section 71.01, Penal Code.

4-36 (9) "Intelligence database" means a collection or
4-37 compilation of data organized for search and retrieval to evaluate,
4-38 analyze, disseminate, or use intelligence information relating to a
4-39 combination, ~~or~~ criminal street gang, or foreign terrorist
4-40 organization for the purpose of investigating or prosecuting a
4-41 criminal offense.

4-42 SECTION 2.11. Articles 67.051(a) and (b), Code of Criminal
4-43 Procedure, are amended to read as follows:

4-44 (a) Subject to Subsection (b), a criminal justice agency or
4-45 juvenile justice agency shall compile criminal information into an
4-46 intelligence database for the purpose of investigating or
4-47 prosecuting the criminal activities of combinations, ~~or~~ criminal
4-48 street gangs, or foreign terrorist organizations.

4-49 (b) A law enforcement agency in a municipality with a
4-50 population of 50,000 or more or in a county with a population of
4-51 100,000 or more shall compile and maintain in a local or regional
4-52 intelligence database criminal information relating to a criminal
4-53 street gang or a foreign terrorist organization as provided by
4-54 Subsection (a). The agency must compile and maintain the
4-55 information in accordance with the criminal intelligence systems
4-56 operating policies established under 28 C.F.R. Section 23.1 et seq.
4-57 and the submission criteria established under Article 67.054(b).

4-58 SECTION 2.12. Article 67.054(b), Code of Criminal
4-59 Procedure, is amended to read as follows:

4-60 (b) Criminal information collected under this chapter
4-61 relating to a criminal street gang or foreign terrorist
4-62 organization must:

4-63 (1) be relevant to the identification of an
4-64 organization that is reasonably suspected of involvement in
4-65 criminal activity; and

4-66 (2) consist of:

4-67 (A) a judgment under any law that includes, as a
4-68 finding or as an element of a criminal offense, participation in a
4-69 criminal street gang or foreign terrorist organization;

5-1 (B) a self-admission by an individual of
5-2 membership in a criminal street gang or foreign terrorist
5-3 organization [~~membership~~] that is made during a judicial
5-4 proceeding; or

5-5 (C) except as provided by Subsection (c), any two
5-6 of the following:

5-7 (i) a self-admission by the individual of
5-8 membership in a criminal street gang or foreign terrorist
5-9 organization [~~membership~~] that is not made during a judicial
5-10 proceeding, including the use of the Internet or other electronic
5-11 format or medium to post photographs or other documentation
5-12 identifying the individual as a member of a criminal street gang or
5-13 foreign terrorist organization;

5-14 (ii) an identification of the individual as
5-15 a member of a criminal street gang or foreign terrorist
5-16 organization [~~member~~] by a reliable informant or other individual;

5-17 (iii) a corroborated identification of the
5-18 individual as a member of a criminal street gang or foreign
5-19 terrorist organization [~~member~~] by an informant or other individual
5-20 of unknown reliability;

5-21 (iv) evidence that the individual frequents
5-22 a documented area of a criminal street gang or foreign terrorist
5-23 organization and associates with known members of a criminal street
5-24 gang or foreign terrorist organization [~~members~~];

5-25 (v) evidence that the individual uses, in
5-26 more than an incidental manner, criminal street gang or foreign
5-27 terrorist organization dress, hand signals, tattoos, or symbols,
5-28 including expressions of letters, numbers, words, or marks,
5-29 regardless of how or the means by which the symbols are displayed,
5-30 that are associated with a criminal street gang or foreign
5-31 terrorist organization that operates in an area frequented by the
5-32 individual and described by Subparagraph (iv);

5-33 (vi) evidence that the individual has been
5-34 arrested or taken into custody with known members of a criminal
5-35 street gang or foreign terrorist organization [~~members~~] for an
5-36 offense or conduct consistent with [~~criminal street~~] gang activity
5-37 as defined by Section 125.061, Civil Practice and Remedies Code;

5-38 (vii) evidence that the individual has
5-39 visited a known member of a criminal street gang or foreign
5-40 terrorist organization [~~member~~], other than a family member of the
5-41 individual, while the [~~gang~~] member is confined in or committed to a
5-42 penal institution; or

5-43 (viii) evidence of the individual's use of
5-44 technology, including the Internet, to recruit new members of a
5-45 criminal street gang or foreign terrorist organization [~~members~~].

5-46 SECTION 2.13. Articles 67.102(a) and (d), Code of Criminal
5-47 Procedure, are amended to read as follows:

5-48 (a) Notwithstanding Chapter 58, Family Code, criminal
5-49 information relating to a child associated with a combination, [~~or~~]
5-50 criminal street gang, or foreign terrorist organization may be
5-51 compiled and released under this chapter regardless of the age of
5-52 the child.

5-53 (d) The governing body of a county or municipality served by
5-54 a law enforcement agency described by Article 67.051(b) may adopt a
5-55 policy to notify the parent or guardian of a child of the agency's
5-56 observations relating to the child's association with a criminal
5-57 street gang or foreign terrorist organization.

5-58 SECTION 2.14. Article 67.251, Code of Criminal Procedure,
5-59 is amended to read as follows:

5-60 Art. 67.251. ESTABLISHMENT OF GANG RESOURCE SYSTEM. The
5-61 office of the attorney general shall establish an electronic gang
5-62 resource system to provide criminal justice agencies and juvenile
5-63 justice agencies with information about criminal street gangs and
5-64 foreign terrorist organizations in this state.

5-65 SECTION 2.15. Articles 67.252(a) and (b), Code of Criminal
5-66 Procedure, are amended to read as follows:

5-67 (a) The gang resource system established under Article
5-68 67.251 may include the following information with regard to any
5-69 gang or foreign terrorist organization:

- 6-1 (1) gang or organization name;
- 6-2 (2) gang or organization identifiers, such as colors
- 6-3 used, tattoos, and clothing preferences;
- 6-4 (3) criminal activities;
- 6-5 (4) migration trends;
- 6-6 (5) recruitment activities; and
- 6-7 (6) a local law enforcement contact.

6-8 (b) Information in the gang resource system shall be
6-9 accessible according to:

- 6-10 (1) municipality or county; and
- 6-11 (2) gang or organization name.

6-12 SECTION 2.16. Article 67.254(a), Code of Criminal
6-13 Procedure, is amended to read as follows:

6-14 (a) On request by the office of the attorney general, a
6-15 criminal justice agency or juvenile justice agency shall make a
6-16 reasonable attempt to provide gang and foreign terrorist
6-17 organization information to the office of the attorney general for
6-18 the purpose of maintaining an updated, comprehensive gang resource
6-19 system.

6-20 SECTION 2.17. Article 67.255, Code of Criminal Procedure,
6-21 is amended to read as follows:

6-22 Art. 67.255. USE OF INFORMATION. Information in the gang
6-23 resource system may be used in investigating [~~gang-related~~]
6-24 relating to a criminal street gang or foreign terrorist
6-25 organization. Information from the system may be included in an
6-26 affidavit or subpoena or used in connection with any other legal or
6-27 judicial proceeding only if the information is corroborated by
6-28 information not provided by or maintained in the system.

6-29 SECTION 2.18. Section 71.01, Penal Code, is amended by
6-30 adding Subsection (e) to read as follows:

6-31 (e) "Foreign terrorist organization" means three or more
6-32 persons operating as an organization at least partially outside the
6-33 United States who engage in criminal activity and threaten the
6-34 security of this state or its residents, including a drug cartel.

6-35 SECTION 2.19. Section 71.02(a), Penal Code, is amended to
6-36 read as follows:

6-37 (a) A person commits an offense if, with the intent to
6-38 establish, maintain, or participate in a combination or in the
6-39 profits of a combination or as a member of a criminal street gang or
6-40 foreign terrorist organization, the person commits or conspires to
6-41 commit one or more of the following:

- 6-42 (1) murder, capital murder, arson, aggravated
- 6-43 robbery, robbery, burglary, theft, aggravated kidnapping,
- 6-44 kidnapping, aggravated assault, aggravated sexual assault, sexual
- 6-45 assault, continuous sexual abuse of young child or disabled
- 6-46 individual, solicitation of a minor, forgery, deadly conduct,
- 6-47 assault punishable as a Class A misdemeanor, burglary of a motor
- 6-48 vehicle, or unauthorized use of a motor vehicle;

- 6-49 (2) any gambling offense punishable as a Class A
- 6-50 misdemeanor;

- 6-51 (3) promotion of prostitution, aggravated promotion
- 6-52 of prostitution, or compelling prostitution;

- 6-53 (4) unlawful manufacture, transportation, repair, or
- 6-54 sale of firearms or prohibited weapons;

- 6-55 (5) unlawful manufacture, delivery, dispensation, or
- 6-56 distribution of a controlled substance or dangerous drug, or
- 6-57 unlawful possession of a controlled substance or dangerous drug:

- 6-58 (A) through forgery, fraud, misrepresentation,
- 6-59 or deception; or

- 6-60 (B) with the intent to deliver the controlled
- 6-61 substance or dangerous drug;

- 6-62 (5-a) causing the unlawful delivery, dispensation, or
- 6-63 distribution of a controlled substance or dangerous drug in
- 6-64 violation of Subtitle B, Title 3, Occupations Code;

- 6-65 (6) any unlawful wholesale promotion or possession of
- 6-66 any obscene material or obscene device with the intent to wholesale
- 6-67 promote the same;

- 6-68 (7) any offense under Subchapter B, Chapter 43,
- 6-69 depicting or involving conduct by or directed toward a child

- 7-1 younger than 18 years of age;
- 7-2 (8) any felony offense under Chapter 32;
- 7-3 (9) any offense under Chapter 36;
- 7-4 (10) any offense under Chapter 34, 35, or 35A;
- 7-5 (11) any offense under Section 37.11(a);
- 7-6 (12) any offense under Chapter 20A;
- 7-7 (13) any offense under Section 37.10;
- 7-8 (14) any offense under Section 38.06, 38.07, 38.09, or
- 7-9 38.11;
- 7-10 (15) any offense under Section 42.10;
- 7-11 (16) any offense under Section 46.06(a)(1) or 46.14;
- 7-12 (17) any offense under Section 20.05, ~~20.06~~, or
- 7-13 20.07;
- 7-14 (18) any offense under Section 16.02; or
- 7-15 (19) any offense classified as a felony under the Tax
- 7-16 Code.

7-17 SECTION 2.20. The heading to Section 71.022, Penal Code, is
 7-18 amended to read as follows:

7-19 Sec. 71.022. COERCING, INDUCING, OR SOLICITING MEMBERSHIP
 7-20 IN A CRIMINAL STREET GANG OR FOREIGN TERRORIST ORGANIZATION.

7-21 SECTION 2.21. Sections 71.022(a) and (a-1), Penal Code, are
 7-22 amended to read as follows:

7-23 (a) A person commits an offense if the person knowingly
 7-24 causes, enables, encourages, recruits, or solicits another person
 7-25 to become a member of a criminal street gang or foreign terrorist
 7-26 organization which, as a condition of initiation, admission,
 7-27 membership, or continued membership, requires the commission of any
 7-28 conduct which constitutes an offense punishable as a Class A
 7-29 misdemeanor or a felony.

7-30 (a-1) A person commits an offense if, with intent to coerce,
 7-31 induce, or solicit a child to actively participate in the
 7-32 activities of a criminal street gang or foreign terrorist
 7-33 organization, the person:

7-34 (1) threatens the child or a member of the child's
 7-35 family with imminent bodily injury; or

7-36 (2) causes bodily injury to the child or a member of
 7-37 the child's family.

7-38 SECTION 2.22. Section 71.023, Penal Code, is amended to
 7-39 read as follows:

7-40 Sec. 71.023. DIRECTING ACTIVITIES OF CRIMINAL STREET GANGS
 7-41 OR FOREIGN TERRORIST ORGANIZATIONS. (a) A person commits an
 7-42 offense if the person, as part of the identifiable leadership of a
 7-43 criminal street gang or foreign terrorist organization, knowingly
 7-44 finances, directs, or supervises the commission of, or a conspiracy
 7-45 to commit, one or more of the following offenses by members of a
 7-46 criminal street gang or foreign terrorist organization:

7-47 (1) a felony offense that is listed in Article
 7-48 42A.054(a), Code of Criminal Procedure;

7-49 (2) a felony offense for which it is shown that a
 7-50 deadly weapon, as defined by Section 1.07, was used or exhibited
 7-51 during the commission of the offense or during immediate flight
 7-52 from the commission of the offense; or

7-53 (3) an offense that is punishable under Section
 7-54 481.112(e) or (f), 481.1121(b)(4), 481.1123(d), (e), or (f),
 7-55 481.115(f), or 481.120(b)(6), Health and Safety Code.

7-56 (b) An offense under this section is a felony of the first
 7-57 degree punishable by imprisonment in the Texas Department of
 7-58 Criminal Justice for life or for any term of not more than 99 years
 7-59 or less than 25 years.

7-60 SECTION 2.23. Chapter 125, Civil Practice and Remedies
 7-61 Code, as amended by this article, applies only to an action
 7-62 commenced on or after the effective date of this Act. An action
 7-63 commenced before the effective date of this Act is governed by the
 7-64 law as it existed immediately before the effective date of this Act,
 7-65 and the former law is continued in effect for that purpose.

7-66 SECTION 2.24. Chapter 71, Penal Code, as amended by this
 7-67 article, applies only to an offense committed on or after the
 7-68 effective date of this Act. An offense committed before the
 7-69 effective date of this Act is governed by the law in effect on the

8-1 date the offense was committed, and the former law is continued in
8-2 effect for that purpose. For purposes of this section, an offense
8-3 was committed before the effective date of this Act if any element
8-4 of the offense occurred before that date.

8-5 ARTICLE 3. EFFECTIVE DATE

8-6 SECTION 3.01. This Act takes effect September 1, 2023.

8-7 * * * * *