

AN ACT

relating to foreign terrorist organizations, including the compilation of information regarding, certain civil actions brought against, and the prosecution of certain organized crime offenses involving a foreign terrorist organization and of sedition.

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

SECTION 1. The heading to Subchapter D, Chapter 125, Civil Practice and Remedies Code, is amended to read as follows:

SUBCHAPTER D. MEMBERSHIP IN CRIMINAL STREET GANG OR FOREIGN TERRORIST ORGANIZATION

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

(1) "Combination," ~~and~~ "criminal street gang," and "foreign terrorist organization" have the meanings assigned by Section 71.01, Penal Code.

(3) "Gang activity" means the following types of conduct:

(A) organized criminal activity as described by Section 71.02, Penal Code;

(B) terroristic threat as described by Section 22.07, Penal Code;

(C) coercing, inducing, or soliciting~~[, or inducing gang]~~ membership in a criminal street gang or foreign

1 terrorist organization as described by Section 71.022(a) or (a-1),  
2 Penal Code;

3 (D) criminal trespass as described by Section  
4 30.05, Penal Code;

5 (E) disorderly conduct as described by Section  
6 42.01, Penal Code;

7 (F) criminal mischief as described by Section  
8 28.03, Penal Code, that causes a pecuniary loss of \$500 or more;

9 (G) a graffiti offense in violation of Section  
10 28.08, Penal Code;

11 (H) a weapons offense in violation of Chapter 46,  
12 Penal Code; or

13 (I) unlawful possession of a substance or other  
14 item in violation of Chapter 481, Health and Safety Code.

15 SECTION 3. Section 125.062, Civil Practice and Remedies  
16 Code, is amended to read as follows:

17 Sec. 125.062. PUBLIC NUISANCE; COMBINATION. A  
18 combination, ~~or~~ criminal street gang, or foreign terrorist  
19 organization that continuously or regularly associates in gang  
20 activities is a public nuisance.

21 SECTION 4. Section 125.063, Civil Practice and Remedies  
22 Code, is amended to read as follows:

23 Sec. 125.063. PUBLIC NUISANCE; USE OF PLACE. The habitual  
24 use of a place by a combination, ~~or~~ criminal street gang, or  
25 foreign terrorist organization for engaging in gang activity is a  
26 public nuisance.

27 SECTION 5. Section 125.064(b), Civil Practice and Remedies

1 Code, is amended to read as follows:

2 (b) Any person who habitually associates with others to  
3 engage in gang activity as a member of a combination, ~~[or]~~ criminal  
4 street gang, or foreign terrorist organization may be made a  
5 defendant in the suit. Any person who owns or is responsible for  
6 maintaining a place that is habitually used for engaging in gang  
7 activity may be made a defendant in the suit.

8 SECTION 6. Section 125.065(a), Civil Practice and Remedies  
9 Code, is amended to read as follows:

10 (a) If the court finds that a combination, ~~[or]~~ criminal  
11 street gang, or foreign terrorist organization constitutes a public  
12 nuisance, the court may enter an order:

13 (1) enjoining a defendant in the suit from engaging in  
14 the gang activities of the combination, ~~[or]~~ criminal street gang,  
15 or foreign terrorist organization; and

16 (2) imposing other reasonable requirements to prevent  
17 the combination, ~~[or]~~ criminal street gang, or foreign terrorist  
18 organization from engaging in future gang activities.

19 SECTION 7. Section 125.069, Civil Practice and Remedies  
20 Code, is amended to read as follows:

21 Sec. 125.069. USE OF PLACE; EVIDENCE. In an action brought  
22 under this subchapter, proof that gang activity by a member of a  
23 combination, ~~[or]~~ a criminal street gang, or a foreign terrorist  
24 organization is frequently committed at a place or proof that a  
25 place is frequently used for engaging in gang activity by a member  
26 of a combination, ~~[or]~~ a criminal street gang, or a foreign  
27 terrorist organization is prima facie evidence that the proprietor

1 knowingly permitted the act, unless the act constitutes conspiring  
2 to commit gang activity.

3 SECTION 8. Sections 125.070(b), (c), and (e), Civil  
4 Practice and Remedies Code, are amended to read as follows:

5 (b) A criminal street gang or foreign terrorist  
6 organization or a member of a criminal street gang or foreign  
7 terrorist organization is liable to the state or a governmental  
8 entity injured by the violation of a temporary or permanent  
9 injunctive order under this subchapter.

10 (c) In an action brought against a member of a criminal  
11 street gang or a member of a foreign terrorist organization, the  
12 plaintiff must show that the member violated the temporary or  
13 permanent injunctive order.

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

27 (1) was stolen from the owner or interest holder; or

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

5 SECTION 9. Article 67.001, Code of Criminal Procedure, is  
6 amended by adding Subdivision (8-a) and amending Subdivision (9) to  
7 read as follows:

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

10 (9) "Intelligence database" means a collection or  
11 compilation of data organized for search and retrieval to evaluate,  
12 analyze, disseminate, or use intelligence information relating to a  
13 combination, ~~[or]~~ criminal street gang, or foreign terrorist  
14 organization for the purpose of investigating or prosecuting a  
15 criminal offense.

16 SECTION 10. Articles 67.051(a) and (b), Code of Criminal  
17 Procedure, are amended to read as follows:

18 (a) Subject to Subsection (b), a criminal justice agency or  
19 juvenile justice agency shall compile criminal information into an  
20 intelligence database for the purpose of investigating or  
21 prosecuting the criminal activities of combinations, ~~[or]~~ criminal  
22 street gangs, or foreign terrorist organizations.

23 (b) A law enforcement agency in a municipality with a  
24 population of 50,000 or more or in a county with a population of  
25 100,000 or more shall compile and maintain in a local or regional  
26 intelligence database criminal information relating to a criminal  
27 street gang or a foreign terrorist organization as provided by

1 Subsection (a). The agency must compile and maintain the  
2 information in accordance with the criminal intelligence systems  
3 operating policies established under 28 C.F.R. Section 23.1 et seq.  
4 and the submission criteria established under Article 67.054(b).

5 SECTION 11. Article 67.054(b), Code of Criminal Procedure,  
6 is amended to read as follows:

7 (b) Criminal information collected under this chapter  
8 relating to a criminal street gang or foreign terrorist  
9 organization must:

10 (1) be relevant to the identification of an  
11 organization that is reasonably suspected of involvement in  
12 criminal activity; and

13 (2) consist of:

14 (A) a judgment under any law that includes, as a  
15 finding or as an element of a criminal offense, participation in a  
16 criminal street gang or foreign terrorist organization;

17 (B) a self-admission by an individual of  
18 membership in a criminal street gang or foreign terrorist  
19 organization [~~membership~~] that is made during a judicial  
20 proceeding; or

21 (C) except as provided by Subsection (c), any two  
22 of the following:

23 (i) a self-admission by the individual of  
24 membership in a criminal street gang or foreign terrorist  
25 organization [~~membership~~] that is not made during a judicial  
26 proceeding, including the use of the Internet or other electronic  
27 format or medium to post photographs or other documentation

1 identifying the individual as a member of a criminal street gang or  
2 foreign terrorist organization;

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

6 (iii) a corroborated identification of the  
7 individual as a member of a criminal street gang or foreign  
8 terrorist organization [~~member~~] by an informant or other individual  
9 of unknown reliability;

10 (iv) evidence that the individual frequents  
11 a documented area of a criminal street gang or foreign terrorist  
12 organization and associates with known members of a criminal street  
13 gang or foreign terrorist organization [~~members~~];

14 (v) evidence that the individual uses, in  
15 more than an incidental manner, criminal street gang or foreign  
16 terrorist organization dress, hand signals, tattoos, or symbols,  
17 including expressions of letters, numbers, words, or marks,  
18 regardless of how or the means by which the symbols are displayed,  
19 that are associated with a criminal street gang or foreign  
20 terrorist organization that operates in an area frequented by the  
21 individual and described by Subparagraph (iv);

22 (vi) evidence that the individual has been  
23 arrested or taken into custody with known members of a criminal  
24 street gang or foreign terrorist organization [~~members~~] for an  
25 offense or conduct consistent with [~~criminal street~~] gang activity  
26 as defined by Section 125.061, Civil Practice and Remedies Code;

27 (vii) evidence that the individual has

1 visited a known member of a criminal street gang or foreign  
2 terrorist organization [~~member~~], other than a family member of the  
3 individual, while the [~~gang~~] member is confined in or committed to a  
4 penal institution; or

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

8 SECTION 12. Articles 67.102(a) and (d), Code of Criminal  
9 Procedure, are amended to read as follows:

10 (a) Notwithstanding Chapter 58, Family Code, criminal  
11 information relating to a child associated with a combination, ~~[or]~~  
12 criminal street gang, or foreign terrorist organization may be  
13 compiled and released under this chapter regardless of the age of  
14 the child.

15 (d) The governing body of a county or municipality served by  
16 a law enforcement agency described by Article 67.051(b) may adopt a  
17 policy to notify the parent or guardian of a child of the agency's  
18 observations relating to the child's association with a criminal  
19 street gang or foreign terrorist organization.

20 SECTION 13. Article 67.251, Code of Criminal Procedure, is  
21 amended to read as follows:

22 Art. 67.251. ESTABLISHMENT OF GANG RESOURCE SYSTEM. The  
23 office of the attorney general shall establish an electronic gang  
24 resource system to provide criminal justice agencies and juvenile  
25 justice agencies with information about criminal street gangs and  
26 foreign terrorist organizations in this state.

27 SECTION 14. Articles 67.252(a) and (b), Code of Criminal

1 Procedure, are amended to read as follows:

2 (a) The gang resource system established under Article  
3 67.251 may include the following information with regard to any  
4 gang or foreign terrorist organization:

5 (1) gang or organization name;

6 (2) gang or organization identifiers, such as colors  
7 used, tattoos, and clothing preferences;

8 (3) criminal activities;

9 (4) migration trends;

10 (5) recruitment activities; and

11 (6) a local law enforcement contact.

12 (b) Information in the gang resource system shall be  
13 accessible according to:

14 (1) municipality or county; and

15 (2) gang or organization name.

16 SECTION 15. Article 67.254(a), Code of Criminal Procedure,  
17 is amended to read as follows:

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

24 SECTION 16. Article 67.255, Code of Criminal Procedure, is  
25 amended to read as follows:

26 Art. 67.255. USE OF INFORMATION. Information in the gang  
27 resource system may be used in investigating [~~gang-related~~] crimes

1 relating to a criminal street gang or foreign terrorist  
2 organization. Information from the system may be included in an  
3 affidavit or subpoena or used in connection with any other legal or  
4 judicial proceeding only if the information is corroborated by  
5 information not provided by or maintained in the system.

6 SECTION 17. Section 557.001, Government Code, is amended by  
7 amending Subsection (a) and adding Subsection (b-1) to read as  
8 follows:

9 (a) A person commits an offense if the person knowingly:

10 (1) commits, attempts to commit, or conspires with one  
11 or more persons to commit an act intended to overthrow,  
12 destabilize, destroy, or alter the constitutional form of  
13 government of this state or of any political subdivision of this  
14 state by force, ~~or~~ violence, or a threat of force or violence;

15 (2) under circumstances that constitute a clear and  
16 present danger to the security of this state or a political  
17 subdivision of this state, advocates, advises, or teaches or  
18 conspires with one or more persons to advocate, advise, or teach a  
19 person to commit or attempt to commit an act described in  
20 Subdivision (1); or

21 (3) participates, with knowledge of the nature of the  
22 organization, in the management of an organization that engages in  
23 or attempts to engage in an act intended to overthrow, destabilize,  
24 destroy, or alter the constitutional form of government of this  
25 state or of any political subdivision of this state by force or  
26 violence.

27 (b-1) Notwithstanding Section 15.02(d), Penal Code, a

1 conspiracy to commit an offense under this section is punishable in  
2 the same manner as an offense under this section.

3 SECTION 18. Section 71.01, Penal Code, is amended by adding  
4 Subsection (e) to read as follows:

5 (e) "Foreign terrorist organization" means three or more  
6 persons operating as an organization at least partially outside the  
7 United States who engage in criminal activity and threaten the  
8 security of this state or its residents, including but not limited  
9 to a drug cartel.

10 SECTION 19. Section 71.02, Penal Code, is amended to read as  
11 follows:

12 Sec. 71.02. ENGAGING IN ORGANIZED CRIMINAL ACTIVITY.

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

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

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

27 (3) promotion of prostitution, aggravated promotion

1 of prostitution, or compelling prostitution;

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

4 (5) unlawful manufacture, delivery, dispensation, or  
5 distribution of a controlled substance or dangerous drug, or  
6 unlawful possession of a controlled substance or dangerous drug:

7 (A) through forgery, fraud, misrepresentation,  
8 or deception; or

9 (B) with the intent to deliver the controlled  
10 substance or dangerous drug;

11 (5-a) causing the unlawful delivery, dispensation, or  
12 distribution of a controlled substance or dangerous drug in  
13 violation of Subtitle B, Title 3, Occupations Code;

14 (6) any unlawful wholesale promotion or possession of  
15 any obscene material or obscene device with the intent to wholesale  
16 promote the same;

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

20 (8) any felony offense under Chapter 32;

21 (9) any offense under Chapter 36;

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

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

24 (12) any offense under Chapter 20A;

25 (13) any offense under Section 37.10;

26 (14) any offense under Section 38.06, 38.07, 38.09, or  
27 38.11;

- 1 (15) any offense under Section 42.10;
- 2 (16) any offense under Section 46.06(a)(1) or 46.14;
- 3 (17) any offense under Section 20.05, ~~or~~ 20.06, or
- 4 20.07;
- 5 (18) any offense under Section 16.02; or
- 6 (19) any offense classified as a felony under the Tax
- 7 Code.

8 (b) Except as provided in Subsections (c), ~~and~~ (d), and

9 (e), an offense under this section is one category higher than the

10 most serious offense listed in Subsection (a) that was committed,

11 and if the most serious offense is a Class A misdemeanor, the

12 offense is a state jail felony, except that the offense is a felony

13 of the first degree punishable by imprisonment in the Texas

14 Department of Criminal Justice for:

15 (1) life without parole, if the most serious offense

16 is an aggravated sexual assault and if at the time of that offense

17 the defendant is 18 years of age or older and:

18 (A) the victim of the offense is younger than six

19 years of age;

20 (B) the victim of the offense is younger than 14

21 years of age and the actor commits the offense in a manner described

22 by Section 22.021(a)(2)(A); or

23 (C) the victim of the offense is younger than 17

24 years of age and suffered serious bodily injury as a result of the

25 offense;

26 (2) life or for any term of not more than 99 years or

27 less than 30 years if the most serious offense is an offense under

1 Section 20.06 that is punishable under Subsection (g) of that  
2 section; or

3 (3) life or for any term of not more than 99 years or  
4 less than 15 years if the most serious offense is an offense  
5 punishable as a felony of the first degree, other than an offense  
6 described by Subdivision (1) or (2).

7 (c) Notwithstanding Section 15.02(d), a conspiracy  
8 ~~[Conspiring]~~ to commit an offense under this section is punishable  
9 in [is of] the same manner as an offense under this section [degree  
10 ~~as the most serious offense listed in Subsection (a) that the person~~  
11 ~~conspired to commit]~~.

12 (d) At the punishment stage of a trial, the defendant may  
13 raise the issue as to whether in voluntary and complete  
14 renunciation of the offense he withdrew from the combination before  
15 commission of an offense listed in Subsection (a) and made  
16 substantial effort to prevent the commission of the offense. If  
17 the defendant proves the issue in the affirmative by a  
18 preponderance of the evidence the offense is the same category of  
19 offense as the most serious offense listed in Subsection (a) that is  
20 committed~~[, unless the defendant is convicted of conspiring to~~  
21 ~~commit the offense, in which event the offense is one category lower~~  
22 ~~than the most serious offense that the defendant conspired to~~  
23 ~~commit]~~.

24 (e) An offense that is punishable as a second degree felony  
25 or as any lower category of offense under Subsection (b) is one  
26 additional category higher than the category listed under  
27 Subsection (b) if the person used or exhibited a deadly weapon

1 during the commission of one or more of the offenses listed under  
2 Subsection (a) and if an offense is punishable as a Class A  
3 misdemeanor under Subsection (b), the offense is a state jail  
4 felony.

5 SECTION 20. The heading to Section 71.022, Penal Code, is  
6 amended to read as follows:

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

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

11 (a) A person commits an offense if the person knowingly  
12 causes, enables, encourages, recruits, or solicits another person  
13 to become a member of a criminal street gang or foreign terrorist  
14 organization which, as a condition of initiation, admission,  
15 membership, or continued membership, requires the commission of any  
16 conduct which constitutes an offense punishable as a Class A  
17 misdemeanor or a felony.

18 (a-1) A person commits an offense if, with intent to coerce,  
19 induce, or solicit a child to actively participate in the  
20 activities of a criminal street gang or foreign terrorist  
21 organization, the person:

22 (1) threatens the child or a member of the child's  
23 family with imminent bodily injury; or

24 (2) causes bodily injury to the child or a member of  
25 the child's family.

26 SECTION 22. Section 71.023, Penal Code, is amended to read  
27 as follows:

1           Sec. 71.023. DIRECTING ACTIVITIES OF CRIMINAL STREET GANGS  
2 OR FOREIGN TERRORIST ORGANIZATIONS. (a) A person commits an  
3 offense if the person, as part of the identifiable leadership of a  
4 criminal street gang or foreign terrorist organization, knowingly  
5 finances, directs, or supervises the commission of, or a conspiracy  
6 to commit, one or more of the following offenses by members of a  
7 criminal street gang or foreign terrorist organization:

8           (1) a felony offense that is listed in Article  
9 [42A.054](#)(a), Code of Criminal Procedure;

10           (2) a felony offense for which it is shown that a  
11 deadly weapon, as defined by Section [1.07](#), was used or exhibited  
12 during the commission of the offense or during immediate flight  
13 from the commission of the offense; or

14           (3) an offense that is punishable under Section  
15 [481.112](#)(e) or (f), [481.1121](#)(b)(4), [481.1123](#)(d), (e), or (f),  
16 [481.115](#)(f), or [481.120](#)(b)(6), Health and Safety Code.

17           (b) An offense under this section is a felony of the first  
18 degree punishable by imprisonment in the Texas Department of  
19 Criminal Justice for life or for any term of not more than 99 years  
20 or less than 25 years.

21           SECTION 23. Chapter [125](#), Civil Practice and Remedies Code,  
22 as amended by this Act, applies only to an action commenced on or  
23 after the effective date of this Act. An action commenced before the  
24 effective date of this Act is governed by the law as it existed  
25 immediately before the effective date of this Act, and that law is  
26 continued in effect for that purpose.

27           SECTION 24. Chapter [71](#), Penal Code, as amended by this Act,

1 applies only to an offense committed on or after the effective date  
2 of this Act. An offense committed before the effective date of this  
3 Act is governed by the law in effect on the date the offense was  
4 committed, and the former law is continued in effect for that  
5 purpose. For purposes of this section, an offense was committed  
6 before the effective date of this Act if any element of the offense  
7 occurred before that date.

8 SECTION 25. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1900 passed the Senate on April 12, 2023, by the following vote: Yeas 29, Nays 2; and that the Senate concurred in House amendments on May 25, 2023, by the following vote: Yeas 30, Nays 1.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1900 passed the House, with amendments, on May 22, 2023, by the following vote: Yeas 93, Nays 51, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor