

BILL ANALYSIS

Senate Research Center

H.B. 1778
By: Thompson et al. (Huffman)
Criminal Justice
5/8/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires the Texas Human Trafficking Prevention Task Force, housed under the Office of the Attorney General, to develop legislative recommendations that strengthen state and local efforts to prevent human trafficking, protect and assist victims, curb economic markets that facilitate trafficking, and investigate and prosecute offenders. H.B. 1778 codifies these recommendations, introducing comprehensive statutory updates to combat human trafficking, prostitution, child exploitation, and sexual assault.

H.B. 1778 amends current law relating to human trafficking, prostitution, and child pornography and to the prosecution of sexual or assaultive offenses or the prosecution of a failure to stop or report those offenses, amends and harmonizes certain statute of limitations provisions, creates a criminal offense, and increases a criminal penalty.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the attorney general is modified in SECTION 1.06 (Section 402.0352, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1.09 (Section 1603.302, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1.18 of this bill.

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1.19 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1.01. Amends Section 71.0353(a), Government Code, as follows:

(a) Requires a district court or county court at law, as a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System (OCA), to report the number of cases filed for certain offenses under the Penal Code, including trafficking of persons under Section 20A.02 (Trafficking of Persons) or 20A.03 (Continuous Trafficking of Persons), promotion of prostitution under Section 43.03 (Promotion of Prostitution), online promotion of prostitution under Section 43.031 (Online Promotion of Prostitution), aggravated promotion of prostitution under Section 43.04 (Aggravated Promotion of Prostitution), and aggravated online promotion of prostitution under Section 43.041 (Aggravated Online Promotion of Prostitution). Makes nonsubstantive changes.

SECTION 1.02. Amends Section 402.034(c), Government Code, as follows:

(c) Provides that the human trafficking prevention coordinating council is composed of certain members, including one representative from certain state agencies, appointed by the chief administrative officer of the respective agency, including OCA. Makes nonsubstantive changes.

SECTION 1.03. Amends Section 402.035(g), Government Code, as follows:

(g) Requires the human trafficking prevention task force (task force), not later than December 1 of each even-numbered year, to submit a report regarding the task force's activities, findings, and recommendations, including an addendum comprised of the findings and recommendations submitted to the task force by the attorney general under Section 402.0353. Makes nonsubstantive changes.

SECTION 1.04. Amends Section 402.0351(a), Government Code, by amending Subdivision (1) and adding Subdivision (1-a), to define "body piercing studio" and redefine "cosmetology facility."

SECTION 1.05. Amends Section 402.0351(a-1), Government Code, as follows:

(a-1) Requires a person who operates certain entities, except as provided by Subsection (a-3) (relating to a sign or notice required to be posted relating to human trafficking), to post at the entity the sign prescribed under Subsection (b) (relating to requiring the attorney general to prescribe the design and content of a certain sign), or, if applicable, a similar sign or notice as prescribed by other state law, including a body piercing studio. Makes nonsubstantive changes.

SECTION 1.06. Transfers Article 2A.205, Code of Criminal Procedure, to Subchapter B, Chapter 402, Government Code, redesignates it as Section 402.0352, Government Code, and amends it, as follows:

Sec. 402.0352. New heading: REPORTING OF HUMAN TRAFFICKING CASES. (a) Provides that this section applies only to a municipal police department, sheriff's department, or constable's office in a county with a population of more than 50,000, the Department of Family and Protective Services (DFPS), the Texas Department of Licensing and Regulation (TDLR), OCA, the Texas Department of Criminal Justice (TDCJ), the Texas Juvenile Justice Department (TJJD), the Texas Alcoholic Beverage Commission (TABC), and the Department of Public Safety of the State of Texas (DPS).

Deletes existing text providing that Article 2A.205 (Certain Law Enforcement Agencies: Report Concerning Human Trafficking Cases) applies only to a county attorney's office, district attorney's office, and criminal district attorney's office, as applicable, in a county with a population of more than 50,000. Makes nonsubstantive changes.

(b) Requires an entity to which this section applies that investigates or collects data regarding the alleged commission of an offense under Chapter 20A (Trafficking of Persons), Penal Code, or the alleged commission of an offense under Chapter 21 (Sexual Offenses), 22 (Assaultive Offenses), or 43 (Public Indecency), Penal Code, that may involve human trafficking, to submit to the attorney general in the manner and form prescribed by the attorney general a report containing the following information:

(1) the offense being investigated or for which data is being collected, including the offense code designated by DPS under Article 66.052 (Implementation and Operation of Criminal Justice Information System), Code of Criminal Procedure, rather than including a brief description of the alleged prohibited conduct;

(2) regarding each person suspected of committing the offense, rather than regarding each person suspected of committing the offense and each victim of the offense as applicable:

(A) the person's:

(i) full name, rather than age;

(ii)-(iii) makes nonsubstantive changes to these subparagraphs;

(iv) country of origin, if the person is not a United States citizen or legal permanent resident;

(v) date of birth; and

(vi) age at the time of the offense, if available; and

(B) the case number associated with the person and the offense, rather than the case number associated with the offense and with the person suspected of committing the offense;

(3) the date and location, rather than the date, time, and location, of the alleged offense, including the city and county;

(4) redesignates existing Subdivision (6) as Subdivision (4) and makes a nonsubstantive change; and

(5) regarding the victim of the offense, certain victim information and, if available, information regarding any victims' service organization or program to which the victim was referred as part of the investigation.

Deletes text of existing Subdivision (4) requiring an entity to submit a report containing the type of human trafficking involved. Makes conforming and nonsubstantive changes to this subsection.

(c) Requires an entity described by Subsection (a) that does not have any investigations or offenses required to be reported under this section during a reporting period described by Subsection (c-1) to submit to the attorney general a notice stating there are no cases to report, in the manner and form prescribed by the attorney general.

Deletes existing text requiring an attorney representing the state who prosecutes the alleged commission of an offense under certain chapters of the Penal Code to submit to the attorney general certain information.

(c-1) Requires an entity described by Subsection (a) to submit a report under this section at least once every six months.

(d) Authorizes the attorney general to enter into a contract with a university or organization, rather than a university that provides for the university's assistance in, the collection and analysis of information received under this section. Requires the attorney general to ensure that all sensitive information is properly protected. Makes a conforming change.

(e) Provides that certain information described by Subsection (b) is confidential and not subject to disclosure under Chapter 552 (Public Information).

(f) Creates this subsection from existing text. Requires the attorney general, in consultation with the entities described by Subsection (a), to adopt rules to administer this section, including rules prescribing the form and manner of submission or report or notice required by Subsection (b) or (c). Makes conforming changes.

(g) Authorizes an entity, other than an entity described by Subsection (a), that has information related to the alleged commission of an offense under Chapter 20A, Penal Code, or an offense under Chapter 21, 22, or 43, Penal Code, that may

involve human trafficking, to submit the information to the Office of the Attorney General (OAG).

SECTION 1.07. Amends Subchapter B, Chapter 402, Government Code, by adding Section 402.0353, as follows:

Sec. 402.0353. STATEWIDE HUMAN TRAFFICKING DATA REPOSITORY; ANNUAL REPORT. (a) Requires OAG to establish a statewide human trafficking data repository to collect, organize, and analyze human trafficking information reported to OAG under Section 402.0352 in a manner that enables OAG, in collaboration with the human trafficking prevention coordinating council established under Section 402.034, to take certain actions.

(b) Prohibits information stored in the data repository established under this section from containing personal identifying information relating to a person suspected of committing an offense involving human trafficking, a suspected or known victim of human trafficking, or any other individual identified in the information shared with OAG under Section 402.0352.

(c) Authorizes the attorney general, for purposes of establishing and maintaining the data repository under this section, to contract with a third party that has experience working with human trafficking data and is a public or private institution of higher education or a nonprofit organization.

(d) Requires the attorney general to submit the attorney general's findings and recommendations based on the information collected, organized, and analyzed using the data repository established under this section to the human trafficking prevention task force for inclusion in the report required under Section 402.035(g).

SECTION 1.08. Amends Chapter 146, Health and Safety Code, by adding Section 146.0075, as follows:

Sec. 146.0075. REQUIRED HUMAN TRAFFICKING TRAINING. (a) Requires each employee of a tattoo studio or body piercing studio within the time prescribed by rules adopted by the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to complete a training course approved by the executive commissioner on identifying and assisting victims of human trafficking.

(b) Requires the executive commissioner to approve training courses on human trafficking prevention, including at least one course that is available without charge. Requires the Department of State Health Services (DSHS) to post the list of the approved training courses on DSHS's Internet website.

(c) Requires a tattoo studio or body piercing studio to post signs relating to human trafficking as required by Section 402.0351 (Required Posting of Human Trafficking Signs by Certain Entities; Civil Penalty), Government Code.

SECTION 1.09. Amends Subchapter G, Chapter 1603, Occupations Code, by adding Section 1603.302, as follows:

Sec. 1603.302. CONTINUING EDUCATION REGARDING HUMAN TRAFFICKING. Requires the Texas Commission of Licensing and Regulation (TCLR) to adopt rules requiring a license holder to complete continuing education on identifying and assisting victims of human trafficking.

SECTION 1.10. Amends Section 20A.02(a), Penal Code, as follows:

(a) Provides that a person commits an offense if the person knowingly:

(1)-(4) makes no changes to these subdivisions;

(5) traffics a child or disabled individual with the intent that the trafficked child or disabled individual engage in forced labor or services, regardless of whether the person knows the age of the child or whether the person knows the victim is disabled;

(6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services, regardless of whether the person knows the age of the child or whether the person knows the victim is disabled;

(7) traffics a child or disabled individual, regardless of whether the person knows the age of the child or whether the person knows the victim is disabled, and by any means causes the trafficked child or disabled individual to engage in, or become the victim of, conduct prohibited by certain sections of the Penal Code; or

(8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child or disabled individual trafficked in the manner described in Subdivision (7), regardless of whether the person knows the age of the child or whether the person knows the victim is disabled.

SECTION 1.11. Reenacts Section 20A.02(b), Penal Code, as amended by Chapters 93 (S.B. 1527) and 452 (H.B. 3554), Acts of the 88th Legislature, Regular Session, 2023, and amends it, as follows:

(b) Deletes existing text providing that an offense under this section is a felony of the first degree if the applicable conduct constitutes an offense under certain provisions of Subsection (a) (relating to providing that a person commits an offense if the person knowingly takes certain actions), regardless of whether the actor knows the age of the child or whether the actor knows the victim is disabled at the time of the offense. Makes a nonsubstantive change.

SECTION 1.12. Reenacts Section 20A.02(b-1), Penal Code, as amended by Chapters 451 (H.B. 3553) and 452 (H.B. 3554), Acts of the 88th Legislature, Regular Session, 2023, and amends it, as follows:

(b) Provides that an offense under this section is a felony of the first degree punishable by imprisonment in TDCJ for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed any part of the offense, rather than committed the offense in a location that was:

(1) on the premises of or within 1,000 feet of the premises of certain locations, including a school or a school bus stop or other area designated by a school as a pick-up or drop-off zone for students;

(2) on the premises where or within 1,000 feet of the premises where an official school function was taking place or an event sponsored or sanctioned by the University Interscholastic League was taking place; or

(3) in a school bus or other passenger transportation vehicle of a school.

Makes nonsubstantive changes to this subsection.

SECTION 1.13. Repealer: Section 4.01 (What Courts Have Criminal Jurisdiction), Chapter 93 (S.B. 1527), Acts of the 88th Legislature, Regular Session, 2023, which amended Article 2.305 (Report Required Concerning Human Trafficking Cases), Code of Criminal Procedure.

SECTION 1.14. Provides that, notwithstanding Article 2A.205, Code of Criminal Procedure, as transferred, redesignated, and amended by this article, an entity that was not required to report under Article 2A.205, Code of Criminal Procedure, as it existed immediately before the effective date of this Act, is not required to submit the initial report required by Article 2A.205, Code of Criminal Procedure, before July 1, 2026.

SECTION 1.15. Provides that, notwithstanding Section 402.035(g), Government Code, as amended by this article, the human trafficking prevention task force is not required to include in the task force's report the addendum required by that subsection before July 1, 2027.

SECTION 1.16. Makes application of Chapter 20A, Penal Code, as amended by this Act, prospective to September 1, 2025.

SECTION 1.17. Requires OCA, as soon as practicable after September 1, 2025, to appoint a representative as required by Section 402.034(c), Government Code, as amended by this article.

SECTION 1.18. Provides that, as soon as practicable after September 1, 2025:

(1) the executive commissioner is required to approve human trafficking prevention training courses as provided by Section 146.0075(b), Health and Safety Code, as added by this article, and adopt rules necessary to implement Section 146.0075, Health and Safety Code, as added by this article; and

(2) DSHS is required to post on its Internet website the list of human trafficking prevention courses approved by the executive commissioner of the Health and Human Services Commission under Section 146.0075(b), Health and Safety Code, as added by this article.

SECTION 1.19. Requires TCLR, as soon as practicable after September 1, 2025, to adopt the rules required by Section 1603.302, Occupations Code, as added by this article.

SECTION 1.20. Provides that an employee of a tattoo studio or body piercing studio is not required to complete a training course as required by Section 146.0075(a), Health and Safety Code, as added by this article, before January 1, 2026.

SECTION 1.21. Provides that, to the extent of any conflict, this article prevails over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

ARTICLE 2. PROSTITUTION

SECTION 2.01. Amends Section 43.021(b), Penal Code, as follows:

(b) Provides that that an offense under Subsection (a) (relating to providing that a person knowingly commits an offense if the person knowingly offers or agrees to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another) is a state jail felony, except that the offense is a felony of the second degree if the person with respect to whom the actor offers or agrees to engage, rather than offers or agrees to pay the fee for the purpose of engaging, in sexual conduct is younger than 18 years of age, regardless of whether the actor knows the age of the person at the time of the offense, represented to the actor as being younger than 18 years of age, or believed by the actor to be younger than 18 years of age.

SECTION 2.02. Amends Subchapter A, Chapter 43, Penal Code, by adding Section 43.032, as follows:

Sec. 43.032. CONTINUOUS PROMOTION OF PROSTITUTION. (a) Provides that a person commits an offense if, during a period that is 30 or more days in duration, the person engages two or more times in conduct that constitutes an offense under Section 43.03 (Promotion of Prostitution).

(b) Provides that, if a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific conduct engaged in by the defendant constituted an offense under Section 43.03 or on which exact date the defendant engaged in that conduct. Requires the jury to agree unanimously that the defendant, during a period that is 30 or more days in duration, engaged two or more times in conduct that constituted an offense under Section 43.03.

(c) Prohibits a defendant, if the victim of an offense under Subsection (a) is the same victim as a victim of an offense under Section 43.03, from being convicted of the offense under Section 43.03 in the same criminal action as the offense under Subsection (a), unless the offense under Section 43.03 is charged in the alternative, occurred outside the period in which the offense alleged under Subsection (a) was committed, or is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a).

(d) Prohibits a defendant from being charged with more than one count under Subsection (a) if all of the conduct that constitutes an offense under Section 43.03 is alleged to have been committed against the same victim.

(e) Provides that an offense under this section is a felony of the first degree.

SECTION 2.03. Amends Article 17.081, Code of Criminal Procedure, as follows:

Art. 17.081. ADDITIONAL REQUISITES OF BAIL BOND GIVEN BY CERTAIN DEFENDANTS. Requires that a bail bond for a defendant charged with an offense under certain sections of the Penal Code, including Section 43.032, in addition to the requirements of Article 17.08, include the address, identification number, and state of issuance as shown on a valid driver's license or identification card for the defendant and any surety, including any agent executing the bail bond on behalf of a corporation acting as surety.

SECTION 2.04. Amends Article 17.465(b), Code of Criminal Procedure, to provide that a magistrate is required to require as a condition of release on bond that a defendant charged with an offense under certain sections of the Penal Code, including section 43.032, committed against a person 18 years of age or older is prohibited from taking certain actions.

SECTION 2.05. Amends Article 42A.054(e), Code of Criminal Procedure, to make a conforming change.

SECTION 2.06. Amends Article 56B.003(13), Code of Criminal Procedure, to redefine "trafficking of persons."

SECTION 2.07. Amends Article 58.051(11), Code of Criminal Procedure, to redefine "trafficking of persons."

SECTION 2.08. Amends Section 169.002(b), Health and Safety Code, to make a conforming change.

SECTION 2.09. Amends Section 455.005(c), Occupations Code, as follows:

(c) Provides that a political subdivision is prohibited from adopting a regulation of the type described by Subsection (b) (relating to providing that Chapter 455 (Massage Therapy) does not affect certain local regulations) that is more restrictive for massage establishments than for other health care establishments, except that a more restrictive regulation of the type described by Subsection (b) is authorized to be adopted if the regulation relates to the location, ownership, hours of operation, or operation of a massage establishment where three or more arrests have occurred or citations in lieu of arrest have been issued for certain offenses, including an offense under Section 43.032, Penal Code, that was committed at the massage establishment or where an offense under

certain provisions of the Penal Code, including Section 43.0432, was committed that resulted in a conviction.

SECTION 2.10. Reenacts Section 455.152, Occupations Code, as amended by Chapters 13 (S.B. 483) and 440 (H.B. 2016), Acts of the 88th Legislature, Regular Session, 2023, and amends it, as follows:

Sec. 455.152. INELIGIBILITY FOR LICENSE. Provides that a person is not eligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor if the person is an individual and has been convicted of, entered a plea of nolo contendere or guilty to, or received deferred adjudication for an offense under certain provisions of the Penal Code, including Section 43.032. Makes nonsubstantive changes.

SECTION 2.11. Amends Section 455.251(b), Occupations Code, to make a conforming change.

SECTION 2.12. Makes application of section 43.021(b), Penal Code, as amended by this Act, prospective to September 1, 2025.

ARTICLE 3. CHILD PORNOGRAPHY

SECTION 3.01. Reenacts Section 43.26(d), Penal Code, as amended by Chapters 93 (S.B. 1527) and 1041 (S.B. 129), Acts of the 88th Legislature, Regular Session, 2023, and amends it, as follows:

(d) Provides that an offense under Subsection (a) (relating to providing that a person commits an offense if the person takes certain actions) is:

(1) a felony of the third degree if the person possesses visual material that contains fewer than 10, rather than 100, visual depictions of a child as described by Subsection (a)(1) (relating to providing that a person commits an offense if the person knowingly or intentionally possesses or accesses visual material depicting a child who is engaging in sexual conduct);

(2) a felony of the second degree if the person possesses visual material that contains 10 or more visual depictions of a child as described by Subsection (a)(1) but fewer than 50, rather than 500, such depictions;

(3) a felony of the first degree if the person possesses visual material that contains 50 or more visual depictions of a child as described by Subsection (a)(1) or possesses visual material of conduct constituting an offense under Section 22.011(a)(2) (relating to providing that a person commits an offense regardless of whether the persons knows the age of the child at the time of the offense); or

(4) makes no changes to this subdivision.

Makes conforming and nonsubstantive changes to this subsection.

SECTION 3.02. Amends Section 43.26(g), Penal Code, as follows:

(g) Provides that an offense under Subsection (e) is a felony of the first, rather than second, degree, except that the offense is a felony of the first degree with a minimum term of confinement of 15 years if:

(1) the person promotes or possesses with intent to promote visual material that contains 50 or more visual depictions of a child as described by Subsection (a)(1) or visual material of conduct constituting an offense under Section 22.011(a)(2); and

(2) it is shown on the trial of the offense that the person has been previously convicted of an offense under Section 43.26 (Possession or Promotion of Child Pornography), rather than that subsection.

SECTION 3.03. Repealers: Sections 43.26(d-1) (relating to providing that if it is shown on the trial of the offense that the person engaged in certain conduct during the same criminal episode, an offense is a felony of the first degree or the minimum term of confinement is increased to 15 years), as added by Chapter 93 (S.B. 1527), Acts of the 88th Legislature, Regular Session, 2023 and 43.26(d-2) (relating to providing that the enhancement provided by Subsection (d-1) is unavailable if the person is also prosecuted under certain provisions during the same criminal episode), Penal Code.

SECTION 3.04. Makes application of Section 43.26, Penal Code, as amended by this Act, prospective to September 1, 2025.

ARTICLE 4. PROSECUTION OF SEXUAL OR ASSAULTIVE OFFENSES OR
PROSECUTION OF FAILURE TO STOP OR REPORT THOSE OFFENSES

SECTION 4.01. Reenacts Article 12.01, Code of Criminal Procedure, as amended by Chapters 93 (S.B. 1527), 118 (H.B. 467), 127 (H.B. 1207), 422 (H.B. 1769), 520 (H.B. 3025), 689 (H.B. 1506), 704 (H.B. 2019), 709 (H.B. 2190), 768 (H.B. 4595), 830 (H.B. 2187), 885 (H.B. 4635), and 1041 (S.B. 129), Acts of the 88th Legislature, Regular Session, 2023, and amends it, as follows:

Art. 12.01. FELONIES. Provides that, except as provided in Articles 12.015 (Racketeering and Unlawful Debt Collection) and 12.03 (Aggravated Offenses, Attempt, Conspiracy, Solicitation, Organized Criminal Activity), felony indictments are authorized to be presented within these limits, and not afterward:

(1) no limitation:

(A)-(H) makes no changes to these paragraphs;

(I) makes a nonsubstantive change to these paragraphs;

(K)-(L) redesignates existing Paragraphs (J)-(J) as Paragraphs (K)-(L);

(M) failure to stop or report sexual or assaultive offense against child under Section 38.17, Penal Code; or

(N) continuous promotion of prostitution under Section 43.032, Penal Code;

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

(A)-(D) makes no changes to these paragraphs;

(E) sexual assault, except as provided by Subdivision (1) or (9) (relating to providing that felony indictments are authorized to be within two years from the date the offense was discovered), rather than (1) or (8); or

(F)-(H) makes no changes to these paragraphs;

(3) makes no changes to this subdivision;

(4) five years from the date of the commission of the offense of abandoning or endangering an elderly or disabled individual, rather than a child, elderly individual, or disabled individual;

(5) makes a conforming change to this subdivision;

(6) 20 years from the 18th birthday of the victim of certain offenses, including trafficking of a child, rather than persons, under certain provisions of the Penal Code;

(7) makes nonsubstantive changes to this subdivision; or

(8)-(10) redesignates existing Subdivisions (7)-(9) as Subdivisions (8)-(10).

SECTION 4.02. Reenacts Section 2(a), Article 38.072, Code of Criminal Procedure, as amended by Chapters 284 (S.B. 643) and 710 (H.B. 2846), Acts of the 81st Legislature, Regular Session, 2009, and amends it, as follows:

(a) Provides that Article 38.072 (Hearsay Statement of Certain Abuse Victims) applies only to certain statements, including a statement that describes, if the statement is offered during the punishment phase of the proceeding, a crime, wrong, or act other than the alleged offense that is allegedly committed by the defendant against the child or person with a disability who is the victim of the offense or against another person who is a child younger than 18, rather than 14, years of age or a person with a disability. Makes conforming changes.

SECTION 4.03. Amends Section 2, Article 38.072, Code of Criminal Procedure, by adding Subsection (a-1) to require the trial court to admit more than one statement under this article at a proceeding if each statement meets certain requirements and describes different conduct by the defendant.

SECTION 4.04. Amends Section 3, Article 38.072, Code of Criminal Procedure, to redefine "person with a disability."

SECTION 4.05. Amends Section 1, Article 38.37, Code of Criminal Procedure, as follows:

Sec. 1. (a) Provides that Subsection (b) applies to a proceeding in the prosecution of a defendant for an offense, or an attempt or conspiracy to commit an offense, under certain provisions of the Penal Code. Makes conforming and nonsubstantive changes to this subsection.

(b) Requires that evidence of other crimes, wrongs, or acts committed by the defendant against the victim, rather than child who is the victim, of the alleged offense, notwithstanding Rules 404 and 405, Texas Rules of Evidence, be admitted for its bearing on relevant matters, including the state of mind of the defendant and the victim, rather than child. Makes conforming changes.

(c) Requires a court, if a court admits evidence under this section and on request by either party, to provide to the jury a limiting instruction regarding the purposes for which the evidence may be used. Requires the court to provide the limiting instruction orally at the time the evidence is admitted and in writing on conclusion of the presentation of evidence in the case, at the time written instructions are provided to the jury.

SECTION 4.06. Amends Section 38.17, Penal Code, as follows:

Sec. 38.17. New heading: FAILURE TO STOP OR REPORT SEXUAL OR ASSAULTIVE OFFENSE AGAINST CHILD. (a) Deletes existing text providing that a person, other a person who has a relationship with a child described by Section 22.04(b) (relating to providing that an omission that causes certain conditions is conduct constituting an offense in certain circumstances), commits an offense if the actor observes the commission or attempted commission of an offense prohibited by certain provisions of the Penal Code under circumstances in which a reasonable person would believe that an offense of sexual or assaultive nature was being committed or was about to be committed against a child. Makes a nonsubstantive change.

(b) Provides that an offense under this section is a felony of the third degree, rather than a Class A misdemeanor.

(c) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

SECTION 4.07. Provides that the change in law made by this article to Article 12.01, Code of Criminal Procedure, does not apply to the prosecution of an offense under Section 38.17, Penal Code, if the prosecution of that offense becomes barred by limitation before September 1, 2025. The prosecution of that offense remains barred as if this article had not taken effect.

SECTION 4.08. Provides that the changes in law made by this article to Chapter 38 (Evidence in Criminal Actions), Code of Criminal Procedure, apply to a criminal proceeding that commences on or after September 1, 2025. Provides that a criminal proceeding that commences before September 1, 2025, is governed by the law in effect on the date the proceeding commenced, and the former law is continued in effect for that purpose.

SECTION 4.09. Makes application of Section 38.17, Penal Code, as amended by this Act, prospective to September 1, 2025.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. Effective date: September 1, 2025.