

By: Hull, et al.

H.B. No. 1422

A BILL TO BE ENTITLED

AN ACT

relating to the rights of victims of sexual assault and other sex offenses, the offense of continuous sexual abuse, and the prosecution, punishment, and collateral consequences of certain sex offenses; creating a criminal offense; increasing criminal penalties; changing the eligibility for community supervision, mandatory supervision, and parole for persons convicted of certain sex offenses.

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

SECTION 1. Section 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);

(6-a) Section 21.03, Penal Code (Continuous Sexual

1 Abuse);

2                   (7) Section 21.11, Penal Code (Indecency with a

3 Child);

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

5                   (9) Section 22.021, Penal Code (Aggravated Sexual

6 Assault);

7                   (10) Section 22.04(a)(1), Penal Code (Injury to a

8 Child, Elderly Individual, or Disabled Individual), if:

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

10 first degree; and

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

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

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

14                         (A) the offense is punishable under Subsection

15 (d) of that section; and

16                         (B) the actor committed the offense with the

17 intent to commit a felony under Section 21.02, 21.03, 21.11,

18 22.011, 22.021, or 25.02, Penal Code;

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

20 of Prostitution);

21                   (14) Section 43.05, Penal Code (Compelling

22 Prostitution);

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

24 a Child);

25                   (16) Section 43.26, Penal Code (Possession or

26 Promotion of Child Pornography);

27                   (17) Chapter 481, Health and Safety Code, for which

1 punishment is increased under:

2 (A) Section 481.140 of that code (Use of Child in  
3 Commission of Offense); or

4 (B) Section 481.134(c), (d), (e), or (f) of that  
5 code (Drug-free Zones) if it is shown that the defendant has been  
6 previously convicted of an offense for which punishment was  
7 increased under any of those subsections; or

8 (18) Section 481.1123, Health and Safety Code  
9 (Manufacture or Delivery of Substance in Penalty Group 1-B), if the  
10 offense is punishable under Subsection (d), (e), or (f) of that  
11 section.

12 SECTION 2. Article 42A.102(b), Code of Criminal Procedure,  
13 is amended to read as follows:

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

16 (1) the defendant is charged with an offense:

17 (A) under Section 20A.02, 20A.03, 49.045, 49.05,  
18 49.061, 49.065, 49.07, or 49.08, Penal Code;

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

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

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

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

27 (D) for which punishment may be increased under

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

5 (E) under Section 481.1123, Health and Safety  
6 Code, that is punishable under Subsection (d), (e), or (f) of that  
7 section;

8 (2) the defendant:

9 (A) is charged with an offense under Section  
10 21.11, 22.011, 22.021, 43.04, or 43.05, Penal Code, regardless of  
11 the age of the victim, or a felony described by Article 42A.453(b),  
12 other than a felony described by Subdivision (1)(A) or (3)(B) of  
13 this subsection; and

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

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

17 (A) Section 21.02, Penal Code; ~~or~~

18 (B) Section 21.03, Penal Code; or

19 (C) Section 22.021, Penal Code, that is  
20 punishable under Subsection (f) of that section or under Section  
21 12.42(c)(3) or (4), Penal Code; or

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

SECTION 3. Article 56A.306(a), Code of Criminal Procedure, is amended to read as follows:

(a) The department, consistent with Chapter 420, Government Code, shall develop procedures for the transfer, ~~and~~ preservation, and testing of evidence collected during a forensic medical examination for a sexual assault that was not reported to a law enforcement agency, including procedures for:

(1) the transfer of the evidence to a crime laboratory or other suitable location designated by the public safety director of the department;

(2) the preservation of the evidence by the entity receiving the evidence; ~~and~~

(3) the notification of the survivor ~~[victim]~~ of the offense through the statewide electronic tracking system before a planned destruction of evidence under this article; and

(4) forensic DNA testing performed in accordance with the limited consent of a survivor or other authorized person, as described by Section 420.0736, Government Code.

SECTION 4. Articles 62.001(5) and (6), Code of Criminal Procedure, are amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or disabled individual), 21.03

1 (Continuous sexual abuse), 21.09 (Bestiality), 21.11 (Indecency  
2 with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual  
3 assault), or 25.02 (Prohibited sexual conduct), Penal Code;

4 (B) a violation of Section 43.04 (Aggravated  
5 promotion of prostitution), 43.05 (Compelling prostitution), 43.25  
6 (Sexual performance by a child), or 43.26 (Possession or promotion  
7 of child pornography), Penal Code;

8 (B-1) a violation of Section 43.021  
9 (Solicitation of Prostitution), Penal Code, if the offense is  
10 punishable as a felony of the second degree;

11 (C) a violation of Section 20.04(a)(4)  
12 (Aggravated kidnapping), Penal Code, if the actor committed the  
13 offense or engaged in the conduct with intent to violate or abuse  
14 the victim sexually;

15 (D) a violation of Section 30.02 (Burglary),  
16 Penal Code, if the offense or conduct is punishable under  
17 Subsection (d) of that section and the actor committed the offense  
18 or engaged in the conduct with intent to commit a felony listed in  
19 Paragraph (A) or (C);

20 (E) a violation of Section 20.02 (Unlawful  
21 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),  
22 Penal Code, if, as applicable:

23 (i) the judgment in the case contains an  
24 affirmative finding under Article 42.015; or

25 (ii) the order in the hearing or the papers  
26 in the case contain an affirmative finding that the victim or  
27 intended victim was younger than 17 years of age;

1 (F) the second violation of Section 21.08  
2 (Indecent exposure), Penal Code, but not if the second violation  
3 results in a deferred adjudication;

4 (G) an attempt, conspiracy, or solicitation, as  
5 defined by Chapter 15, Penal Code, to commit an offense or engage in  
6 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

7 (H) a violation of the laws of another state,  
8 federal law, the laws of a foreign country, or the Uniform Code of  
9 Military Justice for or based on the violation of an offense  
10 containing elements that are substantially similar to the elements  
11 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),  
12 (G), (J), (K), or (L), but not if the violation results in a  
13 deferred adjudication;

14 (I) the second violation of the laws of another  
15 state, federal law, the laws of a foreign country, or the Uniform  
16 Code of Military Justice for or based on the violation of an offense  
17 containing elements that are substantially similar to the elements  
18 of the offense of indecent exposure, but not if the second violation  
19 results in a deferred adjudication;

20 (J) a violation of Section 33.021 (Online  
21 solicitation of a minor), Penal Code;

22 (K) a violation of Section 20A.02(a)(3), (4),  
23 (7), or (8) (Trafficking of persons), Penal Code; or

24 (L) a violation of Section 20A.03 (Continuous  
25 trafficking of persons), Penal Code, if the offense is based partly  
26 or wholly on conduct that constitutes an offense under Section  
27 20A.02(a)(3), (4), (7), or (8) of that code.

(6) "Sexually violent offense" means any of the following offenses committed by a person 17 years of age or older:

(A) an offense under Section 21.02 (Continuous sexual abuse of young child or disabled individual), 21.03 (Continuous sexual abuse), 21.11(a)(1) (Indecency with a child), 22.011 (Sexual assault), or 22.021 (Aggravated sexual assault), Penal Code;

(B) an offense under Section 43.25 (Sexual performance by a child), Penal Code;

(C) an offense under Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant committed the offense with intent to violate or abuse the victim sexually;

(D) an offense under Section 30.02 (Burglary), Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with intent to commit a felony listed in Paragraph (A) or (C) of Subdivision (5); or

(E) an offense under the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice if the offense contains elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (C), or (D).

SECTION 5. Section 420.0735, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The reason or purpose for the release of evidence described by Subsection (d)(2) may be limited to permit only the acts of forensic DNA testing by the department in the manner



1 provided by Section 420.0736, regardless of whether a report of the  
2 applicable offense is made to a law enforcement agency.

3 SECTION 6. Subchapter D, Chapter 420, Government Code, is  
4 amended by adding Section 420.0736 to read as follows:

5 Sec. 420.0736. LIMITED CONSENT FOR DNA TESTING OF CERTAIN  
6 EVIDENCE. (a) To encourage the reporting of sexual assaults or  
7 other sex offenses that would otherwise remain unreported and  
8 notwithstanding Sections 420.0431 and 420.0432, a survivor or other  
9 person authorized to consent to the release of evidence contained  
10 in an evidence collection kit under Section 420.0735 may choose to  
11 limit the scope of the consent under that section to only permit,  
12 without regard to whether a report of the offense is made to a law  
13 enforcement agency, the performance of forensic DNA testing by the  
14 department on biological evidence contained in the evidence  
15 collection kit.

16 (b) The department by rule shall adopt a form to enable a  
17 survivor or other authorized person to provide the limited consent  
18 described by this section. The form must include the following  
19 statement: "IT IS NOT NECESSARY TO REPORT AN OFFENSE TO A LAW  
20 ENFORCEMENT AGENCY IN ORDER TO OBTAIN FORENSIC DNA TESTING OF  
21 BIOLOGICAL EVIDENCE COLLECTED DURING YOUR FORENSIC MEDICAL  
22 EXAMINATION. HOWEVER, IF YOU AUTHORIZE FORENSIC DNA TESTING OF THE  
23 BIOLOGICAL EVIDENCE COLLECTED DURING YOUR EXAMINATION WITHOUT  
24 REPORTING THE OFFENSE TO LAW ENFORCEMENT, ANY RESULTS OF THE  
25 FORENSIC DNA TESTING WILL NOT BE COMPARED TO DNA PROFILES  
26 MAINTAINED IN DNA DATABASES AND WILL NOT BE SUBJECT TO USE IN A  
27 CRIMINAL INVESTIGATION OR TRIAL."

1        (c) The department shall provide to the survivor or other  
2 authorized person who provides limited consent to forensic DNA  
3 testing, as described by Subsection (a), the results of the  
4 forensic DNA testing through the statewide electronic tracking  
5 system established under Section 420.034. The department may not  
6 notify any other entity of the results of the forensic DNA testing  
7 and may not use those results for any other reason or purpose,  
8 unless the department first obtains additional written consent from  
9 the person for that reason or purpose under Section 420.0735.

10       (d) The department shall provide to the survivor or other  
11 authorized person who provides limited consent to forensic DNA  
12 testing, as described by Subsection (a), information regarding how  
13 to report an offense to a law enforcement agency in order to have  
14 the results of the forensic DNA testing compared to DNA profiles  
15 maintained in DNA databases and used in a criminal investigation or  
16 trial.

17       SECTION 7. Section 499.027(b), Government Code, is amended  
18 to read as follows:

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

21           (1) the inmate is awaiting transfer to the  
22 institutional division, or serving a sentence, for an offense for  
23 which the judgment contains an affirmative finding under Article  
24 42A.054(c) or (d), Code of Criminal Procedure;

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

- 1 (A) Section 19.02 (murder);
- 2 (B) Section 19.03 (capital murder);
- 3 (C) Section 19.04 (manslaughter);
- 4 (D) Section 20.03 (kidnapping);
- 5 (E) Section 20.04 (aggravated kidnapping);
- 6 (F) Section 21.11 (indecent with a child);
- 7 (G) Section 22.011 (sexual assault);
- 8 (H) Section 22.02 (aggravated assault);
- 9 (I) Section 22.021 (aggravated sexual assault);
- 10 (J) Section 22.04 (injury to a child, elderly
- 11 individual, or disabled individual);
- 12 (K) Section 25.02 (prohibited sexual conduct);
- 13 (L) Section 25.08 (sale or purchase of a child);
- 14 (M) Section 28.02 (arson);
- 15 (N) Section 29.02 (robbery);
- 16 (O) Section 29.03 (aggravated robbery);
- 17 (P) Section 30.02 (burglary), if the offense is
- 18 punished as a first-degree felony under that section;
- 19 (Q) Section 43.04 (aggravated promotion of
- 20 prostitution);
- 21 (R) Section 43.05 (compelling prostitution);
- 22 (S) Section 43.24 (sale, distribution, or
- 23 display of harmful material to minor);
- 24 (T) Section 43.25 (sexual performance by a
- 25 child);
- 26 (U) Section 46.10 (deadly weapon in penal
- 27 institution);

(V) Section 15.01 (criminal attempt), if the offense attempted is listed in this subsection;

(W) Section 15.02 (criminal conspiracy), if the offense that is the subject of the conspiracy is listed in this subsection;

(X) Section 15.03 (criminal solicitation), if the offense solicited is listed in this subsection;

(Y) Section 21.02 (continuous sexual abuse of young child or disabled individual);

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

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

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

(CC) Section 21.03 (continuous sexual abuse); or

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

SECTION 8. Section 508.145(a), Government Code, is amended to read as follows:

(a) An inmate is not eligible for release on parole if the inmate is under sentence of death, serving a sentence of life imprisonment without parole, or serving a sentence for any of the following offenses under the Penal Code:

(1) Section 20A.03, if the offense is based partly or

1 wholly on conduct constituting an offense under Section  
2 20A.02(a)(5), (6), (7), or (8);

3 (2) Section 21.02;

4 (3) Section 21.03;

5 (4) Section 22.021, if the offense is punishable under  
6 Subsection (f) of that section; or

7 (5) (4) ~~[(4)]~~ Section 51.03 or 51.04.

8 SECTION 9. Section 508.149(a), Government Code, is amended  
9 to read as follows:

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

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

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

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

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

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

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

23 (7) a first degree felony or a second degree felony  
24 under Section 22.02, Penal Code;

25 (8) a first degree felony under Section 22.021, Penal  
26 Code;

27 (9) a first degree felony under Section 22.04, Penal

1 Code;  
2 (10) a first degree felony under Section 28.02, Penal  
3 Code;  
4 (11) a second degree felony under Section 29.02, Penal  
5 Code;  
6 (12) a first degree felony under Section 29.03, Penal  
7 Code;  
8 (13) a first degree felony under Section 30.02, Penal  
9 Code;  
10 (14) a felony for which the punishment is increased  
11 under Section 481.134 or 481.140, Health and Safety Code;  
12 (15) an offense under Section 43.25, Penal Code;  
13 (16) an offense under Section 21.02, Penal Code;  
14 (17) a first degree felony under Section 15.03, Penal  
15 Code;  
16 (18) an offense under Section 43.05, Penal Code;  
17 (19) an offense under Section 20A.02, Penal Code;  
18 (20) an offense under Section 20A.03, Penal Code;  
19 (21) a first degree felony under Section 71.02 or  
20 71.023, Penal Code;  
21 (22) an offense under Section 481.1123, Health and  
22 Safety Code, punished under Subsection (d), (e), or (f) of that  
23 section;  
24 (23) a second degree felony under Section 22.01, Penal  
25 Code; ~~or~~  
26 (24) an offense under Section 22.01, Penal Code,  
27 punished under Subsection (b)(2), (7), or (8) of that section; or

1           (25) an offense under Section 21.03, Penal Code.

2           SECTION 10. Section 508.151(a), Government Code, is amended  
3 to read as follows:

4           (a) For the purpose of diverting inmates to halfway houses  
5 under Section 508.118, a parole panel, after reviewing all  
6 available pertinent information, may designate a presumptive  
7 parole date for an inmate who:

8           (1) has never been convicted of an offense listed  
9 under Article 42A.054(a), Code of Criminal Procedure, or an offense  
10 under Section 21.02 or 21.03, Penal Code; and

11           (2) has never had a conviction with a judgment that  
12 contains an affirmative finding under Article 42A.054(c) or (d),  
13 Code of Criminal Procedure.

14           SECTION 11. Section 508.189(a), Government Code, is amended  
15 to read as follows:

16           (a) A parole panel shall require as a condition of parole or  
17 mandatory supervision that a releasee convicted of an offense under  
18 Section 21.02, 21.03, 21.08, 21.11, 22.011, 22.021, 25.02, 43.25,  
19 or 43.26, Penal Code, pay to the division a parole supervision fee  
20 of \$5 each month during the period of parole supervision.

21           SECTION 12. Section 3.03(b), Penal Code, is amended to read  
22 as follows:

23           (b) If the accused is found guilty of more than one offense  
24 arising out of the same criminal episode, the sentences may run  
25 concurrently or consecutively if each sentence is for a conviction  
26 of:

27           (1) an offense:

1 (A) under Section 49.07 or 49.08, regardless of  
2 whether the accused is convicted of violations of the same section  
3 more than once or is convicted of violations of both sections; or

4 (B) for which a plea agreement was reached in a  
5 case in which the accused was charged with more than one offense  
6 listed in Paragraph (A), regardless of whether the accused is  
7 charged with violations of the same section more than once or is  
8 charged with violations of both sections;

9 (2) an offense:

10 (A) under Section 33.021 or an offense under  
11 Section 21.02, 21.11, [~~22.011, 22.021~~] 25.02, or 43.25 committed  
12 against a victim younger than 17 years of age at the time of the  
13 commission of the offense regardless of whether the accused is  
14 convicted of violations of the same section more than once or is  
15 convicted of violations of more than one section; or

16 (B) for which a plea agreement was reached in a  
17 case in which the accused was charged with more than one offense  
18 listed in Paragraph (A) committed against a victim younger than 17  
19 years of age at the time of the commission of the offense regardless  
20 of whether the accused is charged with violations of the same  
21 section more than once or is charged with violations of more than  
22 one section;

23 (2-a) an offense:

24 (A) under Section 22.011 or 22.021, regardless of  
25 whether the accused is convicted of violations of the same section  
26 more than once or is convicted of violations of more than one  
27 section; or



1                   (B) for which a plea agreement was reached in a  
2 case in which the accused was charged with more than one offense  
3 listed in Paragraph (A), regardless of whether the accused is  
4 charged with violations of the same section more than once or is  
5 charged with violations of more than one section;

6                   (3) an offense:

7                   (A) under Section 21.15 or 43.26, regardless of  
8 whether the accused is convicted of violations of the same section  
9 more than once or is convicted of violations of both sections; or

10                  (B) for which a plea agreement was reached in a  
11 case in which the accused was charged with more than one offense  
12 listed in Paragraph (A), regardless of whether the accused is  
13 charged with violations of the same section more than once or is  
14 charged with violations of both sections;

15                  (4) an offense for which the judgment in the case  
16 contains an affirmative finding under Article 42.0197, Code of  
17 Criminal Procedure;

18                  (5) an offense:

19                  (A) under Section 20A.02, 20A.03, or 43.05,  
20 regardless of whether the accused is convicted of violations of the  
21 same section more than once or is convicted of violations of more  
22 than one section; or

23                  (B) for which a plea agreement was reached in a  
24 case in which the accused was charged with more than one offense  
25 listed in Paragraph (A), regardless of whether the accused is  
26 charged with violations of the same section more than once or is  
27 charged with violations of more than one section;

1           (6) an offense:

2                   (A) under Section 22.04(a)(1) or (2) or Section  
3 22.04(a-1)(1) or (2) that is punishable as a felony of the first  
4 degree, regardless of whether the accused is convicted of  
5 violations of the same section more than once or is convicted of  
6 violations of more than one section; or

7                   (B) for which a plea agreement was reached in a  
8 case in which the accused was charged with more than one offense  
9 listed in Paragraph (A) and punishable as described by that  
10 paragraph, regardless of whether the accused is charged with  
11 violations of the same section more than once or is charged with  
12 violations of more than one section; or

13           (7) any combination of offenses listed in Subdivisions  
14 (1)-(6).

15       SECTION 13. Section 12.35(c), Penal Code, is amended to  
16 read as follows:

17       (c) An individual adjudged guilty of a state jail felony  
18 shall be punished for a third degree felony if it is shown on the  
19 trial of the offense that:

20           (1) a deadly weapon as defined by Section 1.07 was used  
21 or exhibited during the commission of the offense or during  
22 immediate flight following the commission of the offense, and that  
23 the individual used or exhibited the deadly weapon or was a party to  
24 the offense and knew that a deadly weapon would be used or  
25 exhibited; or

26           (2) the individual has previously been finally  
27 convicted of any felony:

1 (A) under Section 21.02 or 21.03 or listed in  
2 Article 42A.054(a), Code of Criminal Procedure; or

3 (B) for which the judgment contains an  
4 affirmative finding under Article 42A.054(c) or (d), Code of  
5 Criminal Procedure.

6 SECTION 14. Section 12.42(c)(2), Penal Code, is amended to  
7 read as follows:

8 (2) Notwithstanding Subdivision (1), a defendant  
9 shall be punished by imprisonment in the Texas Department of  
10 Criminal Justice for life if:

11 (A) the defendant is convicted of an offense:

12 (i) under Section 20A.02(a)(7) or (8),  
13 21.11(a)(1), 22.021, or 22.011, Penal Code;

14 (ii) under Section 20.04(a)(4), Penal Code,  
15 if the defendant committed the offense with the intent to violate or  
16 abuse the victim sexually; or

17 (iii) under Section 30.02, Penal Code,  
18 punishable under Subsection (d) of that section, if the defendant  
19 committed the offense with the intent to commit a felony described  
20 by Subparagraph (i) or (ii) or a felony under Section 21.11, Penal  
21 Code; and

22 (B) the defendant has been previously convicted  
23 of an offense:

24 (i) under Section 43.25 or 43.26, Penal  
25 Code, or an offense under Section 43.23, Penal Code, punishable  
26 under Subsection (h) of that section;

27 (ii) under Section 20A.02(a)(7) or (8),

1 21.02, 21.03, 21.11, 22.011, 22.021, or 25.02, Penal Code;

2 (iii) under Section 20.04(a)(4), Penal  
3 Code, if the defendant committed the offense with the intent to  
4 violate or abuse the victim sexually;

5 (iv) under Section 30.02, Penal Code,  
6 punishable under Subsection (d) of that section, if the defendant  
7 committed the offense with the intent to commit a felony described  
8 by Subparagraph (ii) or (iii); or

9 (v) under the laws of another state  
10 containing elements that are substantially similar to the elements  
11 of an offense listed in Subparagraph (i), (ii), (iii), or (iv).

12 SECTION 15. Sections 12.502(b), (c), and (d), Penal Code,  
13 are amended to read as follows:

14 (b) Except as provided by Subsection (c), if it is shown on  
15 the trial of an offense under Section 21.07, 21.08, or 21.15[~~or~~  
16 ~~21.17~~] that the offense was committed in a location that was on the  
17 premises of a postsecondary educational institution, the category  
18 of punishment for the offense is increased to a higher category of  
19 offense as follows:

20 (1) a Class C misdemeanor is increased to a Class B  
21 misdemeanor;

22 (2) a Class B misdemeanor is increased to a Class A  
23 misdemeanor;

24 (3) a Class A misdemeanor is increased to a state jail  
25 felony; and

26 (4) a state jail felony is increased to a felony of the  
27 third degree.

(c) For an offense otherwise punishable under Subsection (b), if it is shown on the trial of the offense that the person has been previously convicted twice of an offense under Section 21.07, 21.08, or 21.15 [~~or 21.17~~] for which the punishment was increased under Subsection (b), the category of punishment for the offense is increased to a higher category of offense as follows:

(1) a Class C misdemeanor is increased to a Class A misdemeanor;

(2) a Class B misdemeanor is increased to a state jail felony;

(3) a Class A misdemeanor is increased to a felony of the third degree; and

(4) a state jail felony is increased to a felony of the second degree.

(d) If the punishment scheme for an offense under Section 21.07, 21.08, or 21.15 [~~or 21.17~~] contains a specific enhancement provision increasing punishment to a higher minimum term of punishment than the minimum term required by the applicable higher category of offense prescribed by Subsection (b) or (c), the specific enhancement provision controls over this section.

SECTION 16. Section 15.031(b), Penal Code, is amended to read as follows:

(b) A person commits an offense if, with intent that an offense under Section 20A.02(a)(7) or (8), 21.02, 21.03, 21.11, 22.011, 22.021, 43.02, 43.021, 43.05(a)(2), or 43.25 be committed, the person by any means requests, commands, or attempts to induce a minor or another whom the person believes to be a minor to engage in

specific conduct that, under the circumstances surrounding the actor's conduct as the actor believes them to be, would constitute an offense under one of those sections or would make the minor or other believed by the person to be a minor a party to the commission of an offense under one of those sections.

SECTION 17. Section 15.032(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under:

(1) Chapter 20A, if the offense involved conduct described by Section 20A.02(a)(7) or (8);

(2) Section 21.02;

(3) Section 21.03;

(4) Section 21.11;

(5) [~~4~~] Section 22.011, if the victim of the offense was a child under 18 years of age; or

(6) [~~5~~] Section 22.021, if the victim of the offense was a child under 18 years of age.

SECTION 18. Chapter 21, Penal Code, is amended by adding Section 21.03 to read as follows:

Sec. 21.03. CONTINUOUS SEXUAL ABUSE. (a) A person commits an offense if:

(1) during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse against two or more victims; and

(2) at the time of the commission of each of the acts

of sexual abuse, the actor is 17 years of age or older.

(b) For purposes of this section, "act of sexual abuse" means any act that is a violation of one or more of the following penal laws:

(1) aggravated kidnapping under Section 20.04(a)(4), if the actor committed the offense with the intent to violate or abuse the victim sexually;

(2) indecency with a child under Section 21.11(a)(1), if the actor committed the offense in a manner other than by touching, including touching through clothing, the breast of a child;

(3) sexual assault under Section 22.011;

(4) aggravated sexual assault under Section 22.021;

(5) burglary under Section 30.02, if the offense is punishable under Subsection (d) of that section and the actor committed the offense with the intent to commit an offense listed in Subdivisions (1)-(4);

(6) sexual performance by a child under Section 43.25;

(7) trafficking of persons under Section 20A.02(a)(3), (4), (7), or (8); and

(8) compelling prostitution under Section 43.05.

(c) If a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific acts of sexual abuse were committed by the defendant or the exact date when those acts were committed. The jury must agree unanimously that the defendant, during a period that is 30 or more days in duration, committed two or more acts of sexual abuse against two or more

1 victims.

2 (d) A defendant may not be convicted in the same criminal  
3 action of an offense listed under Subsection (b) the victim of which  
4 is the same victim as a victim of the offense under Subsection (a)  
5 unless the offense listed in Subsection (b):

6 (1) is charged in the alternative;

7 (2) occurred outside the period in which the offense  
8 alleged under Subsection (a) was committed; or

9 (3) is considered by the trier of fact to be a lesser  
10 included offense of the offense alleged under Subsection (a).

11 (e) A defendant may not be charged with more than one count  
12 under Subsection (a) if all of the specific acts of sexual abuse  
13 that are alleged to have been committed are alleged to have been  
14 committed against only two victims.

15 (f) With respect to a prosecution under this section  
16 involving only two or more victims younger than 17 years of age, it  
17 is an affirmative defense to prosecution under this section that  
18 the actor:

19 (1) was not more than five years older than the  
20 youngest victim of the offense;

21 (2) did not use duress, force, or a threat against a  
22 victim at the time of the commission of any of the acts of sexual  
23 abuse alleged as an element of the offense; and

24 (3) at the time of the commission of any of the acts of  
25 sexual abuse alleged as an element of the offense:

26 (A) was not required under Chapter 62, Code of  
27 Criminal Procedure, to register for life as a sex offender; or



1                   (B) was not a person who under Chapter 62, Code of  
2 Criminal Procedure, had a reportable conviction or adjudication for  
3 an offense under this section or an act of sexual abuse as described  
4 by Subsection (b).

5           (g) An offense under this section is a felony of the first  
6 degree.

7           SECTION 19. Section 21.17, Penal Code, is amended by  
8 amending Subsections (b), (c), and (d) and adding Subsection (f) to  
9 read as follows:

10           (b) Except as provided by Subsection (c) or (d), an offense  
11 under this section is a Class A ~~[C]~~ misdemeanor.

12           (c) An offense under this section is a state jail felony  
13 ~~[Class B misdemeanor]~~ if it is shown on the trial of the offense  
14 that:

15                   (1) the actor has previously been convicted [two or  
16 ~~more times]~~ of an offense under this section;

17                   (2) the victim was a child younger than 18 years of age  
18 at the time of the offense; or

19                   (3) the offense was committed in a location that was on  
20 the premises of a postsecondary educational institution.

21           (d) An offense under this section is a ~~[state jail]~~ felony  
22 of the third degree if it is shown on the trial of the offense that:

23                   (1) the victim was a child younger than 18 [14] years  
24 of age at the time of the offense; and

25                   (2) the actor has previously been convicted of an  
26 offense punishable under Subsection (c)(2).

27           (f) In this section, "postsecondary educational

1 institution" and "premises" have the meanings assigned by Section  
2 12.502.

3 SECTION 20. Section 21.18(b), Penal Code, is amended to  
4 read as follows:

5 (b) A person commits an offense if the person intentionally  
6 threatens, including by coercion or extortion, to commit an offense  
7 under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02,  
8 21.03, 21.08, 21.11, 21.12, 21.15, 21.16, 21.17, 22.011, or 22.021  
9 to obtain, in return for not committing the threatened offense or in  
10 connection with the threatened offense, any of the following  
11 benefits:

12 (1) intimate visual material;

13 (2) an act involving sexual conduct causing arousal or  
14 gratification; or

15 (3) a monetary benefit or other benefit of value.

16 SECTION 21. Section 22.021(f), Penal Code, is amended to  
17 read as follows:

18 (f) The minimum term of imprisonment for an offense under  
19 this section is increased to 25 years if:

20 (1) the victim of the offense is younger than 10 [~~six~~]  
21 years of age at the time the offense is committed; or

22 (2) the victim of the offense is younger than 14 years  
23 of age at the time the offense is committed and the actor commits  
24 the offense in a manner described by Subsection (a)(2)(A).

25 SECTION 22. Not later than December 1, 2025, the Department  
26 of Public Safety of the State of Texas shall adopt the form required  
27 by Section 420.0736, Government Code, as added by this Act.

1           SECTION 23. (a) Except as provided by Subsection (b) of  
2 this section, the changes in law made by this Act apply only to an  
3 offense committed on or after the effective date of this Act. An  
4 offense committed before the effective date of this Act is governed  
5 by the law in effect on the date the offense was committed, and the  
6 former law is continued in effect for that purpose. For purposes of  
7 this subsection, an offense was committed before the effective date  
8 of this Act if any element of the offense occurred before that date.

9           (b) Article [56A.306](#), Code of Criminal Procedure, and  
10 Section [420.0735](#), Government Code, as amended by this Act, and  
11 Section 420.0736, Government Code, as added by this Act, apply only  
12 to biological evidence collected on or after December 1, 2025.  
13 Biological evidence collected before December 1, 2025, is governed  
14 by the law in effect on the date the evidence was collected, and the  
15 former law is continued in effect for that purpose.

16          SECTION 24. This Act takes effect September 1, 2025.