

By: Paul

H.B. No. 1552

A BILL TO BE ENTITLED

AN ACT

1
2 relating to changing the name of the offense of child pornography to
3 child sexual abuse material and to updating references to conform
4 to that terminology.

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

6 SECTION 1. The heading to Section 43.26, Penal Code, is
7 amended to read as follows:

8 Sec. 43.26. POSSESSION OR PROMOTION OF CHILD SEXUAL ABUSE
9 MATERIAL [~~PORNOGRAPHY~~].

10 SECTION 2. The heading to Chapter 110, Business & Commerce
11 Code, is amended to read as follows:

12 CHAPTER 110. COMPUTER TECHNICIANS REQUIRED TO REPORT CHILD SEXUAL
13 ABUSE MATERIAL [~~PORNOGRAPHY~~]

14 SECTION 3. Section 110.001(1), Business & Commerce Code, is
15 amended to read as follows:

16 (1) "Child sexual abuse material [~~pornography~~]" means
17 an image of a child engaging in sexual conduct or sexual
18 performance.

19 SECTION 4. The heading to Section 110.002, Business &
20 Commerce Code, is amended to read as follows:

21 Sec. 110.002. REPORTING OF IMAGES OF CHILD SEXUAL ABUSE
22 MATERIAL [~~PORNOGRAPHY~~].

23 SECTION 5. Sections 110.002(a) and (c), Business & Commerce
24 Code, are amended to read as follows:

1 (a) A computer technician who, in the course and scope of
2 employment or business, views an image on a computer that is or
3 appears to be child sexual abuse material [~~pornography~~] shall
4 immediately report the discovery of the image to a local or state
5 law enforcement agency or the Cyber Tipline at the National Center
6 for Missing and Exploited Children. The report must include the
7 name and address of the owner or person claiming a right to
8 possession of the computer, if known, and as permitted by federal
9 law.

10 (c) A telecommunications provider, commercial mobile
11 service provider, or information service provider may not be held
12 liable under this chapter for the failure to report child sexual
13 abuse material [~~pornography~~] that is transmitted or stored by a
14 user of the service.

15 SECTION 6. Section 110.003(b), Business & Commerce Code, is
16 amended to read as follows:

17 (b) It is a defense to prosecution under this section that
18 the actor did not report the discovery of an image of child sexual
19 abuse material [~~pornography~~] because the child in the image
20 appeared to be at least 18 years of age.

21 SECTION 7. Section 509.053(a), Business & Commerce Code, as
22 added by Chapter 795 (H.B. 18), Acts of the 88th Legislature,
23 Regular Session, 2023, is amended to read as follows:

24 (a) In relation to a known minor's use of a digital service,
25 a digital service provider shall develop and implement a strategy
26 to prevent the known minor's exposure to harmful material and other
27 content that promotes, glorifies, or facilitates:

- 1 (1) suicide, self-harm, or eating disorders;
- 2 (2) substance abuse;
- 3 (3) stalking, bullying, or harassment; or
- 4 (4) grooming, trafficking, child sexual abuse
- 5 material [~~pornography~~], or other sexual exploitation or abuse.

6 SECTION 8. Section 129B.004, Civil Practice and Remedies
7 Code, is amended to read as follows:

8 Sec. 129B.004. SEXUAL MATERIALS HEALTH WARNINGS. A
9 commercial entity required to use reasonable age verification
10 methods under Section 129B.002(a) shall:

11 (1) display the following notices on the landing page
12 of the Internet website on which sexual material harmful to minors
13 is published or distributed and all advertisements for that
14 Internet website in 14-point font or larger:

15 "TEXAS HEALTH AND HUMAN SERVICES WARNING: Pornography
16 is potentially biologically addictive, is proven to harm human
17 brain development, desensitizes brain reward circuits, increases
18 conditioned responses, and weakens brain function."

19 "TEXAS HEALTH AND HUMAN SERVICES WARNING: Exposure to
20 this content is associated with low self-esteem and body image,
21 eating disorders, impaired brain development, and other emotional
22 and mental illnesses."

23 "TEXAS HEALTH AND HUMAN SERVICES WARNING: Pornography
24 increases the demand for prostitution, child exploitation, and
25 child sexual abuse material [~~pornography~~]."; and

26 (2) display the following notice at the bottom of
27 every page of the Internet website in 14-point font or larger:

1 "U.S. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

2 HELPLINE:

3 1-800-662-HELP (4357) THIS HELPLINE IS A FREE, CONFIDENTIAL
4 INFORMATION SERVICE (IN ENGLISH OR SPANISH) OPEN 24 HOURS PER DAY,
5 FOR INDIVIDUALS AND FAMILY MEMBERS FACING MENTAL HEALTH OR
6 SUBSTANCE USE DISORDERS. THE SERVICE PROVIDES REFERRAL TO LOCAL
7 TREATMENT FACILITIES, SUPPORT GROUPS, AND COMMUNITY-BASED
8 ORGANIZATIONS."

9 SECTION 9. Article [12.01](#), Code of Criminal Procedure, as
10 amended by Chapters 93 (S.B. 1527), 118 (H.B. 467), 127 (H.B. 1207),
11 422 (H.B. 1769), 520 (H.B. 3025), 689 (H.B. 1506), 704 (H.B. 2019),
12 709 (H.B. 2190), 768 (H.B. 4595), 830 (H.B. 2187), 885 (H.B. 4635),
13 and 1041 (S.B. 129), Acts of the 88th Legislature, Regular Session,
14 2023, is reenacted and amended to read as follows:

15 Art. 12.01. FELONIES. Except as provided in Articles
16 12.015 and 12.03, felony indictments may be presented within these
17 limits, and not afterward:

18 (1) no limitation:

19 (A) murder and manslaughter;

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

23 (C) sexual assault, if:

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

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

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

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

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

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

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

15 (G) trafficking of persons under Section
16 20A.02(a)(7) or (8), Penal Code;

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

19 (I) compelling prostitution under Section
20 43.05(a)(2) or (3), Penal Code; ~~or~~

21 (J) tampering with physical evidence under
22 Section 37.09(a)(1) or (d)(1), Penal Code, if:

23 (i) the evidence tampered with is a human
24 corpse, as defined by that section; or

25 (ii) the investigation of the offense shows
26 that a reasonable person in the position of the defendant at the
27 time of the commission of the offense would have cause to believe

1 that the evidence tampered with is related to a criminal homicide
2 under Chapter 19, Penal Code;

3 (K) [~~(J)~~] interference with child custody under
4 Section 25.03(a)(3), Penal Code; or

5 (L) [~~(J)~~] burglary under Section 30.02, Penal
6 Code, if:

7 (i) the offense is punishable under
8 Subsection (d) of that section because the defendant entered a
9 habitation with the intent to commit an offense under Section
10 22.011 or 22.021, Penal Code; and

11 (ii) during the investigation of the
12 offense biological matter is collected and the matter:

13 (a) has not yet been subjected to
14 forensic DNA testing; or

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

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

21 (A) theft of any estate, real, personal or mixed,
22 by an executor, administrator, guardian or trustee, with intent to
23 defraud any creditor, heir, legatee, ward, distributee,
24 beneficiary or settlor of a trust interested in such estate;

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

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

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

6 (E) sexual assault, except as provided by
7 Subdivision (1) or (9) [~~(8)~~];

8 (F) arson;

9 (G) trafficking of persons under Section
10 20A.02(a)(1), (2), (3), or (4), Penal Code; or

11 (H) compelling prostitution under Section
12 43.05(a)(1), Penal Code;

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

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

17 (B) fraudulent securing of document execution;

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

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

22 (E) money laundering;

23 (F) credit card or debit card abuse under Section
24 32.31, Penal Code;

25 (G) fraudulent use or possession of identifying
26 information under Section 32.51, Penal Code;

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

1 or disabled individual under Section 32.53, Penal Code;

2 (I) health care fraud under Section 35A.02, Penal
3 Code;

4 (J) bigamy under Section 25.01, Penal Code,
5 except as provided by Subdivision (7); or

6 (K) possession or promotion of child sexual abuse
7 material [~~pornography~~] under Section 43.26, Penal Code;

8 (4) five years from the date of the commission of the
9 offense:

10 (A) theft or robbery;

11 (B) except as provided by Subdivision (5),
12 kidnapping;

13 (C) [~~(B-1)~~] except as provided by Subdivision
14 (1) or (5), burglary;

15 (D) [~~(C)~~] injury to an elderly or disabled
16 individual that is not punishable as a felony of the first degree
17 under Section 22.04, Penal Code;

18 (E) [~~(D)~~] abandoning or endangering an [~~a~~
19 ~~child,~~] elderly [~~individual,~~] or disabled individual;

20 (F) [~~(E)~~] insurance fraud;

21 (G) [~~(F)~~] assault under Section 22.01, Penal
22 Code, if the assault was committed against a person whose
23 relationship to or association with the defendant is described by
24 Section 71.0021(b), 71.003, or 71.005, Family Code;

25 (H) [~~(G)~~] continuous violence against the family
26 under Section 25.11, Penal Code; or

27 (I) [~~(H)~~] aggravated assault under Section

1 22.02, Penal Code;

2 (5) if the investigation of the offense shows that the
3 victim is younger than 17 years of age at the time the offense is
4 committed, 20 years from the 18th birthday of the victim of one of
5 the following offenses:

6 (A) kidnapping under Section 20.03, Penal Code,
7 or aggravated kidnapping under Section 20.04, Penal Code; or

8 (B) subject to Subdivision (1)(L) [~~(1)(J)~~],
9 burglary under Section 30.02, Penal Code, if the offense is
10 punishable under Subsection (d) of that section because the
11 defendant entered a habitation with the intent to commit an offense
12 described by Subdivision (1)(B) or (D) of this article or Paragraph
13 (A) of this subdivision;

14 (6) 20 years from the 18th birthday of the victim of
15 one of the following offenses:

16 (A) trafficking of a child [~~persons~~] under
17 Section 20A.02(a)(5) or (6), Penal Code; or

18 (B) sexual performance by a child under Section
19 43.25, Penal Code;

20 (7) ten years from the 18th birthday of the victim of
21 the offense:

22 (A) injury to a child under Section 22.04, Penal
23 Code;

24 (B) bigamy under Section 25.01, Penal Code, if
25 the investigation of the offense shows that the person, other than
26 the legal spouse of the defendant, whom the defendant marries or
27 purports to marry or with whom the defendant lives under the

1 appearance of being married is younger than 18 years of age at the
2 time the offense is committed; or

3 (C) [~~(D)~~] abandoning or endangering a child;

4 (8) [~~(7)~~] ten years from the date the offense was
5 discovered: trafficking of a disabled individual under Section
6 [20A.02](#)(a)(5) or (6), Penal Code;

7 (9) [~~(8)~~] two years from the date the offense was
8 discovered: sexual assault punishable as a state jail felony under
9 Section [22.011](#)(f)(2), Penal Code; or

10 (10) [~~(9)~~] three years from the date of the commission
11 of the offense: all other felonies.

12 SECTION 10. Articles [18.18](#)(a), (b), (e), (f), (g), and (h),
13 Code of Criminal Procedure, are amended to read as follows:

14 (a) Following the final conviction of a person for
15 possession of a gambling device or equipment, altered gambling
16 equipment, or gambling paraphernalia, for an offense involving a
17 criminal instrument, for an offense involving an obscene device or
18 material, for an offense involving child sexual abuse material
19 [~~pornography~~], or for an offense involving a scanning device or
20 re-encoder, the court entering the judgment of conviction shall
21 order that the machine, device, gambling equipment or gambling
22 paraphernalia, instrument, obscene device or material, child
23 sexual abuse material [~~pornography~~], or scanning device or
24 re-encoder be destroyed or forfeited to the state. Not later than
25 the 30th day after the final conviction of a person for an offense
26 involving a prohibited weapon, the court entering the judgment of
27 conviction on its own motion, on the motion of the prosecuting

1 attorney in the case, or on the motion of the law enforcement agency
2 initiating the complaint on notice to the prosecuting attorney in
3 the case if the prosecutor fails to move for the order shall order
4 that the prohibited weapon be destroyed or forfeited to the law
5 enforcement agency that initiated the complaint. If the court fails
6 to enter the order within the time required by this subsection, any
7 magistrate in the county in which the offense occurred may enter the
8 order. Following the final conviction of a person for an offense
9 involving dog fighting, the court entering the judgment of
10 conviction shall order that any dog-fighting equipment be destroyed
11 or forfeited to the state. Destruction of dogs, if necessary, must
12 be carried out by a veterinarian licensed in this state or, if one
13 is not available, by trained personnel of a humane society or an
14 animal shelter. If forfeited, the court shall order the contraband
15 delivered to the state, any political subdivision of the state, or
16 to any state institution or agency. If gambling proceeds were
17 seized, the court shall order them forfeited to the state and shall
18 transmit them to the grand jury of the county in which they were
19 seized for use in investigating alleged violations of the Penal
20 Code, or to the state, any political subdivision of the state, or to
21 any state institution or agency.

22 (b) If there is no prosecution or conviction following
23 seizure, the magistrate to whom the return was made shall notify in
24 writing the person found in possession of the alleged gambling
25 device or equipment, altered gambling equipment or gambling
26 paraphernalia, gambling proceeds, prohibited weapon, obscene
27 device or material, child sexual abuse material [~~pornography~~],

1 scanning device or re-encoder, criminal instrument, or
2 dog-fighting equipment to show cause why the property seized should
3 not be destroyed or the proceeds forfeited. The magistrate, on the
4 motion of the law enforcement agency seizing a prohibited weapon,
5 shall order the weapon destroyed or forfeited to the law
6 enforcement agency seizing the weapon, unless a person shows cause
7 as to why the prohibited weapon should not be destroyed or
8 forfeited. A law enforcement agency shall make a motion under this
9 subsection [~~section~~] in a timely manner after the time at which the
10 agency is informed in writing by the attorney representing the
11 state that no prosecution will arise from the seizure.

12 (e) Any person interested in the alleged gambling device or
13 equipment, altered gambling equipment or gambling paraphernalia,
14 gambling proceeds, prohibited weapon, obscene device or material,
15 child sexual abuse material [~~pornography~~], scanning device or
16 re-encoder, criminal instrument, or dog-fighting equipment seized
17 must appear before the magistrate on the 20th day following the date
18 the notice was mailed or posted. Failure to timely appear forfeits
19 any interest the person may have in the property or proceeds seized,
20 and no person after failing to timely appear may contest
21 destruction or forfeiture.

22 (f) If a person timely appears to show cause why the
23 property or proceeds should not be destroyed or forfeited, the
24 magistrate shall conduct a hearing on the issue and determine the
25 nature of property or proceeds and the person's interest therein.
26 Unless the person proves by a preponderance of the evidence that the
27 property or proceeds is not gambling equipment, altered gambling

1 equipment, gambling paraphernalia, gambling device, gambling
2 proceeds, prohibited weapon, obscene device or material, child
3 sexual abuse material [~~pornography~~], criminal instrument, scanning
4 device or re-encoder, or dog-fighting equipment and that the person
5 [~~he~~] is entitled to possession, the magistrate shall dispose of the
6 property or proceeds in accordance with Subsection [~~Paragraph~~] (a)
7 [~~of this article~~].

8 (g) For purposes of this article:

9 (1) "criminal instrument" has the meaning defined in
10 the Penal Code;

11 (2) "gambling device or equipment, altered gambling
12 equipment or gambling paraphernalia" has the meaning defined in the
13 Penal Code;

14 (3) "prohibited weapon" has the meaning defined in the
15 Penal Code;

16 (4) "dog-fighting equipment" means:

17 (A) equipment used for training or handling a
18 fighting dog, including a harness, treadmill, cage, decoy, pen,
19 house for keeping a fighting dog, feeding apparatus, or training
20 pen;

21 (B) equipment used for transporting a fighting
22 dog, including any automobile[~~r~~] or other vehicle, and its
23 appurtenances which are intended to be used as a vehicle for
24 transporting a fighting dog;

25 (C) equipment used to promote or advertise an
26 exhibition of dog fighting, including a printing press or similar
27 equipment, paper, ink, or photography equipment; or

1 (D) a dog trained, being trained, or intended to
2 be used to fight with another dog;

3 (5) "obscene device" and "obscene" have the meanings
4 assigned by Section 43.21, Penal Code;

5 (6) "re-encoder" has the meaning assigned by Section
6 522.001, Business & Commerce Code;

7 (7) "scanning device" has the meaning assigned by
8 Section 522.001, Business & Commerce Code; and

9 (8) "obscene material" and "child sexual abuse
10 material [~~pornography~~]" include digital images and the media and
11 equipment on which those images are stored.

12 (h) No provider of an electronic communication service or of
13 a remote computing service to the public shall be held liable for an
14 offense involving obscene material or child sexual abuse material
15 [~~pornography~~] under this article [~~section~~] on account of any action
16 taken in good faith in providing that service.

17 SECTION 11. Section 2(a), Article 38.37, Code of Criminal
18 Procedure, is amended to read as follows:

19 (a) Subsection (b) applies only to the trial of a defendant
20 for:

21 (1) an offense under any of the following provisions
22 of the Penal Code:

23 (A) Section 20A.02, if punishable as a felony of
24 the first degree under Section 20A.02(b)(1) (Labor or Sex
25 Trafficking of a Child or Disabled Individual);

26 (B) Section 21.02 (Continuous Sexual Abuse of
27 Young Child or Disabled Individual);

- 1 (C) Section 21.11 (Indecency With a Child);
2 (D) Section 22.011(a)(2) (Sexual Assault of a
3 Child);
4 (E) Sections 22.021(a)(1)(B) and (2) (Aggravated
5 Sexual Assault of a Child);
6 (F) Section 33.021 (Online Solicitation of a
7 Minor);
8 (G) Section 43.25 (Sexual Performance by a
9 Child); or
10 (H) Section 43.26 (Possession or Promotion of
11 Child Sexual Abuse Material [~~Pornography~~]), Penal Code; or
12 (2) an attempt or conspiracy to commit an offense
13 described by Subdivision (1).

14 SECTION 12. Article 38.45(a), Code of Criminal Procedure,
15 is amended to read as follows:

16 (a) During the course of a criminal hearing or proceeding,
17 the court may not make available or allow to be made available for
18 copying or dissemination to the public property or material:

19 (1) that constitutes child sexual abuse material
20 [~~pornography~~], as described by Section 43.26(a)(1), Penal Code;

21 (2) the promotion or possession of which is prohibited
22 under Section 43.261, Penal Code; or

23 (3) that is described by Section 2 or 5, Article
24 38.071, of this code.

25 SECTION 13. Article 39.15(a), Code of Criminal Procedure,
26 is amended to read as follows:

27 (a) In the manner provided by this article, a court shall

1 allow discovery under Article 39.14 of property or material:

2 (1) that constitutes child sexual abuse material
3 [~~pornography~~], as described by Section 43.26(a)(1), Penal Code;

4 (2) the promotion or possession of which is prohibited
5 under Section 43.261, Penal Code; or

6 (3) that is described by Section 2 or 5, Article
7 38.071, of this code.

8 SECTION 14. Article 42A.054(a), Code of Criminal Procedure,
9 is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

2 (A) the offense is punishable as a felony of the
3 first degree; and

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

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

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

7 (A) the offense is punishable under Subsection
8 (d) of that section; and

9 (B) the actor committed the offense with the
10 intent to commit a felony under Section 21.02, 21.11, 22.011,
11 22.021, or 25.02, Penal Code;

12 (13) Section 43.04, Penal Code (Aggravated Promotion
13 of Prostitution);

14 (14) Section 43.05, Penal Code (Compelling
15 Prostitution);

16 (15) Section 43.25, Penal Code (Sexual Performance by
17 a Child);

18 (16) Section 43.26, Penal Code (Possession or
19 Promotion of Child Sexual Abuse Material [~~Pornography~~]);

20 (17) Chapter 481, Health and Safety Code, for which
21 punishment is increased under:

22 (A) Section 481.140 of that code (Use of Child in
23 Commission of Offense); or

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

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

5 SECTION 15. Article 42A.251(2), Code of Criminal Procedure,
6 is amended to read as follows:

7 (2) "Sex offender" means a person who has been
8 convicted of, or has entered a plea of guilty or nolo contendere
9 for, an offense under any one of the following provisions of the
10 Penal Code:

11 (A) Section 20.04(a)(4) (Aggravated Kidnapping),
12 if the person committed the offense with the intent to violate or
13 abuse the victim sexually;

14 (B) Section 21.08 (Indecent Exposure);

15 (C) Section 21.11 (Indecency with a Child);

16 (D) Section 22.011 (Sexual Assault);

17 (E) Section 22.021 (Aggravated Sexual Assault);

18 (F) Section 25.02 (Prohibited Sexual Conduct);

19 (G) Section 30.02 (Burglary), if:

20 (i) the offense is punishable under
21 Subsection (d) of that section; and

22 (ii) the person committed the offense with
23 the intent to commit a felony listed in this subdivision;

24 (H) Section 43.25 (Sexual Performance by a
25 Child); or

26 (I) Section 43.26 (Possession or Promotion of
27 Child Sexual Abuse Material [~~Pornography~~]).

1 SECTION 16. Article 62.001(5), Code of Criminal Procedure,
2 is amended to read as follows:

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

8 (A) a violation of Section 21.02 (Continuous
9 sexual abuse of young child or disabled individual), 21.09
10 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual
11 assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited
12 sexual conduct), Penal Code;

13 (B) a violation of Section 43.04 (Aggravated
14 promotion of prostitution), 43.05 (Compelling prostitution), 43.25
15 (Sexual performance by a child), or 43.26 (Possession or promotion
16 of child sexual abuse material [~~pornography~~]), Penal Code;

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

20 (C) a violation of Section 20.04(a)(4)
21 (Aggravated kidnapping), Penal Code, if the actor committed the
22 offense or engaged in the conduct with intent to violate or abuse
23 the victim sexually;

24 (D) a violation of Section 30.02 (Burglary),
25 Penal Code, if the offense or conduct is punishable under
26 Subsection (d) of that section and the actor committed the offense
27 or engaged in the conduct with intent to commit a felony listed in

1 Paragraph (A) or (C);

2 (E) a violation of Section 20.02 (Unlawful
3 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
4 Penal Code, if, as applicable:

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

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

10 (F) the second violation of Section 21.08
11 (Indecent exposure), Penal Code, but not if the second violation
12 results in a deferred adjudication;

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

16 (H) a violation of the laws of another state,
17 federal law, the laws of a foreign country, or the Uniform Code of
18 Military Justice for or based on the violation of an offense
19 containing elements that are substantially similar to the elements
20 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
21 (G), (J), (K), or (L), but not if the violation results in a
22 deferred adjudication;

23 (I) the second violation of the laws of another
24 state, federal law, the laws of a foreign country, or the Uniform
25 Code of Military Justice for or based on the violation of an offense
26 containing elements that are substantially similar to the elements
27 of the offense of indecent exposure, but not if the second violation

1 results in a deferred adjudication;

2 (J) a violation of Section 33.021 (Online
3 solicitation of a minor), Penal Code;

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

6 (L) a violation of Section 20A.03 (Continuous
7 trafficking of persons), Penal Code, if the offense is based partly
8 or wholly on conduct that constitutes an offense under Section
9 20A.02(a)(3), (4), (7), or (8) of that code.

10 SECTION 17. Section 201.062(a), Estates Code, is amended to
11 read as follows:

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

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

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

21 (A) abandoned the child's mother beginning at a
22 time during her pregnancy with the child and continuing through the
23 birth;

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

27 (C) remained apart from and failed to support the

1 child since birth; or

2 (3) been convicted or has been placed on community
3 supervision, including deferred adjudication community
4 supervision, for being criminally responsible for the death or
5 serious injury of a child under the following sections of the Penal
6 Code or adjudicated under Title 3, Family Code, for conduct that
7 caused the death or serious injury of a child and that would
8 constitute a violation of one of the following sections of the Penal
9 Code:

- 10 (A) Section 19.02 (murder);
- 11 (B) Section 19.03 (capital murder);
- 12 (C) Section 19.04 (manslaughter);
- 13 (D) Section 21.11 (indecent with a child);
- 14 (E) Section 22.01 (assault);
- 15 (F) Section 22.011 (sexual assault);
- 16 (G) Section 22.02 (aggravated assault);
- 17 (H) Section 22.021 (aggravated sexual assault);
- 18 (I) Section 22.04 (injury to a child, elderly
19 individual, or disabled individual);
- 20 (J) Section 22.041 (abandoning or endangering a
21 child, elderly individual, or disabled individual);
- 22 (K) Section 25.02 (prohibited sexual conduct);
- 23 (L) Section 43.25 (sexual performance by a
24 child); or
- 25 (M) Section 43.26 (possession or promotion of
26 child sexual abuse material [~~pornography~~]).

27 SECTION 18. Section 161.001(b), Family Code, is amended to

1 read as follows:

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

4 (1) that the parent has:

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

8 (B) voluntarily left the child alone or in the
9 possession of another not the parent without expressing an intent
10 to return, without providing for the adequate support of the child,
11 and remained away for a period of at least three months;

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

15 (D) knowingly placed or knowingly allowed the
16 child to remain in conditions or surroundings which endanger the
17 physical or emotional well-being of the child;

18 (E) engaged in conduct or knowingly placed the
19 child with persons who engaged in conduct which endangers the
20 physical or emotional well-being of the child;

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

24 (G) abandoned the child without identifying the
25 child or furnishing means of identification, and the child's
26 identity cannot be ascertained by the exercise of reasonable
27 diligence;

1 (H) voluntarily, and with knowledge of the
2 pregnancy, abandoned the mother of the child beginning at a time
3 during her pregnancy with the child and continuing through the
4 birth, failed to provide adequate support or medical care for the
5 mother during the period of abandonment before the birth of the
6 child, and remained apart from the child or failed to support the
7 child since the birth;

8 (I) contumaciously refused to submit to a
9 reasonable and lawful order of a court under Subchapter D, Chapter
10 261;

11 (J) been the major cause of:

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

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

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

20 (L) been convicted or has been placed on
21 community supervision, including deferred adjudication community
22 supervision, for being criminally responsible for the death or
23 serious injury of a child under the following sections of the Penal
24 Code, or under a law of another jurisdiction that contains elements
25 that are substantially similar to the elements of an offense under
26 one of the following Penal Code sections, or adjudicated under
27 Title 3 for conduct that caused the death or serious injury of a

1 child and that would constitute a violation of one of the following
2 Penal Code sections:

- 3 (i) Section 19.02 (murder);
- 4 (ii) Section 19.03 (capital murder);
- 5 (iii) Section 19.04 (manslaughter);
- 6 (iv) Section 21.11 (indecent with a
7 child);
- 8 (v) Section 22.01 (assault);
- 9 (vi) Section 22.011 (sexual assault);
- 10 (vii) Section 22.02 (aggravated assault);
- 11 (viii) Section 22.021 (aggravated sexual
12 assault);
- 13 (ix) Section 22.04 (injury to a child,
14 elderly individual, or disabled individual);
- 15 (x) Section 22.041 (abandoning or
16 endangering a child, elderly individual, or disabled individual);
- 17 (xi) Section 25.02 (prohibited sexual
18 conduct);
- 19 (xii) Section 43.25 (sexual performance by
20 a child);
- 21 (xiii) Section 43.26 (possession or
22 promotion of child sexual abuse material [~~pornography~~]);
- 23 (xiv) Section 21.02 (continuous sexual
24 abuse of young child or disabled individual);
- 25 (xv) Section 20A.02(a)(7) or (8)
26 (trafficking of persons); and
- 27 (xvi) Section 43.05(a)(2) (compelling

1 prostitution);

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

6 (N) constructively abandoned the child who has
7 been in the permanent or temporary managing conservatorship of the
8 Department of Family and Protective Services for not less than six
9 months, and:

10 (i) the department has made reasonable
11 efforts to return the child to the parent;

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

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

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

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

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

1 (ii) after completion of a court-ordered
2 substance abuse treatment program, continued to abuse a controlled
3 substance;

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

6 (i) conviction of an offense; and

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

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

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

16 (T) been convicted of:

17 (i) the murder of the other parent of the
18 child under Section 19.02 or 19.03, Penal Code, or under a law of
19 another state, federal law, the law of a foreign country, or the
20 Uniform Code of Military Justice that contains elements that are
21 substantially similar to the elements of an offense under Section
22 19.02 or 19.03, Penal Code;

23 (ii) criminal attempt under Section 15.01,
24 Penal Code, or under a law of another state, federal law, the law of
25 a foreign country, or the Uniform Code of Military Justice that
26 contains elements that are substantially similar to the elements of
27 an offense under Section 15.01, Penal Code, to commit the offense

1 described by Subparagraph (i);

2 (iii) criminal solicitation under Section
3 15.03, Penal Code, or under a law of another state, federal law, the
4 law of a foreign country, or the Uniform Code of Military Justice
5 that contains elements that are substantially similar to the
6 elements of an offense under Section 15.03, Penal Code, of the
7 offense described by Subparagraph (i); or

8 (iv) the sexual assault of the other parent
9 of the child under Section 22.011 or 22.021, Penal Code, or under a
10 law of another state, federal law, or the Uniform Code of Military
11 Justice that contains elements that are substantially similar to
12 the elements of an offense under Section 22.011 or 22.021, Penal
13 Code;

14 (U) been placed on community supervision,
15 including deferred adjudication community supervision, or another
16 functionally equivalent form of community supervision or
17 probation, for being criminally responsible for the sexual assault
18 of the other parent of the child under Section 22.011 or 22.021,
19 Penal Code, or under a law of another state, federal law, or the
20 Uniform Code of Military Justice that contains elements that are
21 substantially similar to the elements of an offense under Section
22 22.011 or 22.021, Penal Code; or

23 (V) been convicted of:

24 (i) criminal solicitation of a minor under
25 Section 15.031, Penal Code, or under a law of another state, federal
26 law, the law of a foreign country, or the Uniform Code of Military
27 Justice that contains elements that are substantially similar to

1 the elements of an offense under Section 15.031, Penal Code; or
2 (ii) online solicitation of a minor under
3 Section 33.021, Penal Code, or under a law of another state, federal
4 law, the law of a foreign country, or the Uniform Code of Military
5 Justice that contains elements that are substantially similar to
6 the elements of an offense under Section 33.021, Penal Code; and
7 (2) that termination is in the best interest of the
8 child.

9 SECTION 19. Section 261.001(1), Family Code, is amended to
10 read as follows:

11 (1) "Abuse" includes the following acts or omissions
12 by a person:

13 (A) mental or emotional injury to a child that
14 results in an observable and material impairment in the child's
15 growth, development, or psychological functioning;

16 (B) causing or permitting the child to be in a
17 situation in which the child sustains a mental or emotional injury
18 that results in an observable and material impairment in the
19 child's growth, development, or psychological functioning;

20 (C) physical injury that results in substantial
21 harm to the child, or the genuine threat of substantial harm from
22 physical injury to the child, including an injury that is at
23 variance with the history or explanation given and excluding an
24 accident or reasonable discipline by a parent, guardian, or
25 managing or possessory conservator that does not expose the child
26 to a substantial risk of harm;

27 (D) failure to make a reasonable effort to

1 prevent an action by another person that results in physical injury
2 that results in substantial harm to the child;

3 (E) sexual conduct harmful to a child's mental,
4 emotional, or physical welfare, including conduct that constitutes
5 the offense of continuous sexual abuse of young child or disabled
6 individual under Section 21.02, Penal Code, indecency with a child
7 under Section 21.11, Penal Code, sexual assault under Section
8 22.011, Penal Code, or aggravated sexual assault under Section
9 22.021, Penal Code;

10 (F) failure to make a reasonable effort to
11 prevent sexual conduct harmful to a child;

12 (G) compelling or encouraging the child to engage
13 in sexual conduct as defined by Section 43.01, Penal Code,
14 including compelling or encouraging the child in a manner that
15 constitutes an offense of trafficking of persons under Section
16 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under
17 Section 43.021, Penal Code, or compelling prostitution under
18 Section 43.05(a)(2), Penal Code;

19 (H) causing, permitting, encouraging, engaging
20 in, or allowing the photographing, filming, or depicting of the
21 child if the person knew or should have known that the resulting
22 photograph, film, or depiction of the child:

23 (i) is obscene as defined by Section 43.21,
24 Penal Code; ~~or~~ or

25 (ii) constitutes child sexual abuse
26 material ~~[pornographic]~~;

27 (I) the current use by a person of a controlled

1 substance as defined by Chapter 481, Health and Safety Code, in a
2 manner or to the extent that the use results in physical, mental, or
3 emotional injury to a child;

4 (J) causing, expressly permitting, or
5 encouraging a child to use a controlled substance as defined by
6 Chapter 481, Health and Safety Code;

7 (K) causing, permitting, encouraging, engaging
8 in, or allowing a sexual performance by a child as defined by
9 Section 43.25, Penal Code;

10 (L) knowingly causing, permitting, encouraging,
11 engaging in, or allowing a child to be trafficked in a manner
12 punishable as an offense under Section 20A.02(a)(5), (6), (7), or
13 (8), Penal Code, or the failure to make a reasonable effort to
14 prevent a child from being trafficked in a manner punishable as an
15 offense under any of those sections; or

16 (M) forcing or coercing a child to enter into a
17 marriage.

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

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

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

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

27 (3) the parent has engaged in conduct against the

1 child or another child of the parent that would constitute an
2 offense under the following provisions of the Penal Code:

- 3 (A) Section 19.02 (murder);
- 4 (B) Section 19.03 (capital murder);
- 5 (C) Section 19.04 (manslaughter);
- 6 (D) Section 21.11 (indecent with a child);
- 7 (E) Section 22.011 (sexual assault);
- 8 (F) Section 22.02 (aggravated assault);
- 9 (G) Section 22.021 (aggravated sexual assault);
- 10 (H) Section 22.04 (injury to a child, elderly
11 individual, or disabled individual);
- 12 (I) Section 22.041 (abandoning or endangering a
13 child, elderly individual, or disabled individual);
- 14 (J) Section 25.02 (prohibited sexual conduct);
- 15 (K) Section 43.25 (sexual performance by a
16 child);
- 17 (L) Section 43.26 (possession or promotion of
18 child sexual abuse material [~~pornography~~]);
- 19 (M) Section 21.02 (continuous sexual abuse of
20 young child or disabled individual);
- 21 (N) Section 43.05(a)(2) (compelling
22 prostitution); or
- 23 (O) Section 20A.02(a)(7) or (8) (trafficking of
24 persons);

25 (4) the parent voluntarily left the child alone or in
26 the possession of another person not the parent of the child for at
27 least six months without expressing an intent to return and without

1 providing adequate support for the child;

2 (5) the parent has been convicted for:

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

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

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

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

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

18 SECTION 21. Section 20A.02(a), Penal Code, is amended to
19 read as follows:

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

21 (1) traffics another person with the intent that the
22 trafficked person engage in forced labor or services;

23 (2) receives a benefit from participating in a venture
24 that involves an activity described by Subdivision (1), including
25 by receiving labor or services the person knows are forced labor or
26 services;

27 (3) traffics another person and, through force, fraud,

1 or coercion, causes the trafficked person to engage in conduct
2 prohibited by:

3 (A) Section 43.02 (Prostitution);

4 (B) Section 43.03 (Promotion of Prostitution);

5 (B-1) Section 43.031 (Online Promotion of
6 Prostitution);

7 (C) Section 43.04 (Aggravated Promotion of
8 Prostitution);

9 (C-1) Section 43.041 (Aggravated Online
10 Promotion of Prostitution); or

11 (D) Section 43.05 (Compelling Prostitution);

12 (4) receives a benefit from participating in a venture
13 that involves an activity described by Subdivision (3) or engages
14 in sexual conduct with a person trafficked in the manner described
15 in Subdivision (3);

16 (5) traffics a child or disabled individual with the
17 intent that the trafficked child or disabled individual engage in
18 forced labor or services;

19 (6) receives a benefit from participating in a venture
20 that involves an activity described by Subdivision (5), including
21 by receiving labor or services the person knows are forced labor or
22 services;

23 (7) traffics a child or disabled individual and by any
24 means causes the trafficked child or disabled individual to engage
25 in, or become the victim of, conduct prohibited by:

26 (A) Section 21.02 (Continuous Sexual Abuse of
27 Young Child or Disabled Individual);

- 1 (B) Section 21.11 (Indecency with a Child);
- 2 (C) Section 22.011 (Sexual Assault);
- 3 (D) Section 22.021 (Aggravated Sexual Assault);
- 4 (E) Section 43.02 (Prostitution);
- 5 (E-1) Section 43.021 (Solicitation of
- 6 Prostitution);
- 7 (F) Section 43.03 (Promotion of Prostitution);
- 8 (F-1) Section 43.031 (Online Promotion of
- 9 Prostitution);
- 10 (G) Section 43.04 (Aggravated Promotion of
- 11 Prostitution);
- 12 (G-1) Section 43.041 (Aggravated Online
- 13 Promotion of Prostitution);
- 14 (H) Section 43.05 (Compelling Prostitution);
- 15 (I) Section 43.25 (Sexual Performance by a
- 16 Child);
- 17 (J) Section 43.251 (Employment Harmful to
- 18 Children); or
- 19 (K) Section 43.26 (Possession or Promotion of
- 20 Child Sexual Abuse Material [~~Pornography~~]); or
- 21 (8) receives a benefit from participating in a venture
- 22 that involves an activity described by Subdivision (7) or engages
- 23 in sexual conduct with a child or disabled individual trafficked in
- 24 the manner described in Subdivision (7).

25 SECTION 22. This Act takes effect September 1, 2025.