

By: Gerdes

H.B. No. 1668

A BILL TO BE ENTITLED

1 AN ACT
2 relating to increasing the criminal penalty for the offense of
3 enticing a child and to the applicability of sex offender
4 registration requirements to that offense.

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

6 SECTION 1. Section 25.04, Penal Code, is amended by
7 amending Subsection (b) and adding Subsection (c) to read as
8 follows:

9 (b) Except as provided by Subsection (c), an [An] offense
10 under this section is a [Class B misdemeanor, unless it is shown on
11 the trial of the offense that the actor intended to commit a felony
12 against the child, in which event an offense under this section is
13 a] felony of the third degree.

14 (c) An offense under this section is a felony of the second
15 degree if it is shown on the trial of the offense that the actor
16 intended to violate or abuse the child sexually.

17 SECTION 2. Articles 62.001(5) and (6), Code of Criminal
18 Procedure, are amended to read as follows:

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

24 (A) a violation of Section 21.02 (Continuous

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

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

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

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

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

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

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

26 (ii) the order in the hearing or the papers
27 in the case contain an affirmative finding that the victim or

1 intended victim was younger than 17 years of age;

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

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

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

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

22 (J) a violation of Section 33.021 (Online
23 solicitation of a minor), Penal Code;

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

26 (L) a violation of Section 20A.03 (Continuous
27 trafficking of persons), Penal Code, if the offense is based partly

1 or wholly on conduct that constitutes an offense under Section
2 [20A.02](#)(a)(3), (4), (7), or (8) of that code; or

3 (M) a violation of Section [25.04](#) (Enticing a
4 child), Penal Code, if the offense or conduct is punishable under
5 Subsection (c) of that section.

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

8 (A) an offense under Section [21.02](#) (Continuous
9 sexual abuse of young child or disabled individual), [21.11\(a\)\(1\)](#)
10 (Indecency with a child), [22.011](#) (Sexual assault), or [22.021](#)
11 (Aggravated sexual assault), Penal Code;

12 (B) an offense under Section [43.25](#) (Sexual
13 performance by a child), Penal Code;

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

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

22 (E) an offense under Section [25.04](#) (Enticing a
23 child), Penal Code, if the offense is punishable under Subsection
24 (c) of that section; or

25 (F) an offense under the laws of another state,
26 federal law, the laws of a foreign country, or the Uniform Code of
27 Military Justice if the offense contains elements that are

1 substantially similar to the elements of an offense listed under
2 Paragraph (A), (B), (C), [~~or~~] (D), or (E).

3 SECTION 3. Section 411.1471(a), Government Code, is amended
4 to read as follows:

5 (a) This section applies to a defendant who is:

6 (1) arrested for any offense punishable as a felony;
7 or

8 (2) convicted of an offense:

9 (A) under Title 5, Penal Code, that is punishable
10 as a Class A misdemeanor, except for an offense punishable as a
11 Class A misdemeanor under Section 22.05, Penal Code; or

12 (B) punishable as a Class A or B misdemeanor, as
13 applicable, under Section 21.08 [~~, 25.04,~~] or 43.24, Penal Code.

14 SECTION 4. The changes in law made by this Act apply only to
15 an offense committed on or after the effective date of this Act. An
16 offense committed before the effective date of this Act is governed
17 by the law in effect on the date the offense was committed, and the
18 former law is continued in effect for that purpose. For purposes of
19 this section, an offense was committed before the effective date of
20 this Act if any element of the offense occurred before that date.

21 SECTION 5. This Act takes effect September 1, 2025.