

By: Thompson

H.B. No. 1778

A BILL TO BE ENTITLED

1 AN ACT
2 relating to human trafficking, prostitution, and child pornography
3 and to the prosecution of sexual or assaultive offenses or the
4 prosecution of a failure to stop or report those offenses; amending
5 and harmonizing certain statute of limitations provisions;
6 creating a criminal offense; increasing a criminal penalty.

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

8 ARTICLE 1. HUMAN TRAFFICKING

9 SECTION 1.01. Section 402.034(c), Government Code, is
10 amended to read as follows:

11 (c) The council is composed of the following:

12 (1) the governor or the governor's designee;

13 (2) the attorney general or the attorney general's
14 designee;

15 (3) the commissioner of the Department of Family and
16 Protective Services or the commissioner's designee;

17 (4) the public safety director of the Department of
18 Public Safety or the director's designee;

19 (5) one representative from each of the following
20 state agencies, appointed by the chief administrative officer of
21 the respective agency:

22 (A) the Texas Workforce Commission;

23 (B) the Texas Alcoholic Beverage Commission;

24 (C) the Parks and Wildlife Department;

1 (D) the Texas Department of Licensing and
2 Regulation;

3 (E) the Texas Education Agency; ~~and~~

4 (F) the Texas Department of Transportation; and

5 (G) the Office of Court Administration of the
6 Texas Judicial System; and

7 (6) one representative of any other state agency
8 appointed by the chief administrative officer of the agency, if the
9 council determines that a representative from the state agency is a
10 necessary member of the council.

11 SECTION 1.02. Section 402.0351(a), Government Code, is
12 amended by amending Subdivision (1) and adding Subdivision (1-a) to
13 read as follows:

14 (1) "Body piercing studio" has the meaning assigned by
15 Section 146.001, Health and Safety Code.

16 (1-a) "Cosmetology facility" means a person who holds
17 a license to operate a facility or school under Chapter 1603 [1602],
18 Occupations Code, where cosmetology is practiced.

19 SECTION 1.03. Section 402.0351(a-1), Government Code, is
20 amended to read as follows:

21 (a-1) Except as provided by Subsection (a-3), a person who
22 operates any of the following entities shall post at the entity the
23 sign prescribed under Subsection (b), or, if applicable, a similar
24 sign or notice as prescribed by other state law:

25 (1) an entity permitted or licensed under Chapter 25,
26 26, 28, 32, 69, or 71, Alcoholic Beverage Code, other than an entity
27 holding a food and beverage certificate;

- 1 (2) a cosmetology facility;
- 2 (3) a hospital;
- 3 (4) a massage establishment;
- 4 (5) a massage school;
- 5 (6) a sexually oriented business;
- 6 (7) a tattoo studio; [~~or~~]
- 7 (8) a transportation hub; or
- 8 (9) a body piercing studio.

9 SECTION 1.04. Chapter 146, Health and Safety Code, is
10 amended by adding Section 146.0075 to read as follows:

11 Sec. 146.0075. REQUIRED HUMAN TRAFFICKING TRAINING. (a)
12 Each employee of a tattoo studio or body piercing studio within the
13 time prescribed by rules adopted by the executive commissioner
14 shall complete a training course approved by the executive
15 commissioner on identifying and assisting victims of human
16 trafficking.

17 (b) The executive commissioner shall approve training
18 courses on human trafficking prevention, including at least one
19 course that is available without charge. The department shall post
20 the list of the approved training courses on the department's
21 Internet website.

22 (c) A tattoo studio or body piercing studio shall post signs
23 relating to human trafficking as required by Section 402.0351,
24 Government Code.

25 SECTION 1.05. Subchapter G, Chapter 1603, Occupations Code,
26 is amended by adding Section 1603.302 to read as follows:

27 Sec. 1603.302. CONTINUING EDUCATION REGARDING HUMAN

1 TRAFFICKING. The commission shall adopt rules requiring a license
2 holder to complete continuing education on identifying and
3 assisting victims of human trafficking.

4 SECTION 1.06. Section 20A.02(a), Penal Code, is amended to
5 read as follows:

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

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

9 (2) receives a benefit from participating in a venture
10 that involves an activity described by Subdivision (1), including
11 by receiving labor or services the person knows are forced labor or
12 services;

13 (3) traffics another person and, through force, fraud,
14 or coercion, causes the trafficked person to engage in conduct
15 prohibited by:

16 (A) Section 43.02 (Prostitution);

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

18 (B-1) Section 43.031 (Online Promotion of
19 Prostitution);

20 (C) Section 43.04 (Aggravated Promotion of
21 Prostitution);

22 (C-1) Section 43.041 (Aggravated Online
23 Promotion of Prostitution); or

24 (D) Section 43.05 (Compelling Prostitution);

25 (4) receives a benefit from participating in a venture
26 that involves an activity described by Subdivision (3) or engages
27 in sexual conduct with a person trafficked in the manner described

1 in Subdivision (3);

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

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

12 (7) traffics a child or disabled individual,
13 regardless of whether the person knows the age of the child or
14 whether the person knows the victim is disabled, and by any means
15 causes the trafficked child or disabled individual to engage in, or
16 become the victim of, conduct prohibited by:

17 (A) Section 21.02 (Continuous Sexual Abuse of
18 Young Child or Disabled Individual);

19 (B) Section 21.11 (Indecency with a Child);

20 (C) Section 22.011 (Sexual Assault);

21 (D) Section 22.021 (Aggravated Sexual Assault);

22 (E) Section 43.02 (Prostitution);

23 (E-1) Section 43.021 (Solicitation of
24 Prostitution);

25 (F) Section 43.03 (Promotion of Prostitution);

26 (F-1) Section 43.031 (Online Promotion of
27 Prostitution);

1 (G) Section 43.04 (Aggravated Promotion of
2 Prostitution);

3 (G-1) Section 43.041 (Aggravated Online
4 Promotion of Prostitution);

5 (H) Section 43.05 (Compelling Prostitution);

6 (I) Section 43.25 (Sexual Performance by a
7 Child);

8 (J) Section 43.251 (Employment Harmful to
9 Children); or

10 (K) Section 43.26 (Possession or Promotion of
11 Child Pornography); or

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

18 SECTION 1.07. Section 20A.02(b), Penal Code, as amended by
19 Chapters 93 (S.B. 1527) and 452 (H.B. 3554), Acts of the 88th
20 Legislature, Regular Session, 2023, is reenacted and amended to
21 read as follows:

22 (b) Except as otherwise provided by this subsection and
23 Subsection (b-1), an offense under this section is a felony of the
24 second degree. An offense under this section is a felony of the
25 first degree if:

26 (1) the applicable conduct constitutes an offense
27 under Subsection (a)(5), (6), (7), or (8) [~~regardless of whether~~

1 ~~the actor knows the age of the child or whether the actor knows the~~
2 ~~victim is disabled at the time of the offense];~~

3 (2) the commission of the offense results in serious
4 bodily injury to or the death of the person who is trafficked; ~~[or]~~

5 (3) the commission of the offense results in the death
6 of an unborn child of the person who is trafficked; or

7 (4) the actor:

8 (A) used or exhibited a deadly weapon during the
9 commission of the offense; or

10 (B) intentionally, knowingly, or recklessly
11 impeded the normal breathing or circulation of the blood of the
12 trafficked person by applying pressure to the person's throat or
13 neck or by blocking the person's nose or mouth.

14 SECTION 1.08. Section 20A.02(b-1), Penal Code, as amended
15 by Chapters 451 (H.B. 3553) and 452 (H.B. 3554), Acts of the 88th
16 Legislature, Regular Session, 2023, is reenacted and amended to
17 read as follows:

18 (b-1) An offense under this section is a felony of the first
19 degree punishable by imprisonment in the Texas Department of
20 Criminal Justice for life or for a term of not more than 99 years or
21 less than 25 years if it is shown on the trial of the offense that
22 the actor committed the offense in a location that was:

23 (1) on the premises of or within 1,000 feet of the
24 premises of:

25 (A) a school; ~~[or]~~

26 (B) an institution of higher education or private
27 or independent institution of higher education, as defined by

1 Section 61.003, Education Code; [~~or~~]

2 (C) a juvenile detention facility;

3 (D) [~~(C)~~] a post-adjudication secure
4 correctional facility;

5 (E) [~~(D)~~] a shelter or facility operating as a
6 residential treatment center that serves runaway youth, foster
7 children, people who are homeless, or persons subjected to human
8 trafficking, domestic violence, or sexual assault;

9 (F) [~~(E)~~] a community center offering youth
10 services and programs; or

11 (G) [~~(F)~~] a child-care facility, as defined by
12 Section 42.002, Human Resources Code; or

13 (2) on the premises where or within 1,000 feet of the
14 premises where:

15 (A) an official school function was taking place;

16 or

17 (B) an event sponsored or sanctioned by the
18 University Interscholastic League was taking place.

19 SECTION 1.09. The changes in law made by this article to
20 Chapter 20A, Penal Code, apply only to an offense committed on or
21 after September 1, 2025. An offense committed before September 1,
22 2025, is governed by the law in effect on the date the offense was
23 committed, and the former law is continued in effect for that
24 purpose. For purposes of this section, an offense was committed
25 before September 1, 2025, if any element of the offense occurred
26 before that date.

27 SECTION 1.10. As soon as practicable after September 1,

1 2025, the Office of Court Administration of the Texas Judicial
2 System shall appoint a representative as required by Section
3 402.034(c), Government Code, as amended by this article.

4 SECTION 1.11. As soon as practicable after September 1,
5 2025:

6 (1) the executive commissioner of the Health and Human
7 Services Commission shall:

8 (A) approve human trafficking prevention
9 training courses as provided by Section 146.0075(b), Health and
10 Safety Code, as added by this article; and

11 (B) adopt rules necessary to implement Section
12 146.0075, Health and Safety Code, as added by this article; and

13 (2) the Department of State Health Services shall post
14 on its Internet website the list of human trafficking prevention
15 courses approved by the executive commissioner of the Health and
16 Human Services Commission under Section 146.0075(b), Health and
17 Safety Code, as added by this article.

18 SECTION 1.12. As soon as practicable after September 1,
19 2025, the Texas Commission of Licensing and Regulation shall adopt
20 the rules required by Section 1603.302, Occupations Code, as added
21 by this article.

22 SECTION 1.13. An employee of a tattoo studio or body
23 piercing studio is not required to complete a training course as
24 required by Section 146.0075(a), Health and Safety Code, as added
25 by this article, before January 1, 2026.

26 ARTICLE 2. PROSTITUTION

27 SECTION 2.01. Section 43.021(b), Penal Code, is amended to

1 read as follows:

2 (b) An offense under Subsection (a) is a state jail felony,
3 except that the offense is:

4 (1) a felony of the third degree if the actor has
5 previously been convicted of an offense under Subsection (a) or
6 under Section 43.02(b), as that law existed before September 1,
7 2021; or

8 (2) a felony of the second degree if the person with
9 respect to whom the actor offers or agrees to engage [~~pay the fee~~
10 ~~for the purpose of engaging~~] in sexual conduct is:

11 (A) younger than 18 years of age, regardless of
12 whether the actor knows the age of the person at the time of the
13 offense;

14 (B) represented to the actor as being younger
15 than 18 years of age; or

16 (C) believed by the actor to be younger than 18
17 years of age.

18 SECTION 2.02. Subchapter A, Chapter 43, Penal Code, is
19 amended by adding Section 43.032 to read as follows:

20 Sec. 43.032. CONTINUOUS PROMOTION OF PROSTITUTION. (a) A
21 person commits an offense if, during a period that is 30 or more
22 days in duration, the person engages two or more times in conduct
23 that constitutes an offense under Section 43.03.

24 (b) If a jury is the trier of fact, members of the jury are
25 not required to agree unanimously on which specific conduct engaged
26 in by the defendant constituted an offense under Section 43.03 or on
27 which exact date the defendant engaged in that conduct. The jury

1 must agree unanimously that the defendant, during a period that is
2 30 or more days in duration, engaged two or more times in conduct
3 that constituted an offense under Section 43.03.

4 (c) If the victim of an offense under Subsection (a) is the
5 same victim as a victim of an offense under Section 43.03, a
6 defendant may not be convicted of the offense under Section 43.03 in
7 the same criminal action as the offense under Subsection (a),
8 unless the offense under Section 43.03:

9 (1) is charged in the alternative;

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

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

14 (d) A defendant may not be charged with more than one count
15 under Subsection (a) if all of the conduct that constitutes an
16 offense under Section 43.03 is alleged to have been committed
17 against the same victim.

18 (e) An offense under this section is a felony of the first
19 degree.

20 SECTION 2.03. Article 17.081, Code of Criminal Procedure,
21 is amended to read as follows:

22 Art. 17.081. ADDITIONAL REQUISITES OF BAIL BOND GIVEN BY
23 CERTAIN DEFENDANTS. In addition to the requirements of Article
24 17.08, a bail bond for a defendant charged with an offense under
25 Section 20A.02, 20A.03, 43.02, 43.03, 43.031, 43.032, 43.04,
26 43.041, or 43.05, Penal Code, must include the address,
27 identification number, and state of issuance as shown on a valid

1 driver's license or identification card for the defendant and any
2 surety, including any agent executing the bail bond on behalf of a
3 corporation acting as surety.

4 SECTION 2.04. Article 17.465(b), Code of Criminal
5 Procedure, is amended to read as follows:

6 (b) A magistrate shall require as a condition of release on
7 bond that a defendant charged with an offense under Section 20A.02,
8 20A.03, 43.03, 43.031, 43.032, 43.04, 43.041, or 43.05, Penal Code,
9 committed against a person 18 years of age or older may not:

10 (1) communicate directly or indirectly with the
11 victim; or

12 (2) go to or near:

13 (A) the residence, place of employment, or
14 business of the victim; or

15 (B) if applicable, a school, day-care facility,
16 or similar facility where a dependent child of the victim is in
17 attendance.

18 SECTION 2.05. Article 42A.054(e), Code of Criminal
19 Procedure, is amended to read as follows:

20 (e) Notwithstanding Subsection (a), with respect to an
21 offense committed by a defendant under Section 43.04 or 43.05,
22 Penal Code, a judge may place the defendant on community
23 supervision as permitted by Article 42A.053 if the judge makes a
24 finding that the defendant committed the offense solely as a victim
25 of an offense under Section 20A.02, 20A.03, 43.03, 43.032, 43.04,
26 or 43.05, Penal Code.

27 SECTION 2.06. Article 56B.003(13), Code of Criminal

1 Procedure, is amended to read as follows:

2 (13) "Trafficking of persons" means any offense that
3 results in a person engaging in forced labor or services, including
4 sexual conduct, and that may be prosecuted under Section 20A.02,
5 20A.03, 43.03, 43.031, 43.032, 43.04, 43.041, 43.05, 43.25, 43.251,
6 or 43.26, Penal Code.

7 SECTION 2.07. Article 58.051(11), Code of Criminal
8 Procedure, is amended to read as follows:

9 (11) "Trafficking of persons" means any conduct that:

10 (A) constitutes an offense under Section 20A.02,
11 20A.03, 43.03, 43.031, 43.032, 43.04, 43.041, 43.05, 43.25, 43.251,
12 or 43.26, Penal Code; and

13 (B) results in a person:

14 (i) engaging in forced labor or services;

15 or

16 (ii) otherwise becoming a victim of the
17 offense.

18 SECTION 2.08. Section 169.002(b), Health and Safety Code,
19 is amended to read as follows:

20 (b) A defendant is eligible to participate in a first
21 offender solicitation of prostitution prevention program
22 established under this chapter only if:

23 (1) the attorney representing the state consents to
24 the defendant's participation in the program; and

25 (2) the court in which the criminal case is pending
26 finds that the defendant has not been previously convicted of:

27 (A) an offense under Section 20A.02, 43.02(b), as

1 that law existed before September 1, 2021, 43.021, 43.03, 43.031,
2 43.032, 43.04, 43.041, or 43.05, Penal Code;

3 (B) an offense listed in Article 42A.054(a), Code
4 of Criminal Procedure; or

5 (C) an offense punishable as a felony under
6 Chapter 481.

7 SECTION 2.09. Section 455.005(c), Occupations Code, is
8 amended to read as follows:

9 (c) A political subdivision may not adopt a regulation of
10 the type described by Subsection (b) that is more restrictive for
11 massage establishments than for other health care establishments,
12 except that a more restrictive regulation of the type described by
13 Subsection (b) may be adopted:

14 (1) as provided by Chapter 243, Local Government Code;
15 or

16 (2) if the regulation relates to the location,
17 ownership, hours of operation, or operation of a massage
18 establishment:

19 (A) where three or more arrests have occurred or
20 citations in lieu of arrest have been issued for an offense under
21 Section 43.02, 43.021, 43.03, 43.032, 43.04, 43.05, or 71.02, Penal
22 Code, that was committed at the massage establishment;

23 (B) where an offense under Chapter 20A, or
24 Section 34.02, 43.02, 43.021, 43.03, 43.032, 43.04, 43.05, or
25 71.02, Penal Code, was committed that resulted in a conviction;

26 (C) that is operating at a location where another
27 massage establishment against which a sanction was imposed for a

1 violation of this chapter previously operated; or

2 (D) that is operating at a location where another
3 massage establishment owned or operated by an individual against
4 whom a sanction was imposed for a violation of this chapter
5 previously operated.

6 SECTION 2.10. Section 455.152, Occupations Code, as amended
7 by Chapters 13 (S.B. 483) and 440 (H.B. 2016), Acts of the 88th
8 Legislature, Regular Session, 2023, is reenacted and amended to
9 read as follows:

10 Sec. 455.152. INELIGIBILITY FOR LICENSE. A person is not
11 eligible for a license as a massage establishment, massage school,
12 massage therapist, or massage therapy instructor if the person is
13 an individual and has been convicted of, entered a plea of nolo
14 contendere or guilty to, or received deferred adjudication for:

15 (1) an offense under Chapter 20A, Penal Code [~~Section~~
16 ~~22.011 or 22.021 Penal Code~~], or Section 43.021, 43.03, 43.031,
17 43.032, 43.04, 43.041, or 43.05, Penal Code; [~~or~~]

18 (2) an offense under federal law or the laws of another
19 state containing elements that are substantially similar to the
20 elements of an offense described by Subdivision (1); or

21 (3) an offense under Section 22.011 or 22.021, Penal
22 Code.

23 SECTION 2.11. Section 455.251(b), Occupations Code, is
24 amended to read as follows:

25 (b) The commission or executive director shall revoke the
26 license of a person licensed as a massage therapist or massage
27 therapy instructor if:

1 (1) the person is convicted of, enters a plea of nolo
2 contendere or guilty to, or receives deferred adjudication for:

3 (A) an offense under Chapter 20A, Penal Code, or
4 Section 43.021, 43.03, 43.031, 43.032, 43.04, 43.041, or 43.05,
5 Penal Code; or

6 (B) an offense under federal law or the laws of
7 another state containing elements that are substantially similar to
8 the elements of an offense described by Paragraph (A); or

9 (2) the commission or executive director determines
10 the person has practiced or administered massage therapy at or for a
11 sexually oriented business.

12 SECTION 2.12. The change in law made by this article to
13 Section 43.021(b), Penal Code, applies only to an offense committed
14 on or after September 1, 2025. An offense committed before
15 September 1, 2025, is governed by the law in effect on the date the
16 offense was committed, and the former law is continued in effect for
17 that purpose. For purposes of this section, an offense was
18 committed before September 1, 2025, if any element of the offense
19 occurred before that date.

20 ARTICLE 3. CHILD PORNOGRAPHY

21 SECTION 3.01. Section 43.26(d), Penal Code, as amended by
22 Chapters 93 (S.B. 1527) and 1041 (S.B. 129), Acts of the 88th
23 Legislature, Regular Session, 2023, is reenacted and amended to
24 read as follows:

25 (d) An offense under Subsection (a) is:

26 (1) a felony of the third degree if the person
27 possesses visual material that contains fewer than 10 [~~100~~] visual

1 depictions of a child as described by Subsection (a)(1);

2 (2) a felony of the second degree if the person
3 possesses visual material that contains 10 [~~100~~] or more visual
4 depictions of a child as described by Subsection (a)(1) but fewer
5 than 50 [~~500~~] such depictions;

6 (3) a felony of the first degree if the person:

7 (A) possesses visual material that contains 50
8 [~~500~~] or more visual depictions of a child as described by
9 Subsection (a)(1); or

10 (B) possesses visual material of conduct
11 constituting an offense under Section 22.011(a)(2); or

12 (4) a felony of the first degree punishable by
13 imprisonment in the Texas Department of Criminal Justice for life
14 or for any term of not more than 99 years or less than 25 years if it
15 is shown on the trial of the offense that, at the time of the
16 offense, the person was:

17 (A) an employee at a child-care facility or a
18 residential child-care facility, as those terms are defined by
19 Section 42.002, Human Resources Code;

20 (B) an employee at a residential treatment
21 facility established under Section 221.056, Human Resources Code;

22 (C) an employee at a shelter or facility that
23 serves youth and that receives state funds; or

24 (D) receiving state funds for the care of a child
25 depicted by the visual material.

26 SECTION 3.02. Section 43.26(g), Penal Code, is amended to
27 read as follows:

1 (g) An offense under Subsection (e) is a felony of the first
2 [~~second~~] degree, except that the offense is a felony of the first
3 degree with a minimum term of confinement of 15 years if:

4 (1) the person promotes or possesses with intent to
5 promote:

6 (A) visual material that contains 50 or more
7 visual depictions of a child as described by Subsection (a)(1); or

8 (B) visual material of conduct constituting an
9 offense under Section 22.011(a)(2); and

10 (2) it is shown on the trial of the offense that the
11 person has been previously convicted of an offense under this
12 section [~~that subsection~~].

13 SECTION 3.03. The following provisions of the Penal Code
14 are repealed:

15 (1) Section 43.26(d-1), as added by Chapter 93 (S.B.
16 1527), Acts of the 88th Legislature, Regular Session, 2023; and

17 (2) Section 43.26(d-2).

18 SECTION 3.04. The changes in law made by this article to
19 Section 43.26, Penal Code, apply only to an offense committed on or
20 after September 1, 2025. An offense committed before September 1,
21 2025, is governed by the law in effect on the date the offense was
22 committed, and the former law is continued in effect for that
23 purpose. For purposes of this section, an offense was committed
24 before September 1, 2025, if any element of the offense was
25 committed before that date.

1 ARTICLE 4. PROSECUTION OF SEXUAL OR ASSAULTIVE OFFENSES OR

2 PROSECUTION OF FAILURE TO STOP OR REPORT THOSE OFFENSES

3 SECTION 4.01. Article 12.01, Code of Criminal Procedure, as
4 amended by Chapters 93 (S.B. 1527), 118 (H.B. 467), 127 (H.B. 1207),
5 422 (H.B. 1769), 520 (H.B. 3025), 689 (H.B. 1506), 704 (H.B. 2019),
6 709 (H.B. 2190), 768 (H.B. 4595), 830 (H.B. 2187), 885 (H.B. 4635),
7 and 1041 (S.B. 129), Acts of the 88th Legislature, Regular Session,
8 2023, is reenacted and amended to read as follows:

9 Art. 12.01. FELONIES. Except as provided in Articles
10 12.015 and 12.03, felony indictments may be presented within these
11 limits, and not afterward:

12 (1) no limitation:

13 (A) murder and manslaughter;

14 (B) sexual assault under Section 22.011(a)(2),
15 Penal Code, or aggravated sexual assault under Section
16 22.021(a)(1)(B), Penal Code;

17 (C) sexual assault, if:

18 (i) during the investigation of the offense
19 biological matter is collected and the matter:

20 (a) has not yet been subjected to
21 forensic DNA testing; or

22 (b) has been subjected to forensic DNA
23 testing and the testing results show that the matter does not match
24 the victim or any other person whose identity is readily
25 ascertained; or

26 (ii) probable cause exists to believe that
27 the defendant has committed the same or a similar sex offense

1 against five or more victims;

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

4 (E) indecency with a child under Section 21.11,
5 Penal Code;

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

9 (G) trafficking of persons under Section
10 20A.02(a)(7) or (8), Penal Code;

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

13 (I) compelling prostitution under Section
14 43.05(a)(2) or (3), Penal Code; [~~or~~]

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

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

19 (ii) the investigation of the offense shows
20 that a reasonable person in the position of the defendant at the
21 time of the commission of the offense would have cause to believe
22 that the evidence tampered with is related to a criminal homicide
23 under Chapter 19, Penal Code;

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

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

1 (i) the offense is punishable under
2 Subsection (d) of that section because the defendant entered a
3 habitation with the intent to commit an offense under Section
4 [22.011](#) or [22.021](#), Penal Code; and

5 (ii) during the investigation of the
6 offense biological matter is collected and the matter:

7 (a) has not yet been subjected to
8 forensic DNA testing; or

9 (b) has been subjected to forensic DNA
10 testing and the testing results show that the matter does not match
11 the victim or any other person whose identity is readily
12 ascertained;

13 (M) failure to stop or report sexual or
14 assaultive offense against child under Section [38.17](#), Penal Code;
15 or

16 (N) continuous promotion of prostitution under
17 Section [43.032](#), Penal Code;

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

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

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

27 (C) forgery or the uttering, using, or passing of

1 forged instruments;

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

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

7 (F) arson;

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

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

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

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

16 (B) fraudulent securing of document execution;

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

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

21 (E) money laundering;

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

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

26 (H) exploitation of a child, elderly individual,
27 or disabled individual under Section 32.53, Penal Code;

- 1 (I) health care fraud under Section 35A.02, Penal
2 Code;
- 3 (J) bigamy under Section 25.01, Penal Code,
4 except as provided by Subdivision (7); or
- 5 (K) possession or promotion of child pornography
6 under Section 43.26, Penal Code;
- 7 (4) five years from the date of the commission of the
8 offense:
- 9 (A) theft or robbery;
- 10 (B) except as provided by Subdivision (5),
11 kidnapping;
- 12 (C) [~~(B-1)~~] except as provided by Subdivision
13 (1) or (5), burglary;
- 14 (D) [~~(C)~~] injury to an elderly or disabled
15 individual that is not punishable as a felony of the first degree
16 under Section 22.04, Penal Code;
- 17 (E) [~~(D)~~] abandoning or endangering an [~~a~~
18 ~~child,~~] elderly [~~individual,~~] or disabled individual;
- 19 (F) [~~(E)~~] insurance fraud;
- 20 (G) [~~(F)~~] assault under Section 22.01, Penal
21 Code, if the assault was committed against a person whose
22 relationship to or association with the defendant is described by
23 Section 71.0021(b), 71.003, or 71.005, Family Code;
- 24 (H) [~~(G)~~] continuous violence against the family
25 under Section 25.11, Penal Code; or
- 26 (I) [~~(H)~~] aggravated assault under Section
27 22.02, Penal Code;

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

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

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

13 (6) 20 years from the 18th birthday of the victim of
14 one of the following offenses:

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

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

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

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

23 (B) bigamy under Section 25.01, Penal Code, if
24 the investigation of the offense shows that the person, other than
25 the legal spouse of the defendant, whom the defendant marries or
26 purports to marry or with whom the defendant lives under the
27 appearance of being married is younger than 18 years of age at the

1 time the offense is committed; or

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

3 (8) [~~(7)~~] ten years from the date the offense was
4 discovered: trafficking of a disabled individual under Section
5 20A.02(a)(5) or (6), Penal Code;

6 (9) [~~(8)~~] two years from the date the offense was
7 discovered: sexual assault punishable as a state jail felony under
8 Section 22.011(f)(2), Penal Code; or

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

11 SECTION 4.02. Section 2(a), Article 38.072, Code of
12 Criminal Procedure, as amended by Chapters 284 (S.B. 643) and 710
13 (H.B. 2846), Acts of the 81st Legislature, Regular Session, 2009,
14 is reenacted and amended to read as follows:

15 (a) This article applies only to statements that:

16 (1) describe:

17 (A) the alleged offense; or

18 (B) if the statement is offered during the
19 punishment phase of the proceeding, a crime, wrong, or act other
20 than the alleged offense that is:

21 (i) described by Section 1;

22 (ii) allegedly committed by the defendant
23 against the child or person with a disability who is the victim of
24 the offense or against another person who is a child younger than 18
25 [~~14~~] years of age or a person with a disability; and

26 (iii) otherwise admissible as evidence
27 under Article 38.37, Rule 404 or 405, Texas Rules of Evidence, or

1 another law or rule of evidence of this state;

2 (2) were made by the child or person with a disability
3 against whom the charged offense or extraneous crime, wrong, or act
4 was allegedly committed; and

5 (3) were made to the first person, 18 years of age or
6 older, other than the defendant, to whom the child or person with a
7 disability made a statement about the offense or extraneous crime,
8 wrong, or act.

9 SECTION 4.03. Section 2, Article 38.072, Code of Criminal
10 Procedure, is amended by adding Subsection (a-1) to read as
11 follows:

12 (a-1) The trial court shall admit more than one statement
13 under this article at a proceeding if each statement:

14 (1) meets the requirements of Subsection (a); and

15 (2) describes different conduct by the defendant.

16 SECTION 4.04. Section 3, Article 38.072, Code of Criminal
17 Procedure, is amended to read as follows:

18 Sec. 3. In this article, "person with a disability" has the
19 same meaning as "disabled individual" as defined by Section 22.04,
20 Penal Code [~~means a person 13 years of age or older who because of~~
21 ~~age or physical or mental disease, disability, or injury is~~
22 ~~substantially unable to protect the person's self from harm or to~~
23 ~~provide food, shelter, or medical care for the person's self]~~.

24 SECTION 4.05. Section 1, Article 38.37, Code of Criminal
25 Procedure, is amended to read as follows:

26 Sec. 1. (a) Subsection (b) applies to a proceeding in the
27 prosecution of a defendant for an offense, or an attempt or

1 conspiracy to commit an offense, under the following provisions of
2 the Penal Code:

3 (1) ~~[if committed against a child under 17 years of~~
4 ~~age:~~

5 ~~[(A)]~~ Chapter 21 (Sexual Offenses);

6 (2) ~~[(B)]~~ Chapter 22 (Assaultive Offenses); ~~[or]~~

7 (3) ~~[(C)]~~ Section 25.02 (Prohibited Sexual Conduct);

8 ~~[or~~

9 ~~[(2) if committed against a person younger than 18~~
10 ~~years of age:]~~

11 (4) ~~[(A)]~~ Section 43.25 (Sexual Performance by a
12 Child);

13 (5) ~~[(B)]~~ Section 20A.02 [~~20A.02(a)(5), (6), (7), or~~
14 ~~(8)] (Trafficking of Persons);~~

15 (6) ~~[(C)]~~ Section 20A.03 (Continuous Trafficking of
16 Persons) [~~, if based partly or wholly on conduct that constitutes an~~
17 ~~offense under Section 20A.02(a)(5), (6), (7), or (8)]; or~~

18 (7) ~~[(D)]~~ Section 43.05 [~~43.05(a)(2)] (Compelling~~
19 Prostitution).

20 (b) Notwithstanding Rules 404 and 405, Texas Rules of
21 Evidence, evidence of other crimes, wrongs, or acts committed by
22 the defendant against the ~~[child who is the]~~ victim of the alleged
23 offense shall be admitted for its bearing on relevant matters,
24 including:

25 (1) the state of mind of the defendant and the victim
26 ~~[child]~~; and

27 (2) the previous and subsequent relationship between

1 the defendant and the victim [~~child~~].

2 SECTION 4.06. Section 38.17, Penal Code, is amended to read
3 as follows:

4 Sec. 38.17. FAILURE TO STOP OR REPORT [~~ACCRAVATED~~] SEXUAL
5 OR ASSAULTIVE OFFENSE AGAINST [~~ASSAULT OF~~] CHILD. (a) A person[~~—~~
6 ~~other than a person who has a relationship with a child described by~~
7 ~~Section 22.04(b)~~] commits an offense if:

8 (1) the actor observes the commission or attempted
9 commission of an offense [~~prohibited by Section 21.02 or~~
10 ~~22.021(a)(2)(B)~~] under circumstances in which a reasonable person
11 would believe that an offense of a sexual or assaultive nature was
12 being committed or was about to be committed against a child [~~the~~];

13 (2) the actor fails to assist the child or immediately
14 report the commission of the offense to a peace officer or law
15 enforcement agency; and

16 (3) the actor could assist the child or immediately
17 report the commission of the offense without placing the actor in
18 danger of suffering serious bodily injury or death.

19 (b) An offense under this section is a felony of the third
20 degree [~~Class A misdemeanor~~].

21 (c) If conduct that constitutes an offense under this
22 section also constitutes an offense under any other law, the actor
23 may be prosecuted under this section, the other law, or both.

24 SECTION 4.07. The change in law made by this article to
25 Article 12.01, Code of Criminal Procedure, does not apply to the
26 prosecution of an offense under Section 38.17, Penal Code, if the
27 prosecution of that offense becomes barred by limitation before

1 September 1, 2025. The prosecution of that offense remains barred
2 as if this article had not taken effect.

3 SECTION 4.08. The changes in law made by this article to
4 Chapter 38, Code of Criminal Procedure, apply to a criminal
5 proceeding that commences on or after September 1, 2025. A criminal
6 proceeding that commences before September 1, 2025, is governed by
7 the law in effect on the date the proceeding commenced, and the
8 former law is continued in effect for that purpose.

9 SECTION 4.09. The change in law made by this article to
10 Section 38.17, Penal Code, applies only to an offense committed on
11 or after September 1, 2025. An offense committed before September
12 1, 2025, is governed by the law in effect on the date the offense was
13 committed, and the former law is continued in effect for that
14 purpose. For purposes of this section, an offense was committed
15 before September 1, 2025, if any element of the offense occurred
16 before that date.

17 ARTICLE 5. EFFECTIVE DATE

18 SECTION 5.01. This Act takes effect September 1, 2025.