

By: Schatzline

H.B. No. 2274

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a commission to review and make recommendations regarding certain penal laws of this state and to certain criminal offenses previously compiled in statutes outside the Penal Code; increasing criminal penalties; imposing a civil penalty.

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

ARTICLE 1. PURPOSE

SECTION 1.01. PURPOSE. The purpose of this Act is to implement the recommendations of the commission created by Section 29, Chapter 1251 (H.B. 1396), Acts of the 84th Legislature, Regular Session, 2015, and other successor commissions and to authorize additional review of the penal laws described by Section 2.01(a) of this Act.

ARTICLE 2. COMMISSION TO STUDY CERTAIN PENAL LAWS

SECTION 2.01. COMMISSION TO STUDY CERTAIN PENAL LAWS.

(a) A commission is created to study and review all penal laws of this state other than criminal offenses:

- (1) under the Penal Code;
- (2) under Chapter 481, Health and Safety Code; or
- (3) related to the operation of a motor vehicle.

(b) The commission shall:

- (1) evaluate all laws described by Subsection (a) of this section;

1 (2) make recommendations to the legislature regarding
2 the repeal or amendment of laws that are identified as being
3 unnecessary, unclear, duplicative, overly broad, or otherwise
4 insufficient to serve the intended purpose of the law, including
5 any laws requiring additional review, as identified by the
6 commission created by Section 29, Chapter 1251 (H.B. 1396), Acts of
7 the 84th Legislature, Regular Session, 2015, and other successor
8 commissions; and

9 (3) evaluate the current applicability of any
10 recommendations that were previously made by the commissions
11 described by Subdivision (2) of this subsection and that have not
12 yet been implemented.

13 (c) The commission is composed of nine members appointed as
14 follows:

15 (1) two members appointed by the governor;

16 (2) two members appointed by the lieutenant governor;

17 (3) two members appointed by the speaker of the house
18 of representatives;

19 (4) two members appointed by the chief justice of the
20 Supreme Court of Texas; and

21 (5) one member appointed by the presiding judge of the
22 Texas Court of Criminal Appeals.

23 (d) The officials making appointments to the commission
24 under Subsection (c) of this section shall ensure that the
25 membership of the commission includes representatives of all areas
26 of the criminal justice system, including prosecutors, defense
27 attorneys, judges, legal scholars, and relevant business

1 interests.

2 (e) The governor shall designate one member of the
3 commission to serve as the presiding officer of the commission.

4 (f) A member of the commission is not entitled to
5 compensation or reimbursement of expenses.

6 (g) The commission shall meet at the call of the presiding
7 officer.

8 (h) Not later than November 1, 2026, the commission shall
9 report the commission's findings and recommendations to the
10 governor, the lieutenant governor, the speaker of the house of
11 representatives, the Supreme Court of Texas, the Texas Court of
12 Criminal Appeals, and the standing committees of the house of
13 representatives and the senate with primary jurisdiction over
14 criminal justice matters. The commission shall include in its
15 recommendations any specific statutes that the commission
16 recommends repealing or amending.

17 SECTION 2.02. APPOINTMENT OF MEMBERS. Not later than
18 November 1, 2025, the governor, the lieutenant governor, the
19 speaker of the house of representatives, the chief justice of the
20 Supreme Court of Texas, and the presiding judge of the Texas Court
21 of Criminal Appeals shall appoint the members of the commission
22 created under this article.

23 SECTION 2.03. ABOLITION OF COMMISSION. The commission is
24 abolished and this article expires December 31, 2026.

25 ARTICLE 3. MISCELLANEOUS AMENDMENTS RELATING TO CRIMINAL OFFENSES

26 SECTION 3.01. Section [17.46\(b\)](#), Business & Commerce Code,
27 is amended to read as follows:

1 (b) Except as provided in Subsection (d) of this section,
2 the term "false, misleading, or deceptive acts or practices"
3 includes, but is not limited to, the following acts:

4 (1) passing off goods or services as those of another;

5 (2) causing confusion or misunderstanding as to the
6 source, sponsorship, approval, or certification of goods or
7 services;

8 (3) causing confusion or misunderstanding as to
9 affiliation, connection, or association with, or certification by,
10 another;

11 (4) using deceptive representations or designations
12 of geographic origin in connection with goods or services;

13 (5) representing that goods or services have
14 sponsorship, approval, characteristics, ingredients, uses,
15 benefits, or quantities which they do not have or that a person has
16 a sponsorship, approval, status, affiliation, or connection which
17 the person does not;

18 (6) representing that goods are original or new if
19 they are deteriorated, reconditioned, reclaimed, used, or
20 secondhand;

21 (7) representing that goods or services are of a
22 particular standard, quality, or grade, or that goods are of a
23 particular style or model, if they are of another;

24 (8) disparaging the goods, services, or business of
25 another by false or misleading representation of facts;

26 (9) advertising goods or services with intent not to
27 sell them as advertised;

1 (10) advertising goods or services with intent not to
2 supply a reasonable expectable public demand, unless the
3 advertisements disclosed a limitation of quantity;

4 (11) making false or misleading statements of fact
5 concerning the reasons for, existence of, or amount of price
6 reductions;

7 (12) representing that an agreement confers or
8 involves rights, remedies, or obligations which it does not have or
9 involve, or which are prohibited by law;

10 (13) knowingly making false or misleading statements
11 of fact concerning the need for parts, replacement, or repair
12 service;

13 (14) misrepresenting the authority of a salesman,
14 representative, or agent to negotiate the final terms of a consumer
15 transaction;

16 (15) basing a charge for the repair of any item in
17 whole or in part on a guaranty or warranty instead of on the value of
18 the actual repairs made or work to be performed on the item without
19 stating separately the charges for the work and the charge for the
20 warranty or guaranty, if any;

21 (16) disconnecting, turning back, or resetting the
22 odometer of any motor vehicle so as to reduce the number of miles
23 indicated on the odometer gauge;

24 (17) advertising of any sale by fraudulently
25 representing that a person is going out of business;

26 (18) advertising, selling, or distributing a card
27 which purports to be a prescription drug identification card issued

1 under Section [4151.152](#), Insurance Code, in accordance with rules
2 adopted by the commissioner of insurance, which offers a discount
3 on the purchase of health care goods or services from a third party
4 provider, and which is not evidence of insurance coverage, unless:

5 (A) the discount is authorized under an agreement
6 between the seller of the card and the provider of those goods and
7 services or the discount or card is offered to members of the
8 seller;

9 (B) the seller does not represent that the card
10 provides insurance coverage of any kind; and

11 (C) the discount is not false, misleading, or
12 deceptive;

13 (19) using or employing a chain referral sales plan in
14 connection with the sale or offer to sell of goods, merchandise, or
15 anything of value, which uses the sales technique, plan,
16 arrangement, or agreement in which the buyer or prospective buyer
17 is offered the opportunity to purchase merchandise or goods and in
18 connection with the purchase receives the seller's promise or
19 representation that the buyer shall have the right to receive
20 compensation or consideration in any form for furnishing to the
21 seller the names of other prospective buyers if receipt of the
22 compensation or consideration is contingent upon the occurrence of
23 an event subsequent to the time the buyer purchases the merchandise
24 or goods;

25 (20) representing that a guaranty or warranty confers
26 or involves rights or remedies which it does not have or involve,
27 provided, however, that nothing in this subchapter shall be

1 construed to expand the implied warranty of merchantability as
2 defined in Sections 2.314 through 2.318 and Sections 2A.212 through
3 2A.216 to involve obligations in excess of those which are
4 appropriate to the goods;

5 (21) promoting a pyramid promotional scheme, as
6 defined by Section 32.56, Penal Code ~~[17.461]~~;

7 (22) representing that work or services have been
8 performed on, or parts replaced in, goods when the work or services
9 were not performed or the parts replaced;

10 (23) filing suit founded upon a written contractual
11 obligation of and signed by the defendant to pay money arising out
12 of or based on a consumer transaction for goods, services, loans, or
13 extensions of credit intended primarily for personal, family,
14 household, or agricultural use in any county other than in the
15 county in which the defendant resides at the time of the
16 commencement of the action or in the county in which the defendant
17 in fact signed the contract; provided, however, that a violation of
18 this subsection shall not occur where it is shown by the person
19 filing the such suit that the person neither knew or had reason to
20 know that the county in which such suit was filed was not ~~[neither]~~
21 the county in which the defendant resides at the commencement of the
22 suit or ~~[nor]~~ the county in which the defendant in fact signed the
23 contract;

24 (24) failing to disclose information concerning goods
25 or services which was known at the time of the transaction if the
26 ~~[such]~~ failure to disclose ~~[such]~~ information was intended to
27 induce the consumer into a transaction into which the consumer

would not have entered had the information been disclosed;

(25) using the term "corporation," "incorporated," or an abbreviation of either of those terms in the name of a business entity that is not incorporated under the laws of this state or another jurisdiction;

(26) selling, offering to sell, or illegally promoting an annuity contract under Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes), with the intent that the annuity contract will be the subject of a salary reduction agreement, as defined by that Act, if the annuity contract is not an eligible qualified investment under that Act;

(27) subject to Section 17.4625, taking advantage of a disaster declared by the governor under Chapter 418, Government Code, or by the president of the United States by:

(A) selling or leasing fuel, food, medicine, lodging, building materials, construction tools, or another necessity at an exorbitant or excessive price; or

(B) demanding an exorbitant or excessive price in connection with the sale or lease of fuel, food, medicine, lodging, building materials, construction tools, or another necessity;

(28) using the translation into a foreign language of a title or other word, including "attorney," "immigration consultant," "immigration expert," "lawyer," "licensed," "notary," and "notary public," in any written or electronic material, including an advertisement, a business card, a letterhead, stationery, a website, or an online video, in reference to a person

1 who is not an attorney in order to imply that the person is
2 authorized to practice law in the United States;

3 (29) delivering or distributing a solicitation in
4 connection with a good or service that:

5 (A) represents that the solicitation is sent on
6 behalf of a governmental entity when it is not; or

7 (B) resembles a governmental notice or form that
8 represents or implies that a criminal penalty may be imposed if the
9 recipient does not remit payment for the good or service;

10 (30) delivering or distributing a solicitation in
11 connection with a good or service that resembles a check or other
12 negotiable instrument or invoice, unless the portion of the
13 solicitation that resembles a check or other negotiable instrument
14 or invoice includes the following notice, clearly and conspicuously
15 printed in at least 18-point type:

16 "SPECIMEN-NON-NEGOTIABLE";

17 (31) in the production, sale, distribution, or
18 promotion of a synthetic substance that produces and is intended to
19 produce an effect when consumed or ingested similar to, or in excess
20 of, the effect of a controlled substance or controlled substance
21 analogue, as those terms are defined by Section [481.002](#), Health and
22 Safety Code:

23 (A) making a deceptive representation or
24 designation about the synthetic substance; or

25 (B) causing confusion or misunderstanding as to
26 the effects the synthetic substance causes when consumed or
27 ingested;

1 (32) a licensed public insurance adjuster directly or
2 indirectly soliciting employment, as defined by Section 38.01,
3 Penal Code, for an attorney, or a licensed public insurance
4 adjuster entering into a contract with an insured for the primary
5 purpose of referring the insured to an attorney without the intent
6 to actually perform the services customarily provided by a licensed
7 public insurance adjuster, provided that this subdivision may not
8 be construed to prohibit a licensed public insurance adjuster from
9 recommending a particular attorney to an insured;

10 (33) owning, operating, maintaining, or advertising a
11 massage establishment, as defined by Section 455.001, Occupations
12 Code, that:

13 (A) is not appropriately licensed under Chapter
14 455, Occupations Code, or is not in compliance with the applicable
15 licensing and other requirements of that chapter; or

16 (B) is not in compliance with an applicable local
17 ordinance relating to the licensing or regulation of massage
18 establishments; or

19 (34) a warrantor of a vehicle protection product
20 warranty using, in connection with the product, a name that
21 includes "casualty," "surety," "insurance," "mutual," or any other
22 word descriptive of an insurance business, including property or
23 casualty insurance, or a surety business.

24 SECTION 3.02. Section 17.461, Business & Commerce Code, is
25 transferred to Subchapter D, Chapter 32, Penal Code, and
26 redesignated as Section 32.56, Penal Code, to read as follows:

27 Sec. 32.56 [~~17.461~~]. PYRAMID PROMOTIONAL SCHEME. (a) In

1 this section:

2 (1) "Compensation" means payment of money, a financial
3 benefit, or another thing of value. The term does not include
4 payment based on sale of a product to a person, including a
5 participant, who purchases the product for actual use or
6 consumption.

7 (2) "Consideration" means the payment of cash or the
8 purchase of a product. The term does not include:

9 (A) a purchase of a product furnished at cost to
10 be used in making a sale and not for resale;

11 (B) a purchase of a product subject to a
12 repurchase agreement that complies with Subsection (b); or

13 (C) time and effort spent in pursuit of a sale or
14 in a recruiting activity.

15 (3) "Participate" means to contribute money into a
16 pyramid promotional scheme without promoting, organizing, or
17 operating the scheme.

18 (4) "Product" means a good, a service, or intangible
19 property of any kind.

20 (5) "Promoting a pyramid promotional scheme" means:

21 (A) inducing or attempting to induce one or more
22 other persons to participate in a pyramid promotional scheme; or

23 (B) assisting another person in inducing or
24 attempting to induce one or more other persons to participate in a
25 pyramid promotional scheme, including by providing references.

26 (6) "Pyramid promotional scheme" means a plan or
27 operation by which a person gives consideration for the opportunity

1 to receive compensation that is derived primarily from a person's
2 introduction of other persons to participate in the plan or
3 operation rather than from the sale of a product by a person
4 introduced into the plan or operation.

5 (b) To qualify as a repurchase agreement for the purposes of
6 Subsection (a)(2)(B), an agreement must be an enforceable agreement
7 by the seller to repurchase, on written request of the purchaser and
8 not later than the first anniversary of the purchaser's date of
9 purchase, all unencumbered products that are in an unused,
10 commercially resalable condition at a price not less than 90
11 percent of the amount actually paid by the purchaser for the
12 products being returned, less any consideration received by the
13 purchaser for purchase of the products being returned. A product
14 that is no longer marketed by the seller is considered resalable if
15 the product is otherwise in an unused, commercially resalable
16 condition and is returned to the seller not later than the first
17 anniversary of the purchaser's date of purchase, except that the
18 product is not considered resalable if before the purchaser
19 purchased the product it was clearly disclosed to the purchaser
20 that the product was sold as a nonreturnable, discontinued,
21 seasonal, or special promotion item.

22 (c) A person commits an offense if the person contrives,
23 prepares, establishes, operates, advertises, sells, or promotes a
24 pyramid promotional scheme. An offense under this subsection is a
25 state jail felony.

26 (d) It is not a defense to prosecution for an offense under
27 this section that the pyramid promotional scheme involved both a

1 franchise to sell a product and the authority to sell additional
2 franchises if the emphasis of the scheme is on the sale of
3 additional franchises.

4 SECTION 3.03. Sections 557.001 and 557.011, Government
5 Code, are transferred to Chapter 40, Penal Code, as added by this
6 Act, redesignated as Sections 40.01 and 40.02, Penal Code,
7 respectively, and amended to read as follows:

8 Sec. 40.01 [~~557.001~~]. SEDITION. (a) A person commits an
9 offense if the person knowingly:

10 (1) commits, attempts to commit, or conspires with one
11 or more persons to commit an act intended to overthrow,
12 destabilize, destroy, or alter the constitutional form of
13 government of this state or of any political subdivision of this
14 state by force, violence, or a threat of force or violence;

15 (2) under circumstances that constitute a clear and
16 present danger to the security of this state or a political
17 subdivision of this state, advocates, advises, or teaches or
18 conspires with one or more persons to advocate, advise, or teach a
19 person to commit or attempt to commit an act described in
20 Subdivision (1); or

21 (3) participates, with knowledge of the nature of the
22 organization, in the management of an organization that engages in
23 or attempts to engage in an act intended to overthrow, destabilize,
24 destroy, or alter the constitutional form of government of this
25 state or of any political subdivision of this state by force or
26 violence.

27 (b) An offense under this section is a felony of the second

1 degree [~~punishable by:~~

2 [~~(1) a fine not to exceed \$20,000,~~

3 [~~(2) confinement in the Texas Department of Criminal~~
4 ~~Justice for a term of not less than one year or more than 20 years,~~
5 ~~or~~

6 [~~(3) both fine and imprisonment~~].

7 (c) [~~(b-1)~~] Notwithstanding Section 15.02(d), [~~Penal~~
8 ~~Code,~~] a conspiracy to commit an offense under this section is
9 punishable in the same manner as an offense under this section.

10 (d) [~~(c)~~] A person convicted of an offense under this
11 section may not receive community supervision under Chapter 42A,
12 Code of Criminal Procedure.

13 Sec. 40.02 [~~557.011~~]. SABOTAGE. (a) A person commits an
14 offense if the person, with the intent to injure the United States,
15 this state, or any facility or property used for national defense
16 sabotages or attempts to sabotage any property or facility used or
17 to be used for national defense.

18 (b) An offense under this section is a felony of the second
19 degree [~~punishable by confinement in the Texas Department of~~
20 ~~Criminal Justice for a term of not less than two years or more than~~
21 ~~20 years~~].

22 (c) If conduct constituting an offense under this section
23 also constitutes an offense under another provision of law, the
24 actor may be prosecuted under both sections.

25 (d) In this section, "sabotage" means to wilfully and
26 maliciously damage or destroy property.

27 SECTION 3.04. Section 557.002, Government Code, is amended

1 to read as follows:

2 Sec. 557.002. DISQUALIFICATION. A person who is finally
3 convicted of an offense under Section 40.01, Penal Code, ~~[557.001]~~
4 may not hold office or a position of profit, trust, or employment
5 with the state or any political subdivision of the state.

6 SECTION 3.05. Section 3101.010(b), Government Code, is
7 amended to read as follows:

8 (b) An offense under this section is a misdemeanor ~~[and on~~
9 ~~conviction is]~~ punishable by~~+~~

10 ~~[(1)]~~ a fine of not less than \$5 or more than \$300~~+~~

11 ~~[(2) confinement in the county jail for a term not to~~
12 ~~exceed three months; or~~

13 ~~[(3) both a fine and confinement]~~.

14 SECTION 3.06. Section 615.002(e), Local Government Code, is
15 amended to read as follows:

16 (e) A person commits an offense if the person violates a
17 parking rule adopted under this section. An offense under this
18 subsection is a Class C misdemeanor ~~[punishable by a fine of not~~
19 ~~less than \$1 nor more than \$20]~~.

20 SECTION 3.07. Section 11.074(b), Natural Resources Code, is
21 amended to read as follows:

22 (b) An ~~[Any]~~ owner of stock or a ~~[his]~~ manager, agent,
23 employee, or servant of the owner who fences, uses, occupies, or
24 appropriates by herding or line-riding any portion of the land
25 covered by Subsection (a) ~~[of this section]~~ without a lease for the
26 land commits an offense. An offense under this section is a Class C
27 misdemeanor ~~[, on conviction, shall be fined not less than \$100 nor~~

~~more than \$1,000 and confined in the county jail for not less than three months nor more than two years]. Each day for which a violation continues constitutes a separate offense.~~

SECTION 3.08. Section 88.134, Natural Resources Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A person commits an offense if the person:

(1) [who] ~~violates any [other]~~ provision of this chapter other than those covered by Subsection (a);

(2) [, a person who] ~~fails to comply with any of the other terms of this chapter;~~

(3) [, a person who] ~~fails to comply with the terms of a rule or order adopted by the governmental agency under the terms of this chapter;~~ ~~[,]~~ or

(4) [a person who] ~~violates any of the rules or orders of the governmental agency adopted under the provisions of this chapter.~~

(c) An offense under Subsection (b) is a felony of the third degree ~~[on conviction is considered guilty of a felony and on conviction shall be punished by imprisonment in the Texas Department of Criminal Justice for a term of not less than two nor more than four years].~~

SECTION 3.09. Section 114.102(b), Natural Resources Code, is amended to read as follows:

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

SECTION 3.10. Section 264.151(a), Occupations Code, is

1 amended to read as follows:

2 (a) A person commits an offense if the person violates
3 Section 256.001. An offense under this subsection is a felony of
4 the third degree. [~~Each day of a violation is a separate offense.~~]

5 SECTION 3.11. Section 266.303, Occupations Code, is amended
6 by amending Subsection (b) and adding Subsection (b-1) to read as
7 follows:

8 (b) An offense for a violation of Section 266.151 is a Class
9 A misdemeanor, except that the offense is a felony of the third
10 degree if it is shown on the trial of the offense that the defendant
11 has previously been convicted of an offense for a violation of
12 Section 266.151.

13 (b-1) An offense for a violation of [or] Section 266.301(b)
14 is a Class A misdemeanor, except that the offense is a felony of the
15 third degree if it is shown on the trial of the offense that the
16 defendant has previously been convicted of an offense for a
17 violation of Section 266.301(b).

18 SECTION 3.12. Section 1701.553(b), Occupations Code, is
19 amended to read as follows:

20 (b) An offense under Subsection (a) is a Class A misdemeanor
21 [state jail felony].

22 SECTION 3.13. Subchapter E, Chapter 1802, Occupations Code,
23 is amended by adding Section 1802.2025 to read as follows:

24 Sec. 1802.2025. FRIVOLOUS CLAIMS; CIVIL PENALTY. (a) A
25 person may not, for personal benefit or to harm another:

26 (1) institute a claim under this chapter in which the
27 person knows the person has no interest; or

1 (2) institute a frivolous suit or claim that the
2 person knows is false.

3 (b) A person who violates Subsection (a) is subject to a
4 civil penalty under Section 51.352.

5 SECTION 3.14. Section 2155.002(e), Occupations Code, is
6 amended to read as follows:

7 (e) An offense under this section [~~Subsection (b)~~] is a
8 misdemeanor punishable by a fine of not more than \$100.

9 SECTION 3.15. Section 2156.006, Occupations Code, is
10 amended to read as follows:

11 Sec. 2156.006. FORFEITURE OF LEASE. A theater's lessee or a
12 lessee's assigns forfeit the lease and any rights and privileges
13 under the lease if the person[+]

14 [~~(1)~~] does not comply with the law governing
15 theaters[~~, or~~

16 [~~(2) is convicted of an offense under Section~~
17 ~~2156.005~~].

18 SECTION 3.16. Section 19.03(a), Penal Code, is amended to
19 read as follows:

20 (a) A person commits an offense if the person commits murder
21 as defined under Section 19.02(b)(1) and:

22 (1) the person murders a peace officer or fireman who
23 is acting in the lawful discharge of an official duty and who the
24 person knows is a peace officer or fireman;

25 (2) the person intentionally commits the murder in the
26 course of committing or attempting to commit kidnapping, burglary,
27 robbery, aggravated sexual assault, arson, obstruction or

retaliation, sabotage, or terroristic threat under Section 22.07(a)(1), (3), (4), (5), or (6);

(3) the person commits the murder for remuneration or the promise of remuneration or employs another to commit the murder for remuneration or the promise of remuneration;

(4) the person commits the murder while escaping or attempting to escape from a penal institution;

(5) the person, while incarcerated in a penal institution, murders another:

(A) who is employed in the operation of the penal institution; or

(B) with the intent to establish, maintain, or participate in a combination or in the profits of a combination;

(6) the person:

(A) while incarcerated for an offense under this section or Section 19.02, murders another; or

(B) while serving a sentence of life imprisonment or a term of 99 years for an offense under Section 20.04, 22.021, or 29.03, murders another;

(7) the person murders more than one person:

(A) during the same criminal transaction; or

(B) during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct;

(8) the person murders an individual under 10 years of age;

(9) the person murders an individual 10 years of age or

1 older but younger than 15 years of age; or

2 (10) the person murders another person in retaliation
3 for or on account of the service or status of the other person as a
4 judge or justice of the supreme court, the court of criminal
5 appeals, a court of appeals, a district court, a criminal district
6 court, a constitutional county court, a statutory county court, a
7 justice court, or a municipal court.

8 SECTION 3.17. Section 37.10(c)(2), Penal Code, is amended
9 to read as follows:

10 (2) An offense under this section is a felony of the
11 third degree if it is shown on the trial of the offense that the
12 governmental record was:

13 (A) a public school record, report, or assessment
14 instrument required under Chapter 39, Education Code, a public
15 school record, form, report, or budget required under Chapter 48,
16 Education Code, or a rule adopted under that chapter, data reported
17 for a school district or open-enrollment charter school to the
18 Texas Education Agency through the Public Education Information
19 Management System (PEIMS) described by Sections 48.008 and 48.009,
20 Education Code, under a law or rule requiring that reporting, or a
21 license, certificate, permit, seal, title, letter of patent, or
22 similar document issued by government, by another state, or by the
23 United States, unless the actor's intent is to defraud or harm
24 another, in which event the offense is a felony of the second
25 degree;

26 (B) a written report of a medical, chemical,
27 toxicological, ballistic, or other expert examination or test

performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action;

(C) a written report of the certification, inspection, or maintenance record of an instrument, apparatus, implement, machine, or other similar device used in the course of an examination or test performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action; or

(D) a search warrant issued by a magistrate.

SECTION 3.18. Title 8, Penal Code, is amended by adding Chapter 40, and a heading is added to that chapter to read as follows:

CHAPTER 40. SEDITION AND SABOTAGE

SECTION 3.19. Section 154.517, Tax Code, is amended to read as follows:

Sec. 154.517. FELONY OR MISDEMEANOR. (a) An offense under Section [Sections] 154.511, 154.512, 154.514, 154.515, or [through] 154.516 is a felony of the third degree.

(b) An offense under Section 154.513 is a Class A misdemeanor, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the person has been previously convicted of an offense under that section.

SECTION 3.20. Section 155.208, Tax Code, is amended to read as follows:

Sec. 155.208. MISDEMEANOR. An offense under Section 155.202, 155.204, 155.205, 155.206, or 155.207 [Sections 155.202-155.207] is a Class A misdemeanor.

SECTION 3.21. Section 155.213, Tax Code, is amended to read as follows:

Sec. 155.213. FELONY OR MISDEMEANOR. (a) An offense under Section 155.210 or 155.212 [~~Sections 155.209-155.212~~] is a felony of the third degree.

(b) An offense under Section 155.209 is a Class A misdemeanor, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the person has been previously convicted of an offense under that section.

(c) An offense under Section 155.211 is a Class A misdemeanor, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the person has been previously convicted of an offense under that section.

SECTION 3.22. Section 15.030(c), Utilities Code, is amended to read as follows:

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

SECTION 3.23. Section 105.024(b), Utilities Code, is amended to read as follows:

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

SECTION 3.24. The following laws are repealed:

- (1) Section 101.64, Alcoholic Beverage Code;
- (2) Sections 17.30, 17.31, and 204.005, Business & Commerce Code;
- (3) Chapter 504, Business & Commerce Code;
- (4) Section 44.051, Education Code;

- 1 (5) the heading to Subchapter B, Chapter 557,
2 Government Code;
- 3 (6) Sections 557.012 and 557.013, Government Code;
- 4 (7) Sections 201.604, 205.401, 702.556, 1071.504,
5 1101.756, 1101.757, 1101.758, 1103.5545, 1104.253, 1802.301,
6 1802.302, 1805.103, 2155.002(d), 2156.004, 2156.005, 2158.003, and
7 2501.251, Occupations Code;
- 8 (8) Articles 4005a, 4006a, 4006b, 4015d, 4015e, 5196b,
9 and 9010, Revised Statutes; and
- 10 (9) Chapter 281 (H.B. 2680), Acts of the 73rd
11 Legislature, Regular Session, 1993 (Article 4413(47e-1), Vernon's
12 Texas Civil Statutes).

13 ARTICLE 4. TRANSITION PROVISIONS; EFFECTIVE DATE

14 SECTION 4.01. The changes in law made by this Act apply only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 governed by the law in effect on the date the offense was committed,
18 and the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense occurred
21 before that date.

22 SECTION 4.02. This Act takes effect September 1, 2025.