

By: Huffman

S.B. No. 1021

A BILL TO BE ENTITLED

AN ACT

relating to changing the eligibility for community supervision of a person convicted of stalking and to the offense of improper contact with the person's victim.

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

SECTION 1. Article 42A.054(a), Code of Criminal Procedure, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(10) Section 22.04(a)(1), Penal Code (Injury to a Child, Elderly Individual, or Disabled Individual), if:

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

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

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

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

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

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

(13) Section 42.072, Penal Code (Stalking);

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

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

(16) [~~(15)~~] Section 43.25, Penal Code (Sexual Performance by a Child);

(17) [~~(16)~~] Section 43.26, Penal Code (Possession or Promotion of Child Pornography);

(18) [~~(17)~~] Chapter 481, Health and Safety Code, for which punishment is increased under:

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

(B) Section 481.134(c), (d), (e), or (f) of that code (Drug-free Zones) if it is shown that the defendant has been

1 previously convicted of an offense for which punishment was  
2 increased under any of those subsections; or

3           (19) [~~(18)~~] Section 481.1123, Health and Safety Code  
4 (Manufacture or Delivery of Substance in Penalty Group 1-B), if the  
5 offense is punishable under Subsection (d), (e), or (f) of that  
6 section.

7           SECTION 2. Section 773.0614(c), Health and Safety Code, is  
8 amended to read as follows:

9           (c) A certificate holder's certificate shall be revoked if  
10 the certificate holder has been convicted of or placed on deferred  
11 adjudication community supervision or deferred disposition for:

12               (1) an offense listed in Article 42A.054(a)(2), (3),  
13 (4), (7), (8), (9), (11), or (18) [~~(17)~~], Code of Criminal  
14 Procedure; or

15               (2) an offense, other than an offense described by  
16 Subdivision (1), committed on or after September 1, 2009, for which  
17 the person is subject to registration under Chapter 62, Code of  
18 Criminal Procedure.

19           SECTION 3. Section 773.06141(a), Health and Safety Code, as  
20 effective April 1, 2025, is amended to read as follows:

21           (a) The department may suspend, revoke, or deny an emergency  
22 medical services provider license on the grounds that the  
23 provider's administrator of record, employee, or other  
24 representative:

25               (1) has been convicted of, or placed on deferred  
26 adjudication community supervision or deferred disposition for, an  
27 offense that directly relates to the duties and responsibilities of

the administrator, employee, or representative, other than an offense described by Section 542.304, Transportation Code;

(2) has been convicted of or placed on deferred adjudication community supervision or deferred disposition for an offense, including:

(A) an offense listed in Article 42A.054(a)(2), (3), (4), (7), (8), (9), (11), or (18) [~~(17)~~], Code of Criminal Procedure; or

(B) an offense, other than an offense described by Subdivision (1), for which the person is subject to registration under Chapter 62, Code of Criminal Procedure; or

(3) has been convicted of Medicare or Medicaid fraud, has been excluded from participation in the state Medicaid program, or has a hold on payment for reimbursement under the state Medicaid program under Subchapter G, Chapter 544, Government Code.

SECTION 4. Section 38.111(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person, while confined in a correctional facility after being charged with or convicted of an offense under Section 42.072 or listed in Article 62.001(5), Code of Criminal Procedure, contacts by letter, telephone, or any other means, either directly or through a third party, a victim of the offense or a member of the victim's family, if the director of the correctional facility has not, before the person makes contact with the victim:

(1) received written and dated consent to the contact from:

1                   (A) the victim, if the victim was 17 years of age  
2 or older at the time of the commission of the offense for which the  
3 person is confined; or

4                   (B) if the victim was younger than 17 years of age  
5 at the time of the commission of the offense for which the person is  
6 confined:

7                               (i) a parent of the victim;

8                               (ii) a legal guardian of the victim;

9                               (iii) the victim, if the victim is 17 years  
10 of age or older at the time of giving the consent; or

11                              (iv) a member of the victim's family who is  
12 17 years of age or older; and

13                   (2) provided the person with a copy of the consent.

14           SECTION 5. The change in law made by this Act applies 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 6. This Act takes effect September 1, 2025.