



2009 Legislative Update

Juvenile

- **SB 839:** *Relating to the punishment for a capital felony committed by a juvenile whose case is transferred to criminal court.*

Abolishes Life Without Parole for Juveniles

- Amends § 12.31, Penal Code, Capital Felony, to provide that a juvenile convicted of a capital felony that was certified as an adult pursuant to § 54.02, Family Code, will be sentenced to life, not life without parole.
- Amends § 508.145, Government Code, Eligibility for Release on Parole; Computation of Parole Eligibility Date, to provide that a juvenile convicted of a capital felony that was certified as an adult pursuant to § 54.02 is not eligible for release on parole until the actual calendar time the inmate has served, without consideration of good conduct time, equals 40 calendar years.

- **HB 2386:** *Relating to the sealing of juvenile records.*

Authorizes Immediate Sealing for Juvenile That Completes Drug Court

- Amends § 58.003, Family Code, Sealing of Records, to authorize a juvenile court to order the sealing of juvenile records if the child successfully completed a drug court program under Chapter 469 (Drug Court Programs), Health and Safety Code.
- Authorizes the court to order the sealing of the records immediately and without a hearing or hold a hearing to determine whether to seal the records.

- **HB 1688:** *Relating to the rules governing a motion for new trial in juvenile cases.*

Clarifies that Appeal from Juvenile Court is to Court of Appeals and Motion for New Trial Must be Filed Within 30 Days

- Amends § 56.01, Family Code, Right to Appeal, to clarify that an appeal from a juvenile court is to a court of appeals.
- Provides that a motion for a new trial must be filed not later than the 30th day after the date on which the disposition order is signed and is governed by Rule 21, Texas Rules of Appellate Procedure.

- **HB 3316:** *Relating to venue for certain offenses committed at Texas Youth Commission facilities.*

Authorizes Concurrent Venue in Travis County for Offenses Committed Against Juveniles in TYC



- Amends § 13.34, Code of Criminal Procedure, to establish concurrent venue for criminal offenses against juveniles committed by TYC personnel to be in any county in which an element of the offense occurred or in Travis County.
- **HB 1633:** *Relating to the prosecution and punishment of the offense of graffiti and to certain conditions imposed on defendants convicted of that offense or on juveniles adjudicated as having engaged in conduct in violation of that offense.*

Increases Community Service Hours for Graffiti Convictions

- Amends Article 42.037(s), Code of Criminal Procedure, Restitution, to require a court to order a defendant convicted of graffiti to make restitution by reimbursing the owner the cost of restoration or, with the consent of the owner, to personally restore the property by removing or painting over graffiti.
- Amends § 11, Article 42.12, Code of Criminal Procedure, Community Supervision, to require a court granting community supervision to a defendant convicted of graffiti to perform at least 15 hours of community service on a Class B graffiti offense or at least 30 hours of community service on a Class A graffiti offense.
- Amends § 54.046, Family Code, Conditions of Probation for Damaging Property With Graffiti, to require a juvenile court to order a child adjudicated of graffiti to perform at least 15 hours of community service on a Class B graffiti offense or at least 30 hours of community service on a Class A graffiti offense.

Strikes Aerosol From Graffiti Offense To Authorize Prosecution for Paint

- Amends § 28.08(a), Penal Code, Graffiti, to strike the word “aerosol” providing that a person commits graffiti if they use paint, rather than just aerosol paint.

Innocence

- **HB 498:** *Relating to the creation of a commission to investigate and prevent wrongful convictions.*

Establishes Innocence Commission

- Establishes the Timothy Cole advisory panel on wrongful convictions to assist the Task Force on Indigent Defense in conducting a study and preparing a report regarding the prevention of wrongful convictions.
- **HB 1736:** *Relating to the compensation of persons wrongfully imprisoned.*

Increases Payments and Services to Wrongfully Imprisoned



- Known as the Tim Cole Act, amends § 103.001, Civil Practice and Remedies, Amount and Timing of Execution, to allow compensation to go to a person's heirs in a lump-sum if the person received a posthumous pardon for being wrongfully imprisoned.
- Adds § 103.052, Civil Practice and Remedies Code, Lump-Sum Compensation, to allow lump-sum compensation of \$80,000 per each year of wrongful imprisonment and \$25,000 per each year served on parole or as a registered sex offender.
- Adds § 103.054, Civil Practice and Remedies Code, Payment of Certain Tuition and Fees, to allow for payment of higher education tuition and fees for a person wrongfully imprisoned.
- Adds § 501.091, Government Code, Reentry and Reintegration Services for Wrongfully Imprisoned Persons, to allow for reentry services for wrongfully imprisoned persons.
- Adds § 614.021, Health and Safety Code, Services for Wrongfully Imprisoned Persons, to authorize services for wrongfully imprisoned persons including medical and dental care.

- **HB 2058:** *Relating to the standards for attorneys representing indigent defendants in capital cases.*

Separates Out Qualifications for Trial Attorneys and Appellate Attorneys Appointed in Capital Cases

- Amends § 26.052(d)(2), Code of Criminal Procedure, to require that a trial attorney appointed as lead counsel in a capital case have at least five years of criminal law experience (rather than experience in criminal litigation).
- Amends § 26.052(2)(3), Code of Criminal Procedure, to require that an appellate attorney appointed as lead counsel in the direct appeal of a capital case to have, in addition to minimum qualifications set out in § 26.052(d)(2) done the following:
 - authored a significant number of appellate briefs, including appellate briefs for homicide cases and other cases involving an offense punishable as a capital felony, felony of first degree or a § 3g(a)(1) offense;
 - have trial or appellate experience in the use of and challenges to mental health or forensic expert witnesses and the use of mitigating evidence at the penalty phase of a death penalty trial; and
 - have participated in continuing legal education courses or other training relating to criminal defense in appealing death penalty cases.

- **SB 1091:** *Relating to the establishment of the capital writs committee and the office of capital writs.*

Establishes Capital Writs Office



- Adds Chapter 78 to Subtitle F, Title 2, Government Code, to establish a capital writs committee and office of capital writs to handle writs in death penalty cases.
- **SB 1681:** *Relating to requiring the corroboration of certain testimony to support a criminal conviction.*

Requires Corroboration of a Jailhouse Informant

- Adds Article 38.075, Code of Criminal Procedure, Corroboration of Certain Testimony Required, to require corroboration before a person can be convicted on the testimony of a jailhouse informant. Provides that corroboration is not sufficient if it only shows that the offense was committed.
- **HB 2002:** *Relating to a right of a close relative to seek expunction of arrest records and files on behalf of a deceased person.*

Authorizes a Close Relative to Seek Expunction for Deceased Person

- Adds Chapter 55.011, Code of Criminal Procedure, Right of Close Relative to Seek Expunction on Behalf of Deceased Person, to authorize a close relative to file a petition for expunction for a deceased person.

Alternatives to Incarceration

- **SB 1940:** *Relating to deferred prosecution programs for certain military service members and veterans.*

Authorizes Pretrial Diversion Program for Veterans

- Adds Chapter 617, to Subtitle E, Title 7, Health and Safety Code, Veterans Court Program Defined; Procedures for Certain Defendants, to provide the commissioners court the authority to establish a veterans deferred prosecution program whereby if a veteran successfully completes a veterans court program, the court shall dismiss the case.
- **SB 633:** *Relating to the number of counties or municipalities necessary to establish a regional drug court program.*

Authorizes Regional Drug Court Program for Minimum of Two Counties

- Amends § 469.0025, Health and Safety Code, to reduce from three to two the minimum number of counties or municipalities necessary to establish a regional drug court program.



- **HB 2808:** *Relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings.*

Prohibits Licensing Authority From Considering Successful Deferred Adjudication as Conviction Subject to Certain Exceptions

- Amends § 53.021(c), Occupations Code, to prohibit a licensing authority from considering a person to have been convicted of an offense if the person successfully completed deferred adjudication. However, this provision does not apply if the person is an applicant for or the holder of a license that authorizes the person to provide law enforcement or public health, education, or safety services.
 - Amends § 53.021(e), Occupations Code, to authorize a licensing authority to consider a person to have been convicted of an offense if the person successfully completed deferred adjudication if the licensing authority determines that the person may pose a continued threat to public safety, or employment of the person in the licensed occupation would create a situation in which the person has the opportunity to repeat the prohibited conduct.
- **SB 2340:** *Relating to the electronic monitoring and other alternative means for certain defendants to discharge a fine or costs or satisfy a term of confinement in county jail.*

Authorizes Court to Allow County Jail Sentence to Be Served on Electronic Monitoring

- Amends Article 42.035, Code of Criminal Procedure, Electronic Monitoring; House Arrest, to allow a court to require a defendant to serve all or part of a county jail sentence by participating in an electronic monitoring program.

Sex Offenders and Registration

- **HB 2153:** *Relating to certain registration requirements imposed on sex offenders.*

Expands Venue Options for Prosecution of Failure to Register as a Sex Offender

- Amends Article 13.31, Code of Criminal Procedure, Failure to Comply With Sex Offender Registration Statute, to expand venue options for prosecution for failing to register as a sex offender by allowing prosecution in the county in which the person was required to register, or the county in which the person is found by a peace officer.

Requires Persons Subject to Registration to Report Within Seven Days After Release



- Amends Article 62.051(f), Code of Criminal Procedure, Registration; General, to require an offender to report for registration not later than the seventh day after they are released.

Requires Homeless Persons Subject to Registration to Report Within Seven Days of Becoming Homeless and Imposes Reporting Requirement Every Thirty Days Until Physical Address

- Amends Article 62.051(c), Code of Criminal Procedure, Registration; General, to require a person having to register as a sex offender to list either the address at which the person intends to reside, or, if the person does not intend to reside at a physical address (i.e., will be homeless), a detailed description of each geographical location at which the person resides or intends to reside.
 - Adds Article 62.051(j), Code of Criminal Procedure, Registration; General, to require that when a person subject to registration is released from prison without being released to a particular parole office, they must report not later than the seventh day after release to the local law enforcement authority where they are residing. Also requires that until the person has a physical address, they must report once every thirty days.
 - Amends Article 62.055, Code of Criminal Procedure, Change of Address, to require that a person subject to registration who becomes homeless must report that within seven days and must report once every thirty days.
- **SB 689:** *Relating to restriction on the use of the Internet by sex offenders and to the reporting, collection, and exchange of information regarding those offenders.*

Imposes Internet Restrictions on Certain Persons Subject to Registration

- Amends Article 42.12, Code of Criminal Procedure, Community Supervision, by adding Section 13E, and adds § 508.1861, Government Code, to provide that a person subject to registration that either used the internet or other electronic device to commit the offense or is assigned a risk level of three is subject to the following:
 - If the court grants probation, the court as a condition of probation, or if the person is being released on parole, the parole panel, as a condition of parole, shall prohibit the defendant from using the internet to, access obscene material;
 - access a commercial social networking site;
 - communicate with any individual concerning sexual relations with an individual younger than 17; or
 - communicate with another individual the defendant knows is younger than 17.



- The court or parole panel may modify the above conditions if it interferes with employment or if the defendant is a parent to a child younger than 17.

Requires Persons Subject to Registration to Report Any Online Identifiers

- Adds Subsection (11) to Article 62.001, Code of Criminal Procedure, Definitions, to define “online identifier” which includes an email address or a name used by a person on an instant messaging, or social networking site.
 - Adds Article 62.0061, Code of Criminal Procedure, Request for Online Identifiers by Social Networking Sites, to allow commercial social networking sites to obtain from DPS public information from the sex offender registry and any online identifier used by a person subject to registration.
 - Amends Article 62.051, Code of Criminal Procedure, Registration; General, to require the sex offender registration form to collect the identification of any online identifier used by the person subject to registration.
 - Adds Article 62.0551, Code of Criminal Procedure, Change in Online Identifiers, to require that a person subject to registration must report any change or establishment of an online identifier within seven days.
- **SB 2048:** *Relating to the establishment of a centralized sex offender registration authority in certain counties in this state.*

Authorizes Certain Counties to Create Centralized Sex Offender Registration Office

- Adds Article 62.0045, Code of Criminal Procedure, Centralized Registration Authority, to allow a county commissioners court in a county with a population over 100,000 to create a centralized registration authority where all registered sex offenders would be required to register to allow a county to have a centralized office at a single location.

Class C Misdemeanors

- **HB 558:** *Relating to law enforcement and judicial procedures for, and the prosecution of, children who engage in conduct constituting public intoxication.*

Authorizes Concurrent Jurisdiction with Justice and Municipal Courts to Prosecute Juveniles for Public Intoxication

- Amends Article 45.058, Code of Criminal Procedure, Children Taken Into Custody, to give juvenile courts concurrent jurisdiction with justice and municipal courts to prosecute juveniles for public intoxication.

Authorizes Peace Officer to Release Juvenile Charged with Public Intoxication to Parent or other Responsible Adult



- Amends Article 14.031, Code of Criminal Procedure, Public Intoxication, to allow a peace officer to release a juvenile charged with public intoxication to parent, guardian or other responsible adult in lieu of arrest.
- **SB 413:** *Relating to the prosecution of a Class C misdemeanor offense for which the defendant does not appear.*

Requires Complaint to be Filed if Defendant Fails to Appear for Class C Thereby Tolling the Statute of Limitations

- Amends Article 27.14(d), Code of Criminal Procedure, Plea of Guilty or Nolo Contendere in Misdemeanor, to require a complaint to be filed on a Class C misdemeanor if the defendant fails to appear based on the written notice of an offense, thereby tolling the statute of limitations.

Admonishments

- **SB 1236:** *Relating to admonishments given to a person charged with a misdemeanor.*

Requires Class C Citations to Contain Written Language Regarding Possible Loss of Right to Possess Firearms

- Amends Article 14.06, Code of Criminal Procedure, Must Take Offender Before Magistrate, to require federally mandated language regarding the possible loss of their right to possess firearms be included on a written citation to persons charged with Class C misdemeanors.

Requires Court to Admonish Misdemeanor Defendant Charged With Family Violence Regarding Possible Loss of Right to Possess Firearms

- Amends Article 26.14, Code of Criminal Procedure, Jury on Plea of Not Guilty, to require that, prior to accepting a plea of a defendant charged with a misdemeanor involving family violence, the court admonish the defendant with the federally mandated language regarding the possible loss of their right to possess firearms.

Bonds

- **HB 3751:** *Relating to the conditions of bond for a defendant charged with committing certain offenses against a child and to the denial of bail pending trial with respect to certain defendants who violate those conditions.*

Requires Magistrate to Prohibit Victim Contact on Certain Offenses Involving a Child Younger Than 14

- Amends Article 17.41, Code of Criminal Procedure, Condition Where Child Alleged Victim, to require that for a person charged with sexual or assaultive



offenses involving a child younger than 14, a magistrate shall require as a condition of bond that the person not have direct communication with the alleged victim, or go near any location frequented by the alleged victim.

- **HB 1506:** *Relating to the imposition of conditions on certain defendants charged with an offense involving family violence.*

Authorizes Magistrate to Put GPS as a Condition of Emergency Protection Order

- Amends Article 17.292, Code of Criminal Procedure, Magistrate's Order For Emergency Protection, to authorize a magistrate to put GPS as a condition of the emergency protection order.

Intoxication Offenses

- **SB 328:** *Relating to operating a motor vehicle or a watercraft while intoxicated or under the influence of alcohol.*

Expands Police Power for Mandatory Warrantless Blood Tests

- Amends § 724.017, Transportation Code, Blood Specimen, to expand mandatory warrantless blood draws if a person is arrested for an offense under Chapter 49 of the Penal Code involving the operation of a motor vehicle or watercraft and the person refuses the officer's request to submit to the taking of the specimen voluntarily and:
 - an individual other than the person has suffered bodily injury and was transported to a hospital or other medical facility for medical treatment;
 - the person is under arrest for DWI with child passenger under 15;
 - the person has been previously convicted of DWI two or more times; or
 - the person has been previously convicted of DWI with child passenger under 15, intoxication assault, or intoxication manslaughter;

Authorizes Any Licensed Magistrate to Issue Blood Warrants

- Amends Article 18.01, Code of Criminal Procedure, Search Warrant, to state that any magistrate who is an attorney licensed in Texas may issue a search warrant for blood in an intoxication-related case if the person refuses to submit to a breath or blood alcohol test.

Immunizes Health Care Professionals Who Draw Blood

- Amends § 724.017, Transportation Code, Blood Specimen, to immunize those who take blood specimens according to recognized medical procedures from civil liability for damages arising from the taking of a blood specimen at the request or order of a peace officer or pursuant to a search warrant. However, this does not relieve a person from liability for negligence in the taking of a blood specimen.



Creates a New Offense of Boating Under the Influence

- Amends § 106.041, Alcoholic Beverage Code, Driving Under the Influence by a Minor, to include “watercraft” for a Driving Under the Influence case so it is now a crime for a minor to operate a watercraft while having any detectable amount of alcohol in the minor’s system.

Clarifies Stricter Driver’s License Suspension in DUI Cases

- Amends Article 42.12, Section 13, Code of Criminal Procedure, Community Supervision, to state the stricter driver’s license suspension applies to minors convicted of DUI even if they reach the age of 21 while awaiting trial.

Sets Out ALR Suspension Time for Boating While Intoxicated

- Amends §524.001, Transportation Code, Definitions, to include operating a “watercraft” ALR suspensions and to include a driver's license suspension for individuals who fail a breath or blood alcohol test while operating a watercraft.

Adds DWI With Child Passenger to List of Offenses That Trigger Automatic Driver’s License Suspension Upon Final Conviction

- Amends § 521.341, Transportation Code, to add DWI with Child Passenger under 15 under 49.045 to list of offenses for automatic suspension of driver’s license upon final conviction.

- **HB 2730:** *Relating to the continuation and functions of the Department of Public Safety of the State of Texas and the Texas Private Security Board (DPS Sunset Bill).*

Requires Good Cause to be Shown Before SOAH Will Issue Subpoena for Breath Test Operator or Supervisor for ALR Hearing

- Amends § 524.039, Transportation Code, Requirements for Automatic License Suspension, to state that a showing of good cause must be made before SOAH will issue a subpoena for the breath test operator. Also allows DPS to reschedule a hearing once if breath test operator is not available.

Requires DPS To Waive Surcharges for Indigent

- Amends § 708.158, Transportation Code, Indigent Status and Reduction of Surcharges, to state that DPS shall waive all driver’s license surcharges for a person who is indigent.
 - A person may submit the following to establish indigency: most recent federal income tax return or wages reflecting the person’s household income does not exceed 125 percent of the federal poverty guidelines or documentation that the person is receiving governmental assistance.



Adds Additional Time and Notice Requirements Before DPS May Suspend Driver's License

- Amends §§ 708.151, 708.152 Transportation Code, Notice of Surcharge, Failure to Pay Surcharge, to state that DPS cannot suspend a driver's license for 105 days from the date of the assessment of a surcharge and the person is entitled to 3 notices before there is a suspension.

Search Warrants

- **SB 743:** *Relating to the time allowed for execution of a search warrant issued to obtain a specimen for DNA analysis.*
 - Amends Article 18.07, Code of Criminal Procedure, Days Allowed for Warrant to Run, to allow 15 days for execution of a search warrant for DNA.

Gangs

- **HB 2086:** *Relating to the prevention, investigation, prosecution and punishment for certain gang-related and other criminal offense, including engaging in organized criminal activity.*

Expands Engaging in Organized Crime to Include Escape-Related and Prohibited Substance Offenses

- Amends § 71.02, Penal Code, Engaging in Organized Criminal Activity, to add the following crimes to the engaging in organized crime statute: escape, permitting or facilitating escape, implements for escape, and prohibited substances and items in correctional facility.

Relegates Criminal Solicitation to Same Penalty Category if Gang-Related

- Amends § 15.031, Penal Code, Criminal Solicitation of a Minor, to require that criminal solicitation of a minor is the same penalty category (not one lower) if the person:
 - Was 17 or older and a member of a criminal street gang; and
 - Committed the offense with the intent to either:
 - Further the criminal activities of the street gang; or
 - Avoid detection as a member of a criminal street gang.

Creates New First Degree Felony Crime of Directing Activities of Criminal Street Gangs

- Adds § 71.023, Penal Code, Directing Activities of Certain Gangs, to create the new crime of directing activities of certain criminal street gangs which is a first degree felony.



Creates Definition for Gang-Free Zone and Provides Penalty Enhancements

- Adds § 71.028, Penal Code, Gang-Free Zones, to establish gang-free zones and to increase penalty category to the next higher category (except for first-degree felonies) if it is shown that the actor is 17 years or older and commits a crime in a gang-free zone; specifically, if the offense was committed:
 - Within 1000 feet of any school, higher education institution, youth center, or playground; or
 - Within 300 feet of any shopping mall, movie theater, public swimming pool, video arcade; or
 - On a school bus.

Authorizes Governmental Entities to Go After Criminal Street Gangs Civilly

- Adds Section 125.070, Civil Practice and Remedies Code, Civil Action for Violation of Injunction, to allow governmental entities to issue temporary or permanent injunctions against criminal street gangs and to establish civil liability for damages, including property seizures, on criminal street gangs for violating injunctions.

Expands Definition of Contraband to Include Property Used in Gang-Related Offenses and Authorizes Forfeiture of Such Property

- Amends Article 59.01(2), Code of Criminal Procedure, Definitions, to expand definition of contraband to include property used in commission of gang-related offenses under Chapter 71, Penal Code.
- Adds Article 50.011, Code of Criminal Procedure, Election of Forfeiture Proceeding, to state that property used in commission of gang-related offenses is subject to forfeiture.

Creates New Affirmative Gang-Related Finding

- Amends Article 42.01, Code of Criminal Procedure, Judgment, to require judgment to have an affirmative finding of gang-related conduct when applicable.
- Adds Article 42.0197, Code of Criminal Procedure, Finding Regarding Gang-Related Conduct, to require judge to make an affirmative gang-related finding on motion of attorney representing the state.
- Amends § 3.03, Penal Code, Sentences for Offenses Arising Out of Same Criminal Episode, to authorize the stacking of sentences on cases that contain an affirmative gang-related finding (except for juveniles that were certified as adults).

Expands Conditions of Probation and Parole for Gang-Related Issues

- Amends Article 42.12, § 11(a), Code of Criminal Procedure, Community Supervision, to allow judge to impose, as a condition of probation, that the defendant avoid any person who is an active member of a criminal street gang.



- Amends Article 42.12, § 13E, Code of Criminal Procedure, Community Supervision, to authorize a judge to impose electronic monitoring as a condition of probation on a defendant who is a member of a criminal street gang and has two or more felony convictions or deferred adjudications.
- Amends Article 42.12, § 13F, Code of Criminal Procedure, Community Supervision, to authorize judge to impose driving restrictions as a condition of probation.
- Adds § 54.0491, Family Code, Gang-Related Conduct, to require a judge to order a child who has been adjudicated on conduct that is gang-related to participate in a criminal street gang intervention program.
- Adds § 508.227, Government Code, Electronic Monitoring of Certain Members of Criminal Street Gang, to authorize a parole panel to impose electronic monitoring as a condition of parole on a defendant who is a member of a criminal street gang and has three or more felony convictions or deferred adjudications.

Adds Factors to be Considered in Criminal Street Gang Intelligence Database

- Amends article 61.02, Code of Criminal Procedure, Criminal Combination and Criminal Street Gang Intelligence Database; Submission Criteria, to expand criminal street gang intelligence database to authorize inclusion of a person in the database if, in combination with other factors, the following exist: a self-admission made on internet or other electronic format; and evidence the person has visited a known criminal street gang member, other than a family member, while confined in prison.

Relaxes Wire Tap Application Requirements

- Adds § 9A, Article 18.20, Code of Criminal Procedure, Interception Order for Communication by Specified Person, to make it easier for law enforcement to obtain a wire tap by authorizing application to contain a statement as to why specification in the application is not practical and identifies the target of the surveillance.

Establishes Public Corruption Unit

- Adds § 411.0207, Government Code, Public Corruption Unit, to create a public corruption unit to prosecute organized criminal activity alleged to have been committed by an individual elected, appointed or employed as a peace officer, or a federal law enforcement officer.

- **SB 418:** *Relating to the compilation, maintenance, and release of information in a criminal street gang intelligence database by law enforcement agencies and criminal justice agencies.*

Requires Compilation and Maintenance and Release of Gang Intelligence Database



- Amends Article 61.02, Code of Criminal Procedure, Criminal Combination and Criminal Street Gang Intelligence Database; Submission Criteria, to require criminal justice agencies to compile information for the gang intelligence database.
 - Amends Article 61.03, Code of Criminal Procedure, Release of Information, to authorize criminal justice agencies to release information to certain parties information contained in the gang intelligence database.
- **HB 2187:** *Relating to the prosecution and punishment of offenses involving coercing, inducing, or soliciting membership in a criminal street gang.*

Creates New Offense of Coercing or Inducing Membership in a Criminal Street Gang

- Amends § 71.022, Penal Code, Soliciting Membership in a Criminal Street Gang, to add new offense of coercing or inducing membership in a criminal street gang which makes it a crime if the person, with intent to coerce, induce or solicit a child to actively participate in a criminal street gang by threatening the child, or a member of the child's family, with imminent bodily injury, or causing bodily injury to the child or member of the child's family.

New Offenses

- **HB 3228:** *Relating to the offense of prohibited substances and items in correctional facilities.*

Expands Criminal Liability and Detection for Prohibited Substances and Items in a Correctional Facility Offense

- Amends § 38.11, Penal Code, Prohibited Substances and Items in Correctional Facility, to expand prohibited substances and items in correctional facility offense to provide that a person commits an offense if they provide, or possess with the intent to provide described property to a person in the custody of a correctional facility.
- Amends § 4, Article 18.20, Code of Criminal Procedure, Interception and use of Wire, Oral, or Electronic Communications, to expand authorization of a judge to issue a wiretap to include prohibited substances and items in a correctional facility offense.
- Adds Subsection 8B, Article 18.20, Code of Criminal Procedure, to authorize TDCJ to use devices to detect the presence or use of a cellular telephone in a correctional facility without a warrant.

Creates New Crime Related to Cellular Telephones or Other Wireless Communications Device Under Prohibited Substances and Items in a Correctional Facility Offense



- Amends § 38.11(d), Penal Code, Prohibited Substances and Items in Correctional Facility, to authorize prosecution under the prohibited substances and items in correctional facility offense if a person, with the intent to provide or to make a cellular telephone or other wireless communications device available for use by a person in the custody of a correctional facility and the person:
 - Acquires a cellular telephone or other wireless communications device to be delivered to the person in custody;
 - Provides a cellular telephone or other wireless communications device to another person for delivery to the person in custody; or
 - Makes a payment to a communication common carrier
- **SB 2225:** *Relating to the civil and criminal consequences of engaging in certain conduct involving the transporting or transferring of a firearm and to creating the offense of firearm smuggling.*

Creates New Offense of Firearm Smuggling

- Adds § 46.14, Penal Code, Firearm Smuggling, to create new offense of firearm smuggling which provides that a person commits offense if he knowingly engages in the business of transporting or transferring a firearm that he knows was acquired in violation of the law.
 - A person is considered to engage in the business of transporting or transferring a firearm if the person engages in that conduct:
 - On more than one occasion; or
 - For profit or other form of remuneration.
 - An offense is a third degree felony unless the offense involved three or more firearms in a single criminal episode, which makes it a second degree felony.

Expands Engaging in Organized Criminal Activity Offense to Include Unlawful Transfer of Certain Weapons and Firearm Smuggling

- Amends § 71.02, Penal Code, Engaging in Organized Criminal Activity, to include, in the engaging in organized criminal activity offense, the offenses of unlawful transfer of certain weapons and firearm smuggling as underlying crimes.
- **HB 2240:** *Relating to creating an offense of continuous violence against the family.*

Creates New Offense of Continual Violence Against the Family

- Adds § 25.11, Penal Code, Continuous Violence Against the Family, to create a new offense of continual violence against the family, a third degree felony, if during a 12 month period, a person commits family violence two or more times.



- **SB 1273:** *Relating to creating an offense for interference with certain radio frequencies.*

Creates New Offense of Interference with Radio Frequency Licensed to Government Entity

- Adds § 38.152, Penal Code, Interference with Radio Frequency Licensed to Government Entity, to create new offense of interference with radio frequency licensed to government entity if a person intentionally interrupts, disrupts, impedes, jams, or otherwise interferes with a radio frequency licensed to a government entity used by law enforcement, fire department, or emergency medical services provider.
 - An offense is a Class A misdemeanor except that it is a state jail felony if the person committed the offense with the intent to:
 - Facilitate the commission of another offense; or
 - Interfere with the ability of government entity to respond to an emergency.

- **HB 2003:** *Relating to the creation of the offense of online harassment.*

Creates New Offense of Online Harassment

- Adds § 33.07, Penal Code, Online Harassment, to create a new offense of online harassment if:
 - A person uses the name or persona of another to create a web page on or to post one or more messages on a commercial networking site:
 - Without obtaining the other person's consent; and
 - With the intent to harm, defraud, intimidate, or threaten any person.
 - Offense is a third degree felony.
 - A person sends an electronic mail, instant message, text message, or similar communication that references a name, domain address, phone number or other item of identifying information belonging to any person:
 - Without obtaining the other person's consent;
 - With the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication; and
 - With the intent to harm or defraud any person.
 - Offense is a Class A misdemeanor, except that the offense is a third degree felony if the person commits the offense with the intent to solicit a response by emergency personnel



- **SB 61:** *Relating to the offense of failing to secure a child passenger in a motor vehicle and to fines for the offense.*

Creates New Offense of Failing to Secure Child in Child Passenger Safety Seat

- Amends § 545.412, Transportation Code, Child Passenger Safety Seat Systems; Offenses, to make it a Class C misdemeanor to transport a child who is younger than 8, unless the child is taller than four feet, nine inches, if child is not in a child passenger safety seat system.

- **HB 55:** *Relating to an offense of using a wireless communication device while operating a motor vehicle.*

Creates New Offense to Use a Cell Phone Within Active School Zone

- Amends § 545.425, Transportation Code, Use of Wireless Communication Device by Certain Motorists, to make it a Class C misdemeanor to use a wireless communication device within an active school zone. Also prohibits a school bus operator from using a wireless communication device under any circumstance unless the vehicle is stopped.

Current Offenses Amended

- **HB 3224:** *Relating to the prosecution and punishment of the offense of arson.*

Expands Arson Offense

- Adds Subsection (a-2), § 28.02, Penal Code, Arson, to state that a person commits state jail felony arson if the person intentionally starts a fire or causes an explosion and in so doing:
 - Recklessly damages or destroys a building belonging to another; or
 - Recklessly causes another person to suffer bodily injury or death.

- **HB 2609:** *Relating to the prosecution and punishment of the offense of criminal trespass.*

Expands Criminal Trespass Offense to Include Residential and Agricultural Land, Recreational Vehicle Park, and a Building

- Amends § 30.05, Penal Code, Criminal Trespass, to expand that a person commits criminal trespass if he enters or remains on property of another, including residential land, agricultural land, a recreational vehicle park or a building.

- **HB 671:** *Relating to the penalty for theft from a nonprofit organization or by Medicare providers.*

Increases Theft to Next Higher Penalty Category if Property Was from a Nonprofit Organization or Person was Medicare Provider



- Amends § 31.03(f), Penal Code, Theft, to state that theft punishment is increased to next higher penalty category if:
 - The owner of the property appropriated was a nonprofit organization; or
 - The person was a Medicare provider.

- **HB 2840:** *Relating to mortgage fraud.*

Expands False Statement to Obtain Credit Offense to Include False or Misleading Property Appraisal

- Amends § 32.32, Penal Code, False Statement to Obtain Credit, to make it an offense to intentionally or knowingly make a false or misleading written statement in providing a property appraisal for compensation.
- **HB 148:** *Relating to the prosecution of the offense of barratry and solicitation of professional employment.*

Expands Barratry to Include Solicitation in Person or by Telephone

- Amends 38.12(d), Penal Code, Barratry and Solicitation of Professional Employment, to provide that a person commits an offense if with the intent to obtain professional employment for the person or for another, he provides or knowingly permits to be provided, to an individual who has not sought the person's employment, legal representation, advice, or care a written communication or a solicitation, including a solicitation in person or by telephone concerning certain matters.
- **HB 3147:** *Relating to taking or attempting to take a weapon from a commissioned security officer.*

Adds Commissioned Security Officer to Taking or Attempting to Take Weapon Offense

- Amends § 38.14, Penal Code, Taking or Attempting to Take Weapon from Peace Officer, Parole, Officer, or Community Supervision and Corrections Department Officer, to add commissioned security officer.
- **HB 4456:** *Relating to the definition of a switchblade knife for purposes of the offense of prohibited weapons.*

Narrows Definition of Illegal Switchblade for Prohibited Weapons by Exempting One Handed Openers and Assisted Openers

- Amends § 46.01(11), Penal Code, Definition of Switchblade Knife, to redefine "switchblade knife" to provide that the term does not include a knife that has a spring, detent, or other mechanism designed to create a bias



toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

Victim's Rights

- **HB 1985:** *Relating to the requirement that certain defendants in a criminal case undergo testing for HIV infection and other diseases.*

Requires Court to Order HIV Testing 48 Hours After Indictment of Certain Sex Offenses Upon Request of Victim

- Amends Article 21.31, Code of Criminal Procedure, Testing for Aids and Certain Other Diseases, to provide that after indictment of certain sex offenses, upon request of the victim, the court shall order the defendant to undergo testing for HIV and other sexually transmitted diseases within 48 hours after indictment.
- **HB 2236:** *Relating to the right of certain crime victims to be considered with respect to a defendant's motion for continuance.*

Requires Court to Consider Impact on Victim in Certain Cases When Request for Continuance

- Amends Article 56.02(a), Code of Criminal Procedure, Crime Victim's Rights, to provide the right for a victim of an assault or sexual assault less than 17, or whose case involves family violence, to have the court consider the impact on the victim of a continuance requested by the defendant.
 - Adds Article 29.14, Code of Criminal Procedure, Consideration of Impact on Certain Victims, to provide that on request of prosecutor, a court that considers a defense motion for continuance shall also consider the impact of the continuance on the victim (victim on an assault or sexual assault younger than 17 or whose case involves family violence). Upon request by prosecutor or defense, court shall state on the record the reason for granting or denying the continuance.
- **HB 1372:** *Relating to the definition of victim in relation to certain crime victims' rights.*

Expands Definition of Victim to Include Trafficking Victim

- Amends Article 56.01, Code of Criminal Procedure, Definition of Victim, to include a trafficking victim.
- **HB 2626:** *Relating to the forensic medical examination of a sexual assault victim who has not reported the assault to a law enforcement agency.*



Requires Free Forensic Medical Examination to Victim of Sexual Assault who Has Not Reported the Assault to Law Enforcement

- Amends Article 56.02(a), Code of Criminal Procedure, Crime Victims' Rights, to allow a victim of sexual assault the right to a forensic medical examination within 96 hours of the sexual assault, the assault is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility.
 - Amends Article 56.06, Code of Criminal Procedure, Medical Examination for Sexual Assault Victim; Costs, to require a health care facility to conduct a free forensic medical examination to a victim of sexual assault if the victim arrives at the facility within 96 hours after the assault occurred, even if at the time of the examination the victim has not report the assault to law enforcement.
- **HB 1003:** *Relating to notice provided to certain victims or witnesses regarding certain inmates or defendants who are electronically monitored.*

Requires Victims of Certain Offenses be Notified When Defendant is No Longer Subject to Electronic Monitoring

- Amends Article 56.11, Code of Criminal Procedure, Notification to Victim or Witness of Release or Escape of Defendant, to require TDCJ or a probation department to notify a victim or witness whenever the defendant, convicted of certain offenses, is released on parole or probation, if subject to electronic monitoring as a condition of release, ceases to be electronically monitored.
- **HB 2916:** *Relating to allowing certain claimants to file an application under the Crime Victims' Compensation Act.*

Allows a Claimant Three Years to File Claim Under Crime Victims' Compensation Act for Homicide Offenses

- Amends Article 56.37, Code of Criminal Procedure, Time for Filing, to allow a claimant three years after the date the identity of a victim is established by law enforcement to file a claim under the Crime Victims' Compensation Act for a claim based on criminal homicide offenses in Chapter 19.
- **SB 808:** *Relating to allowing certain claimants to file an application under the Crime Victims' Compensation Act.*

Allows a Claimant to File Claim Under Crime Victims' Compensation Act for Homicide Offenses Prior to January 1, 1980 if Victim Established After September 1, 2009 and Claim Filed Within Three Years

- Amends Article 56.61, Code of Criminal Procedure, Compensation for Certain Criminally Injurious Conduct Prohibited, to prohibit the attorney



general from awarding compensation for conduct that occurred before January 1, 1980, except for claims based on criminal homicide offenses in Chapter 19; the identity of the victim is established by a law enforcement agency on or after September 1, 2009; and the claimant files that application for compensation within three years after the date the identity of the victim is established by law enforcement.

Criminal Procedure

- **HB 107:** *Relating to allowing for certain criminal proceedings in the absence of certain defendants.*

Requires Courts to Accept a Plea and Sentence a Defendant in Absentia from Incarcerated Defendant in Certain Circumstances

- Adds Article 27.19, Code of Criminal Procedure, Plea by Certain Defendants, to require a court to accept a plea from a defendant confined in a penal institution if certain criteria are met.
- Amends Article 42.14, Code of Criminal Procedure, Absence of Defendant, to allow judgment and sentence to be rendered in absentia under certain circumstances.

- **HB 1321:** *Relating to the discharge of a jury under certain circumstances in a criminal case.*

Allows For Jury Verdict of 11 Upon Agreement if No Alternate Juror

- Amends Article 36.29(c), Code of Criminal Procedure, If Juror Dies or Becomes Disabled, to provide that if, upon absence of a juror, an alternate juror is not available, on agreement on the record by the defendant, the defendant's counsel, and the attorney representing the state 11 members of a jury are authorized to render a verdict and, if punishment is to be assessed by the jury, assess punishment. Requires each member of the jury, if a verdict is rendered by less than the whole number of the jury, to sign the verdict.

- **HB 2465:** *Relating to taking a deposition of an elderly or disabled victim of an offense.*

Allows Depositions of Elderly or Disabled Persons

- Adds Article 39.025, Code of Criminal Procedure, Depositions of Elderly or Disabled Persons, to provide that the court shall order the attorney representing the state to take the deposition of an elderly or disabled alleged victim or witness not later than the 60th day after the state files an application to do so.

Rules of Evidence



- **HB 2846:** *Relating to the admissibility of certain hearsay statements made by a child abuse victim.*

Increases Age of Child Victims for Outcry Statement to 14 and Expands Outcry Statements to Include Acts Other Than the Alleged Offense that Were Committed Against the Child Victim or Other Victim Under 14

- Amends § 1, Article 38.072, Code of Criminal Procedure, Hearsay Statement of Child Abuse Victim, to increase the age of a child victim from 12 to 14 for purposes of admitting an outcry statement and to allow outcry statements for criminal attempt of certain offenses.
 - Amends §2, Article 38.072, Code of Criminal Procedure, Hearsay Statement of Child Abuse Victim, to allow outcry statement of child victim under 14 concerning other crimes, wrongs, or acts other than the alleged offense and allegedly committed by the defendant against the victim or another child younger than 14.
- **SB 1681:** *Relating to requiring the corroboration of certain testimony to support a criminal conviction.*

Requires Corroboration of a Jailhouse Informant

- Adds Article 38.075, Code of Criminal Procedure, Corroboration of Certain Testimony Required, to state that a defendant may not be convicted of an offense on the testimony of a person to whom the defendant made a statement against his interest during a time when the person was imprisoned or confined in the same correctional facility as the defendant unless the testimony is corroborated.

Rules of Evidence

- **HB 796:** *Relating to the disposition of property alleged to have been illegally acquired and to the use of the photographic evidence of that property in a criminal action.*

Allows Photographic Evidence to Suffice for Discovery Purposes in Theft Cases

- Amends Article 38.34, Code of Criminal Procedure, Photographic Evidence in Theft Cases, to provide that the defendant's rights of discovery and inspection of tangible physical evidence are satisfied if a photograph of the property, rather than tangible property, is made available to the defendant by the state on order of any court.
- **HB 3594:** *Relating to the preservation of evidence that contains biological material.*

Specifies That Biological Material Must be Kept for Certain Offense When Defendant Sentenced to 10 Years or More



- Amends Article 38.43, Code of Criminal Procedure, Preservation of Evidence Containing Biological Material, to provide that biological material used to prosecute a defendant for criminal homicide offenses, sexual offenses, and assaultive offenses must be kept if the defendant was sentenced to a term of imprisonment of 10 years or more. Allows counties of 100,000 or less to send evidence to DPS for storage.
 - Adds § 411.052, Government Code, Preservation of Evidence Containing Biological Material, to require DPS to maintain storage space for biological materials.
- **SB 595:** *Relating to the sealing of and discovery procedures relating to evidence that constitutes child pornography in a criminal hearing or proceeding.*

Prohibits Child Pornography Evidence From Being Duplicated Provided that State Makes it Reasonably Available to Defendant

- Adds Article 38.45, Code of Criminal Procedure, Evidence That Constitutes Child Pornography, to prohibit the court from making available or allowing to be copied evidence that constitutes child pornography and requires the court to place such evidence under seal at the end of criminal proceeding. Requires the defendant, the defendant's attorney, and any individual the defendant seeks to qualify to provide expert testimony at trial, in the manner provided by Article 39.15, to be provided access to the evidence that constitutes child pornography.
- Adds Article 39.15, Code of Criminal Procedure, Discovery of Evidence That Constitutes Child Pornography, to require that evidence that constitutes child pornography remain in the care, custody or control of the court or the state and that the court shall deny any request by a defendant to copy such evidence provided the state makes it reasonably available to the defendant.

Privileges

- **HB 670:** *Relating to a qualified privilege of a journalist not to testify.*

Establishes a Qualified Journalist Privilege

- Adds Subchapter C, Chapter 22, Civil Practice and Remedies Code, Journalist's Qualified Testimonial Privilege in Civil Proceedings, to establish that a subpoena cannot compel a journalist to reveal any information, document or item obtained or prepared while acting as a journalist or the source of any such information, document, or item.
- Adds § 22.024, Civil Practice and Remedies Code, Limited Disclosure Generally, to establish that a court may compel a journalist to reveal protected information if person seeking information makes a clear and specific showing of certain factors.



- Adds Article 38.11, Code of Criminal Procedure, Journalist's Qualified Testimonial Privilege in Criminal Proceedings, to establish a journalist's privilege to not be compelled to reveal information in a criminal proceeding unless the person seeking information makes a clear and specific showing of certain factors.

Parole

- **HB 221:** *Relating to delaying parole eligibility for an individual convicted of certain violent offenses who evades arrest.*

Delays Parole Eligibility by 3 Years for Every 12 Months that Elapsed Between Date of Indictment and Arrest for Certain Offenses

- Adds § 9, Article 42.01, Code of Criminal Procedure, Judgment, to require judgment to reflect affirmative findings regarding delay in arrest on certain offenses.
 - Adds Article 42.0198, Code of Criminal Procedure, Finding Regarding Delay in Arrest of Defendant, to require the judge, on request of the state's attorney, to make an affirmative finding of fact regarding the number of months that elapsed between the date an arrest warrant was issued following an indictment for murder, sexual assault, or aggravated sexual assault, and the date the defendant was arrested.
 - Amends § 508.145, Government Code, Eligibility for Release on Parole; Computation of Parole Eligibility Date, to provide that a defendant's parole eligibility date is delayed by three years for every 12 months that elapse between arrest warrant following an indictment for murder, sexual assault, or aggravated sexual assault, and the date the defendant was arrested.
- **HB 93:** *Relating to the restoration of good conduct time forfeited during a term of imprisonment.*

Authorizes TDCJ to Reinstate Suspended Good Conduct Time

- Adds § 498.004, Government Code, Forfeiture and Restoration of Good Conduct Time, to allow TDCJ to reinstate good conduct time that had been suspended for a disciplinary offense.

Fees and Court Costs

- **SB 82:** *Relating to a fee imposed as a condition of community supervision for an offense involving family violence and to certain nonsubstantive revisions involving court fees.*

Increases Required Fees Upon Conviction of Certain Offenses



- Amends Article 42.12, Code of Criminal Procedure, Community Supervision, to require a judge to order a person convicted of a family violence offense to pay \$100 to a family violence center.
 - Amends § 103.021, Government Code, Additional Fees and Costs in Criminal or Civil Cases, to allow for increases in certain fees from \$10 to \$20.
- **SB 1224:** *Relating to a waiver of the fee imposed for certain expunctions.*

Waives Expunction Fees for Acquittals

- Amends Article 102.006, Code of Criminal Procedure, Fees in Expunction Proceedings, to waive expunction fees that relate to an arrest for which the person was acquitted of felony or misdemeanor if petition filed within 30 days.
- **HB 666:** *Relating to certain court costs used to fund drug court programs.*

Increase Costs to \$60 on Drug and Alcohol Offenses for Drug Court Programs

- Amends Article 102.0178, Code of Criminal Procedure, Costs Attendant to Certain Intoxication and Drug Convictions, to increase costs on conviction for drug and alcohol offenses to \$60 to help fund drug court programs.

DNA

- **SB 727:** *Relating to the creation of DNA records for the DNA database system.*

Requires Judges to Order DNA Sample Collection for Defendants Granted Probation for a Felony and Juveniles Adjudicated of 3g Offenses

- Amends Article 102.020, Code of Criminal Procedure, Costs on Conviction for Offenses Requiring DNA Testing, to require a person placed on community supervision to pay \$34 if DNA sample required.
 - Adds § 54.0409, Family Code, DNA Sample Required on Certain Felony Adjudications, to require the court to, on adjudication of a 3g felony or felony involving a deadly weapon, collect DNA, as a condition of probation, from a juvenile.
 - Adds Subsection J, § 11, Article 42.12, Code of Criminal Procedure, Community Supervision, to require a judge granting probation to a defendant convicted of a felony to require defendant to provide a DNA sample.

Sentencing and Sentencing Enhancements

- **HB 348:** *Relating to the punishment for theft of certain aluminum, bronze or copper materials.*



Increases Theft to State Jail Felony if Involved Tubing, Rods, or Water Gate Stems

- Amends § 31.03, Penal Code, Theft, to provide that if the theft involved stolen property less than \$20,000 if the property stolen was insulated or noninsulated tubing, rods, or water gate stems, punishment is increased to state jail felony.
- **HB 221:** *Relating to delaying parole eligibility for an individual convicted of certain violent offenses who evades arrest.*

Increases Evading Arrest or Detention to State Jail Felony if Prior Conviction for Evading Arrest or Detention

- Amends § 39.04(b), Penal Code Evading Arrest or Detention, to increase punishment to a state jail felony if the person has a prior conviction for evading arrest or detention.
- **SB 1832:** *Relating to the eligibility for judge-ordered community supervision or for release on parole or to mandatory supervision of a defendant convicted of criminal solicitation of capital murder.*

Adds Criminal Solicitation to List of §3g Offenses

- Amends § 3g, Article 42.12, Code of Criminal Procedure, Community Supervision, to prohibit defendant convicted of criminal solicitation from being eligible for court-ordered community supervision.
- Amends § 508.145, Government Code, to make defendant convicted of criminal solicitation ineligible for parole eligibility until he serves one-half of the sentence or 30 calendar years, whichever is less.
- **SB 554:** *Relating to conduct constituting the offense of dog fighting and to the criminal and civil consequences of committing that offense.*

Expands Criminal And Civil Liability for Dog Fighting

- Amends § 42.10, Penal Code, Dog Fighting, to expand dog fighting offense to include owning or possessing dog-fighting equipment with the intent that it be used to train a dog for dog fighting or in furtherance of it.
- Amends § 71.02, Penal Code, Engaging in Organized Criminal Activity, to include dog fighting in engaging in organized crime statute.
- Amends § 59.01, Code of Criminal Procedure, Definitions, to include property used in the commission of dog fighting as contraband for civil forfeiture.
- **SB 359:** *Relating to punishment for certain offenses committed in a disaster area or an evacuated area.*



Enhances Certain Crimes to Next Higher Penalty Category if Committed in Disaster or Evacuated Area

- Adds § 12.50, Penal Code, Penalty if Offense Committed in Disaster Area or Evacuated Area, to authorize enhancement on certain crimes to the next higher penalty category if committed in an area that was a declared disaster or evacuated area.

- **HB 2066:** *Relating to enhancing penalties for assaulting a family member by strangulation or suffocation.*

Makes Assault by Strangulation a Third Degree Felony

- Amends § 22.01, Penal Code, Assault, to make assault a third degree felony if it was committed by impeding the normal breathing or circulation of the blood by applying pressure to person's throat or neck or blocking the person's nose or mouth.

- **HB 176:** *Relating to the punishment for the offense of aggravated assault.*

Enhances Aggravated Assault to First Degree Felony if Person Discharges a Firearm Towards a Habitation, Building, or Vehicle From a Motor Vehicle and Causes Serious Bodily Injury

- Amends § 22.02, Penal Code, Aggravated Assault, to enhance aggravated assault to a first degree felony if person is in a motor vehicle and discharges a firearm at or in the direction of a habitation, building or vehicle and causes serious bodily injury to any person.

- **HB 2385:** *Relating to the punishment for the offense of prohibited sexual conduct.*

Enhances Prohibited Sexual Conduct to Second Degree Felony if Person is Actor's Ancestor by Blood or Adoption

- Amends § 25.02, Penal Code, Prohibited Sexual Conduct, to increase prohibited sexual conduct from third to second degree felony if person is actor's ancestor by blood or adoption.

- **HB 1466:** *Relating to the theft of a military grave marker.*

Enhances Theft of a Military Grave Marker to a State Jail Felony

- Amends § 31.03, Penal Code, Theft, to make it a state jail felony to steal a military grave marker

- **SB 1163:** *Relating to the penalties for theft of cattle, horses, exotic livestock, exotic fowl, sheep, swine, or goats.*



Enhances Theft of Cattle, Horses, Exotic Livestock or Fowl and 10 or More Head of Sheep, Swine or Goats to Third Degree Felony

- Amends 31.03, Penal Code, Theft, to make it a third degree felony to steal cattle, horses or exotic livestock or fowl and 10 or more head of sheep, swine, or goats.

- **HB 1614:** *Relating to the punishment of the offense of criminal mischief.*

Enhances Criminal Mischief by Impairing, Interrupting or Diverting Public Services to a State Jail Felony

- Amends § 28.03, Penal Code, Criminal Mischief, to enhance from a class A misdemeanor to a state jail felony criminal mischief for interruption of public communications, public transportation, public gas or power supply or other public service or to cause any such public service to be diverted.

- **HB 1282:** *Relating to the penalty for theft of a driver's license, commercial driver's license or personal identification certificate.*

Enhances Theft of Driver's License or Personal Identification Certificate to a Class B Misdemeanor

- Amends § 31.03, Penal Code, Theft, to make it a class B misdemeanor to steal someone's driver's license, commercial driver's license, or personal identification certificate.

- **HB 2328:** *Relating to the punishment for certain fraud offenses committed against elderly individuals.*

Enhances Forgery and Fraudulent Use or Possession of Identifying Information to Next Higher Penalty Category if Victim is Elderly

- Amends § 32.21, Penal Code, Forgery, to enhance forgery to next higher penalty category if victim is an elderly person
- Amends § 32.51, Penal Code, Fraudulent Use or Possession of Identifying Information, to enhance fraudulent use or possession of identifying information to the next higher penalty category if victim is an elderly person.

Enhances Credit/Debit Card Abuse to Third Degree Felony if Victim is Elderly

- Amends § 32.31(d), Penal Code, Credit Card or Debit Card Abuse, to enhance credit or debit card abuse to a third degree felony if victim is an elderly person.

- **HB 1813:** *Relating to the punishment for tampering with certain governmental records concerning forensic analyses.*



Enhances Tampering With Governmental Record to Third Degree Felony if Tampering is With Reports Relating to a Criminal Action

- Amends § 37.10(c)(2), Penal Code, Tampering with Governmental Record, to make it a third degree felony to tamper with reports of a medical, chemical, toxicological, ballistic, or other expert, including a written report of the certification, inspection, or maintenance record of a device, in connection with a criminal action.
- **HB 2012:** *Relating to the criminal consequences of operating without a valid driver's license a motor vehicle for which financial responsibility is not established.*

Enhances Driving While License Invalid to Class B Misdemeanor if Driver Did Not Have Insurance; Class A Misdemeanor if Driver Did Not Have Insurance and Caused or Was at Fault in Wreck that Cause Serious Bodily Injury or Death

- Amends § 521.457, Transportation Code, Driving While License Invalid, to enhance a driving while license invalid to a class B misdemeanor if prior conviction for driving while license invalid or if driver did not have insurance. Enhances driving while license invalid to a class A misdemeanor if driver did not have insurance and caused or was at fault in a wreck that caused serious bodily injury or death to another person.

Miscellaneous

- **SB 927:** *Relating to tampering with a direct recording electronic voting machine.*

Gives Attorney General Concurrent Jurisdiction for Tampering with Voting Machine Prosecutions

- Amends § 33.05, Penal Code, Tampering With Direct Recording Electronic Voting Machine, to give the attorney general concurrent jurisdiction to investigate or prosecute the offense of tampering with direct recording electronic voting machine.
- **HB 608:** *Relating to posttrial psychological counseling for jurors in a criminal trial or juvenile adjudication bearing involving graphic evidence or testimony.*

Authorizes 10 Hours of Counseling to Jurors in Criminal and Juvenile Cases

- Amends Article 56.04(f), Code of Criminal Procedure, Victim Assistance Coordinator; Crime Victim Liaison, to allow commissioners court to approve a program offering 10 hours of counseling for a juror in a criminal case.
- Amends § 57.003, Family Code, Duty of Juvenile Board, to allow the juvenile board to approve a program offering 10 hours of counseling in a juvenile case.



- **HB 2062:** *Relating to the distribution of proceeds from the sale of forfeited property in a criminal case.*

Enables TSCRA to Share in Proceeds of Forfeited Assets

- Amends Article 59.06, Code of Criminal Procedure, Disposition of Forfeited Property, to allow the special rangers of the Texas and Southwestern Cattle Raisers Association (TSCRA) to share in the sale proceeds of the stolen assets they seized.

- **HB 2932:** *Relating to including in the law enforcement information system information indicating that criminal defendants have committed certain additional offenses.*

Creates a DNA Database for Offenses Suspected to Have Been Committed by Criminal Defendants Via DNA

- Adds Subchapter D-1, Chapter 411, Government Code, Central Index of Certain Additional Offenses Suspected to Have Been Committed by Criminal Defendants.
- Adds § 411.0602, Government Code, Establishment of Central Index; Entry of Information, to require DPS to establish a central index to collect and disseminate information regarding additional offenses that DNA results indicate may have been committed by a defendant who has been arrested for or charged with any felony or misdemeanor offense (other than a class C misdemeanor), regardless of whether the defendant has been or will be arrested or charged with that offense.

- **HB 1659:** *Relating to creating an exception to the offense of unlawful installation of a tracking device.*

Clarifies That Unlawful Installation of Tracking Device Offense Does Not Apply to a Peace Officer

- Amends § 16.06, Penal Code, Unlawful Installation of Tracking Device, to state that the unlawful installation of tracking device offense does not apply to a peace officer if installation was in the course of a criminal investigation or pursuant to court order.

- **HB 549:** *Relating to an affirmative defense to prosecution for certain sex offenses.*

Changes That Spouse Be Affirmative Defense Rather Than an Element of Offense That Actor Was Not Spouse in Certain Sex Offenses

- Amends § 21.11, Penal Code, Indecency With a Child, to make it an affirmative defense that the actor was the spouse of the child (rather than an element of the offense that actor was not the spouse of the child).



- Amends § 22.011(c)(1), Penal Code, Sexual Assault, to define “child” as a person younger than 17 years of age (and to strike “who is not the spouse of the actor”).
 - Amends § 22.011(e), Penal Code, Sexual Assault, to include as an affirmative defense that the actor was the spouse of the child at the time of the offense.
 - Amends § 39.04, Penal Code, Violations of the Civil Rights of Persons in Custody; Improper Sexual Activity With Person in Custody, to make it an affirmative defense that the actor as the spouse of the individual at the time of the offense (rather than an element of the offense that the actor was not the spouse of the individual at the time of the offense).
- **SB 828:** *Relating to a determination of value for purposes of punishment of the offense of abuse of official capacity.*

Allows Value to be Aggregated in Abuse of Official Capacity Offenses

- Amends § 39.02, Penal Code, Abuse of Official Capacity, to enable the aggregation of the value involved to affect the punishment of an offense of abuse of official capacity when government property, services, personnel, or anything of value belonging to the government is used in conduct that constitutes the offense.
- **HB 2664:** *Relating to creating a defense to prosecution for the offense of unlawful carrying of a handgun by a license holder on the premises of certain businesses.*

Provides Defense to Unlawful Carrying of Handgun by License Holder Offense if Business Fails to Provide Notice

- Amends § 46.035, Penal Code, Unlawful Carrying of Handgun by License Holder, to provide a defense to prosecution for a concealed handgun licensee who violates the prohibition on carrying a concealed handgun into an establishment that derives 51 percent or more of its income from the sale of alcoholic beverages if that establishment has failed to post the statutorily required notice.
- **SB 1188:** *Relating to the interstate purchase of certain firearms.*

Authorizes Texas Residents To Purchase Firearms in Other States

- Amends § 46.07, Penal Code, Interstate Purchase, to authorize a Texas resident, if not otherwise precluded by law, to purchase firearms, ammunition, reloading components, or firearm accessories in another state, rather than in contiguous states.