

85th Legislative Update Guide

Penal Code

Code/Bill(s)	Description
20A.02 <i>HB 2529/2552</i>	Trafficking of Persons – Expands definition of “coercion”
21.02 <i>HB 29/1808</i>	Continuous Sexual Abuse – Removes “mistaken age” defense
21.09 <i>SB 1232</i>	Bestiality – Removes animal subdivision from public lewdness (21.07) to establish new crime
21.11 <i>HB 29/1808</i>	Indecency with a Child – Removes “mistaken age” defense
21.12 <i>SB 7</i>	Improper Relationship Educator/Student – Prevents offenders from moving to other schools/districts without new school notification, widens scope of offenses to include students from all public/private schools across TX (not just within district), removes “educational activity” requirement
21.16 <i>HB 2552</i>	Unlawful Disclosure/Promotion Intimate Visual Material – Increases penalty for “revenge porn” to SJF
21.17 <i>SB 1488</i>	Voyeurism – Cleans up double coding and changes code to 21.17
21.18 <i>HB 1808/2552</i>	Sexual Coercion – New sex crime of “sextortion” relating to threats of revenge porn (and other sex crimes), homicide, kidnapping, or trafficking offenses to obtain intimate visual material/sexual conduct
22.011 <i>HB 29/1808</i>	Sexual Assault – Removes “mistaken age” defense
22.021 <i>HB 29/1808</i>	Agg. Sexual Assault – Removes “mistaken age” defense, expands the definition of “date rape” drugs to any type of substance
22.04 <i>HB 3019</i>	Injury to a Child – Includes offenses committed in boarding home facilities, expands definition of “disabled individual”
25.07 <i>HB 7</i>	Violation Court Order FV, Child Abuse/Neglect, SA, Stalking, Trafficking – Includes in this offense a violation of protective order under FC 261, F (abuse/neglect)
25.072 <i>HB 7</i>	Repeated Violations (above) – Reflects changes made to 25.07
25.081 <i>HB 834</i>	Unregulated Custody Transfer of Adopted Child – Creates new offense for illegal “re-homing” of legally adopted child
25.09 <i>HB 834</i>	Advertising for Placement of Child – Includes any “other form of permanent physical custody of child” not rising to level of formal adoption
42.07 <i>SB 179</i>	Harassment – Known as “David’s Law, criminalizes cyberbullying of children, increases from Class B to Class A if conduct classifies as cyberbullying, victim under

	18 years and done with intent to cause suicide/SBI or previously violated temporary restraining order or injunction
43.03 <i>HB 29/1808</i>	Promotion of Prostitution – Increases penalty to SJF, increases penalty range for repeat offenses, corrects grammatical errors
43.04 <i>HB 29/1808</i>	Agg. Promotion of Prostitution – Increases penalty to 2 nd degree felony, corrects grammatical error
43.05 <i>HB 29/1808</i>	Compelling Prostitution – Corrects grammatical error
43.25 <i>HB 29/1808</i>	Sexual Performance by a Child – Actor’s knowledge of age is irrelevant for penalty enhancements
43.251 <i>HB 29/1808</i>	Employment Harmful to Children - Actor’s knowledge of age is irrelevant for penalty enhancements
43.262 <i>HB 1810</i>	Possession/Promotion of Lewd Visual Material Depicting Child – Creates new offense for “child erotica” or sexually suggestive images of children, SJF penalty, one prior conviction under this or 43.26 enhances to 3 rd DF, 2+ prior convictions under this or 43.26 enhances to 2 nd DF

Code of Criminal Procedure

Code/Bill(s)	Description
Cole Commission <i>HB 34</i>	This bill made several changes to the CCP based on the commission’s recommendations, major areas changed include: use of jailhouse informants, recording custodial interrogations in certain felony cases (see CCP Art. 2.32 below), eyewitness identification procedures.
Sandra Bland Act <i>SB 1849</i>	This bill makes several changes to the CCP involving officer-citizen interactions including: racial profiling policies, interacting with persons with mental illness or intellectual disabilities, substance abuse issues; also makes changes to Occupation Code relating to LE training, continuing education, and certifications
Art. 2.273 <i>SB 157</i>	Release of Child by Law Enforcement Officer – Enacts article to provide guidelines for LE who take possession of child in emergency without court order, previously found in FC 262.1041 (repealed), authorizes but does not require LE who took possession of child under FC 262.104 to release child to licensed RCC facilities, juvenile probation dept., DFPS, or other authorized person & must verify child is not missing, ensure age and suitability of person taking possession of child, and maintain record regarding placement
Art. 2.32 <i>HB 34/SB 1253</i>	Electronic Recording of Custodial Interrogations – Article enacted to require recording of certain custodial interrogations by LE investigations of murder, capital murder, kidnapping, agg. kidnapping, trafficking, continuous trafficking, continuous sexual abuse, agg. sexual assault, SA, indecency with child, sexual performance by child, improper relationship between educator/student

Art. 7A.07 <i>SB 257</i>	Duration of Protective Order – Repeals info relating to duration of PO’s against person in custody, see below FC 85.025 for details
Art. 12.01 <i>SB 998</i>	Limitations & Venue: Felonies – 3H grants new 7-year SOL for offenses under PC 32.53 (Exploitation of Child/Elderly/Disabled Individual)
Art. 24.011 <i>SB 291</i>	Subpoenas; Child Witnesses – Part of “Jenny’s Law,” requires affidavit for any request to attach a witness not already in custody, provides hearing/legal representation for victims of crime who have been jailed to secure testimony
Art. 38.371 <i>SB 1250</i>	Evidence in Prosecutions of Certain Offenses Involving Family Violence – Offenses committed under PC 22.04 (Injury to Child/Elderly/Disabled Individual) allowed as admissible evidence
Art. 42.0183 <i>HB 1655</i>	Notice of Family Violence Offenses Provided by Clerk of Court – Clarifies notices to be sent to JAG of military installation not JAG at headquarters
Art. 42.0192 <i>SB 7</i>	Notice of Family Violence Offense Related to Performance of Public Service – Prevents members of TRS (educators) offenders from receiving retirement benefits in cases of continuous sexual abuse, improper relationship, SA, agg. SA, or similar federal offenses
Art. 49.52 <i>SB 239</i>	Parental Right to View Deceased Child – Provides rights to parents to view body of child before JOP or ME takes custody
Art. 56.32 <i>HB 29</i>	CVC Definitions – Clarifies “pecuniary loss” to include expenses incurred for specialized care of child victim
SB 256	Art. 56 Subchapter C. Address Confidentiality Program for Victims of Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking – Edits title to include victims of sexual abuse and trafficking
Art. 63.0041 <i>HB 1503</i>	Reporting of Attempted Child Abduction – LE must report attempted child abductions no later than 8 hours after receiving report
Art. 63.009 <i>HB 1503</i>	Law Enforcement Requirements (Missing Children) – Moves subsection and moves to previous Art. 63.0041

Family Code

Code/Bill(s)	Description
2.003 <i>SB 1705</i>	Application for License by Minor – Outlaws child marriage (under 18 years), unless emancipated minor, repeals FC 2.102-103, see also changes to FC 2.006, 2.009, & 2.101
58.0051 <i>HB 5</i>	Interagency Sharing of Educational Records – Adds DFPS to list of providers entitled to information from school/district
58.0052 <i>SB 1304/ HB 7/ HB 1521</i>	Interagency Sharing of Certain Noneducational Records – Expands health info. to be disclosed, requires DFPS and TJJ to share info. regarding multisystem youth to provide better services
71.004 <i>HB 249/SB 11</i>	Protective Orders: Family Violence – Expands definition of “family violence” to include family/household member forcing or coercing child into marriage

82.011 <i>SB 1242</i>	Protective Orders: Confidentiality of Certain Information – Provides address anonymity, if applicant to designate alternate person/ mailing address for correspondence
82.041 <i>SB 1242</i>	POs: Contents of Notice of Application – Applicants can designate alternate person/ mailing address, gives pro se applicants same confidentiality benefits as those with counsel
85.007 <i>SB 1242</i>	Findings and Orders: Confidentiality of Certain Information – Grants LE agencies limited access to mailing address for entering data into DPS
85.025 <i>SB 712</i>	Duration of Protective Order – PO can be issued for more than 2 years if respondent committed felony family violence act, regardless of being charged or convicted, offenders can only challenge PO up to 2 times (first after 1 year, second after additional year if first fails, then no more challenges allowed), POs for CCP7A offenses <u>cannot</u> be challenged after 1 year (sexual assault or abuse, stalking, or trafficking)
93.001 <i>HB 3649</i>	Family Violence Reporting & Services: Definitions – Defines “advocate,” “family violence center,” and “victim,” advocates for LE or prosecution are not included
93.002 <i>HB 3649</i>	Confidential Communications – Written/oral communication between adult victim of FV or household member and trained advocate
93.003 <i>HB 3649</i>	Privileged Communications – Entitles victim to claim privilege to refuse to disclose; can be claimed by victim, attorney, parent/guardian/conservator, or advocate
93.004 <i>HB 3649</i>	Exceptions – Limits disclosures to only: employee/volunteer at FV center for advocacy process, seeking evidence admissible under CCP Art. 38.49 following in camera review, support group/counseling, making report of abuse/neglect/exploitation of child/elderly/disabled person, expert testimony subject to rules of evidence, and requires FV center to provide disclosures to all parties in civil/criminal proceeding
153.004 <i>SB 495</i>	History of Domestic Violence or Sexual Abuse – Limits unsupervised visitation for people other than child’s parents who have history of child abuse/neglect/family violence
154.001 <i>SB 77</i>	Suits Affecting Parent-Child Relationship – Enacted to terminate the parental rights of anyone convicted of sexual assault of the other parent
261.001 <i>SB 11/ HB 249</i>	Investigation of Report of Child Abuse/Neglect: Definitions – “Abuse” now includes force/coerce child into marriage, “exploitation” definition expanded, “neglect” includes act/omission by employee/volunteer at facility, childcare facility employees included in “person responsible for child’s care, custody or welfare”
261.004 <i>SB 11</i>	Tracking of Recurrent Child Abuse or Neglect Reports – Requires DFPS to collect and track data on repeat victims and/or perpetrators
261.101 <i>HB 249</i>	Persons Required to Report; Time to Report – Removes “abuse” from 261.401, leaving definition here as sole basis for duty to report abuse

261.204, 261.503-505 <i>HB 1549</i>	Annual Child Fatality Report – Designates after-hours investigators/responders in high-need areas, collection of child fatality and near fatality data, training for JOPs and MEs, March 1 st deadline for annual CFRT reports
261.301 <i>SB 11/HB 249</i>	Investigation of Report – Includes investigation of exploitation at a facility
261.401 <i>SB 11/HB 249</i>	Agency Investigation – Moves definitions of abuse/neglect/exploitation to 261.405, CCL investigations merged with CPS investigations
261.405 <i>SB 11/HB 249</i>	Investigations in Juvenile Justice Programs and Facilities – Creates specific definitions for abuse, neglect, and exploitation; requires “prompt, thorough” investigation by TJJ
261.501-505 <i>HB 7</i>	Protective Order in Certain Cases of Abuse or Neglect – Subchapter enacted to authorize DFPS to file PO application on behalf of child under specific circumstances
264.4061 <i>SB 1806</i>	Multidisciplinary Team Response Required – DFPS must refer cases to local CAC for MDT response if involving child sexual abuse, other case established by working protocol, child fatality w/ surviving children in household/caregiver, must conduct forensic interview, applies to CACs w/ established MDT MOUs

Government Code

Code/Bill(s)	Description
411.0728 <i>HB 322</i>	Procedures for Certain Victims of Trafficking of Persons – Expands eligibility for discretionary nondisclosure order who committed offense solely as victim of trafficking including: Class B delivery/possession marijuana, Class B/C theft, prostitution, Class A promotion of prostitution; valid or offenders who have not received prior nondisclosure
420.034 <i>HB 281</i>	Statewide Electronic Tracking System – For rape kits and related evidence available to victims and practitioners, DPS must have system up and running by Sept. 1, 2019
662.111 <i>HB 822</i>	Sexual Assault Awareness Month – Designates April as SAAM and allows public schools to observe through appropriate activities

Health & Safety Code

Code/Bill(s)	Description
167.001 <i>SB 323</i>	Female Genital Mutilation – Parent/legal guardian consents to and/or transports child for FGM, penalty of SJF
260A.007 <i>HB 1642</i>	Reports of Abuse, Neglect, & Exploitation in Certain Facilities: Investigation and Report of Department – DADS must refer investigation to local LE agency only if DADs substantiates report, removes requirement to report to local DA
323.001 <i>HB 3152</i>	Emergency Services for Survivors of SA: Definitions – Adds free-standing emergency facilities to “health care facility,” defines “SAFE-ready facility,” defines “sexual assault forensic examiner,” repeals definition of “community-wide plan”

323.0015 <i>HB 3152</i>	SAFE-Ready Facility – Allows health care facilities to be designated as “SAFE-ready”
323.004 <i>HB 3152</i>	Minimum Standards for Emergency Services – Requires non SAFE-ready facility to notify SA victim, provide info on closest SAFE-ready facility, and notify of transfer option; facility must verify a SAFE/SANE is available at other facility before transfer, <u>Jan. 1, 2018</u>
323.0045 <i>HB 3152</i>	Basic Sexual Assault Forensic Evidence Collection Training – Requires non SAFE-ready facilities with emergency departments to develop training plan
323.0051 <i>HB 3152</i>	Information Form for Sexual Assault Survivors at Certain Facilities – Requires DSHS to develop info. form and require use at non SAFE-ready facilities, <u>Jan. 1, 2018</u>

Alcoholic Beverage Code

Code/Bill(s)	Description
106.04-05 <i>SB 966</i>	Provisions Relating to Age: Consumption/Possession of Alcohol by Minor – Creates defense for minor who reports sexual assault of self or another or who is victim of SA reported by another

Human Resources Code

Code/Bill(s)	Description
40.038 <i>HB 1549</i>	Secondary Trauma Support for Caseworkers – Creates secondary trauma support programs for DFPS caseworkers to include critical incident stress debriefing

Civil Practices & Remedies Code

Code/Bill(s)	Description
Chapter 125 <i>SB 1196/HB 2552</i>	Common and Public Nuisances – Expands law to include websites/computer networks used in commission of certain commercial sex and trafficking crime, makes changes related to massage parlors
Chapter 129A <i>SB 179</i>	Relief for Cyberbullying of Child – Known as “David’s Law,” provides injunctive relief for minor victim (under 18)

Education Code

Code/Bill(s)	Description
37.0151 <i>SB 179</i>	Report to Local LE Regarding Certain Conduct Constituting Assault or Harassment; Liability – Part of “David’s Law,” authorizes principal/designee to report to local LE after investigation finds reasonable grounds for conduct of student, duty is discretionary and grants immunity for reporters

37.0832 <i>SB 179</i>	Bullying Prevention Policies & Procedures – Part of “David’s Law,” redefines “bullying” and adds definition for “cyberbullying,” applies to cyberbullying off school property if disrupts education/classroom/activity
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New Crimes

Code/Bill(s)	Description	Penalty
Business & Commerce 102.102 <i>HB 29</i>	Failure to post Human Trafficking sign in each restroom of sexually oriented business	Class C
FC 107.1111 <i>HB 1501</i>	Recklessly disclosing confidential information about any person residing in a residence subject to a child custody evaluation	Class A
FC 264.7551 <i>HB 4</i>	Making false statement or misrepresentation of fact allowing person to enter into caregiver assistance agreement	Class C – SJF
Health & Safety Code 167.001 <i>SB 323</i>	Consenting by parent to female genital mutilation or transporting to site for FGM	SJF
PC 21.09 <i>SB 1232</i>	Bestiality	SJF, 2 nd degree if result in death/SBI
PC 21.18 <i>HB 1808/2552</i>	Sexual coercion (sextortion)	SJF, 3 rd degree for add. offense
PC 22.04 <i>HB 3019</i>	Injury by omission to child/elderly/disabled person in boarding home facility	SJF – 1 st degree
PC 25.07 <i>HB 7</i>	Violation of court order/condition of bond in child abuse/neglect case	Class A, 3 rd degree for add. offense
PC 25.072 <i>HB 7</i>	Repeated violation (see above)	3 rd degree, 2 nd w/ intent to commit sex crimes/HT
PC 25.081 <i>HB 834</i>	Unregulated custody transfer of adopted child (rehoming)	3 rd degree, 2 nd w/ intent to commit sex crime/HT
PC 43.262 <i>HB 1810</i>	Possession/promotion of lewd visual material depicting a child (child erotica)	SJF – 2 nd degree

Enhanced Penalties

Code/Bill(s)	Description	Penalty
PC 20A.02 <i>HB 2552</i>	Human trafficking w/ offense resulting in death of unborn child of the person trafficked	1 st degree
PC 21.16 <i>HB 2552</i>	Unlawful disclosure/promotion of intimate visual material	SJF
PC 42.07 <i>SB 179</i>	Harassment against child w/ intent that child commit suicide or SBI to self (cyberbullying)	Class A

PC 42.092 <i>SB 1232/762</i>	Cruelty to non-livestock animals w/ prior conviction	2 nd degree
PC 43.03 <i>HB 29</i>	Promotion of prostitution	SJF, 3 rd degree for add. offense
PC 43.04 <i>HB 29</i>	Aggravated promotion of prostitution	2 nd degree