

1-1 By: Thompson of Harris, Dukes H.B. No. 2552
 1-2 (Senate Sponsor - Huffman)
 1-3 (In the Senate - Received from the House May 15, 2017;
 1-4 May 15, 2017, read first time and referred to Committee on State
 1-5 Affairs; May 18, 2017, reported favorably by the following vote:
 1-6 Yeas 9, Nays 0; May 18, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to measures to address and deter certain criminal or other
 1-21 unlawful activity, including trafficking of persons, sexual
 1-22 offenses, prostitution, and activity that may constitute a public
 1-23 nuisance; increasing criminal penalties; creating a criminal
 1-24 offense.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 17.46(b), Business & Commerce Code, as
 1-27 amended by Chapters 1023 (H.B. 1265) and 1080 (H.B. 2573), Acts of
 1-28 the 84th Legislature, Regular Session, 2015, is reenacted and
 1-29 amended to read as follows:

1-30 (b) Except as provided in Subsection (d) of this section,
 1-31 the term "false, misleading, or deceptive acts or practices"
 1-32 includes, but is not limited to, the following acts:

1-33 (1) passing off goods or services as those of another;

1-34 (2) causing confusion or misunderstanding as to the
 1-35 source, sponsorship, approval, or certification of goods or
 1-36 services;

1-37 (3) causing confusion or misunderstanding as to
 1-38 affiliation, connection, or association with, or certification by,
 1-39 another;

1-40 (4) using deceptive representations or designations
 1-41 of geographic origin in connection with goods or services;

1-42 (5) representing that goods or services have
 1-43 sponsorship, approval, characteristics, ingredients, uses,
 1-44 benefits, or quantities which they do not have or that a person has
 1-45 a sponsorship, approval, status, affiliation, or connection which
 1-46 the person does not;

1-47 (6) representing that goods are original or new if
 1-48 they are deteriorated, reconditioned, reclaimed, used, or
 1-49 secondhand;

1-50 (7) representing that goods or services are of a
 1-51 particular standard, quality, or grade, or that goods are of a
 1-52 particular style or model, if they are of another;

1-53 (8) disparaging the goods, services, or business of
 1-54 another by false or misleading representation of facts;

1-55 (9) advertising goods or services with intent not to
 1-56 sell them as advertised;

1-57 (10) advertising goods or services with intent not to
 1-58 supply a reasonable expectable public demand, unless the
 1-59 advertisements disclosed a limitation of quantity;

1-60 (11) making false or misleading statements of fact
 1-61 concerning the reasons for, existence of, or amount of price

2-1 reductions;

2-2 (12) representing that an agreement confers or

2-3 involves rights, remedies, or obligations which it does not have or

2-4 involve, or which are prohibited by law;

2-5 (13) knowingly making false or misleading statements

2-6 of fact concerning the need for parts, replacement, or repair

2-7 service;

2-8 (14) misrepresenting the authority of a salesman,

2-9 representative or agent to negotiate the final terms of a consumer

2-10 transaction;

2-11 (15) basing a charge for the repair of any item in

2-12 whole or in part on a guaranty or warranty instead of on the value of

2-13 the actual repairs made or work to be performed on the item without

2-14 stating separately the charges for the work and the charge for the

2-15 warranty or guaranty, if any;

2-16 (16) disconnecting, turning back, or resetting the

2-17 odometer of any motor vehicle so as to reduce the number of miles

2-18 indicated on the odometer gauge;

2-19 (17) advertising of any sale by fraudulently

2-20 representing that a person is going out of business;

2-21 (18) advertising, selling, or distributing a card

2-22 which purports to be a prescription drug identification card issued

2-23 under Section 4151.152, Insurance Code, in accordance with rules

2-24 adopted by the commissioner of insurance, which offers a discount

2-25 on the purchase of health care goods or services from a third party

2-26 provider, and which is not evidence of insurance coverage, unless:

2-27 (A) the discount is authorized under an agreement

2-28 between the seller of the card and the provider of those goods and

2-29 services or the discount or card is offered to members of the

2-30 seller;

2-31 (B) the seller does not represent that the card

2-32 provides insurance coverage of any kind; and

2-33 (C) the discount is not false, misleading, or

2-34 deceptive;

2-35 (19) using or employing a chain referral sales plan in

2-36 connection with the sale or offer to sell of goods, merchandise, or

2-37 anything of value, which uses the sales technique, plan,

2-38 arrangement, or agreement in which the buyer or prospective buyer

2-39 is offered the opportunity to purchase merchandise or goods and in

2-40 connection with the purchase receives the seller's promise or

2-41 representation that the buyer shall have the right to receive

2-42 compensation or consideration in any form for furnishing to the

2-43 seller the names of other prospective buyers if receipt of the

2-44 compensation or consideration is contingent upon the occurrence of

2-45 an event subsequent to the time the buyer purchases the merchandise

2-46 or goods;

2-47 (20) representing that a guaranty or warranty confers

2-48 or involves rights or remedies which it does not have or involve,

2-49 provided, however, that nothing in this subchapter shall be

2-50 construed to expand the implied warranty of merchantability as

2-51 defined in Sections 2.314 through 2.318 and Sections 2A.212 through

2-52 2A.216 to involve obligations in excess of those which are

2-53 appropriate to the goods;

2-54 (21) promoting a pyramid promotional scheme, as

2-55 defined by Section 17.461;

2-56 (22) representing that work or services have been

2-57 performed on, or parts replaced in, goods when the work or services

2-58 were not performed or the parts replaced;

2-59 (23) filing suit founded upon a written contractual

2-60 obligation of and signed by the defendant to pay money arising out

2-61 of or based on a consumer transaction for goods, services, loans, or

2-62 extensions of credit intended primarily for personal, family,

2-63 household, or agricultural use in any county other than in the

2-64 county in which the defendant resides at the time of the

2-65 commencement of the action or in the county in which the defendant

2-66 in fact signed the contract; provided, however, that a violation of

2-67 this subsection shall not occur where it is shown by the person

2-68 filing such suit that the person neither knew or had reason to know

2-69 that the county in which such suit was filed was neither the county

3-1 in which the defendant resides at the commencement of the suit nor
 3-2 the county in which the defendant in fact signed the contract;
 3-3 (24) failing to disclose information concerning goods
 3-4 or services which was known at the time of the transaction if such
 3-5 failure to disclose such information was intended to induce the
 3-6 consumer into a transaction into which the consumer would not have
 3-7 entered had the information been disclosed;
 3-8 (25) using the term "corporation," "incorporated," or
 3-9 an abbreviation of either of those terms in the name of a business
 3-10 entity that is not incorporated under the laws of this state or
 3-11 another jurisdiction;
 3-12 (26) selling, offering to sell, or illegally promoting
 3-13 an annuity contract under Chapter 22, Acts of the 57th Legislature,
 3-14 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil
 3-15 Statutes), with the intent that the annuity contract will be the
 3-16 subject of a salary reduction agreement, as defined by that Act, if
 3-17 the annuity contract is not an eligible qualified investment under
 3-18 that Act or is not registered with the Teacher Retirement System of
 3-19 Texas as required by Section 8A of that Act;
 3-20 (27) taking advantage of a disaster declared by the
 3-21 governor under Chapter 418, Government Code, by:
 3-22 (A) selling or leasing fuel, food, medicine, or
 3-23 another necessity at an exorbitant or excessive price; or
 3-24 (B) demanding an exorbitant or excessive price in
 3-25 connection with the sale or lease of fuel, food, medicine, or
 3-26 another necessity;
 3-27 (28) using the translation into a foreign language of
 3-28 a title or other word, including "attorney," "lawyer," "licensed,"
 3-29 "notary," and "notary public," in any written or electronic
 3-30 material, including an advertisement, a business card, a
 3-31 letterhead, stationery, a website, or an online video, in reference
 3-32 to a person who is not an attorney in order to imply that the person
 3-33 is authorized to practice law in the United States;
 3-34 (29) [~~(28)~~] delivering or distributing a solicitation
 3-35 in connection with a good or service that:
 3-36 (A) represents that the solicitation is sent on
 3-37 behalf of a governmental entity when it is not; or
 3-38 (B) resembles a governmental notice or form that
 3-39 represents or implies that a criminal penalty may be imposed if the
 3-40 recipient does not remit payment for the good or service;
 3-41 (30) [~~(29)~~] delivering or distributing a solicitation
 3-42 in connection with a good or service that resembles a check or other
 3-43 negotiable instrument or invoice, unless the portion of the
 3-44 solicitation that resembles a check or other negotiable instrument
 3-45 or invoice includes the following notice, clearly and conspicuously
 3-46 printed in at least 18-point type:
 3-47 "SPECIMEN-NON-NEGOTIABLE";
 3-48 (31) [~~(30)~~] in the production, sale, distribution, or
 3-49 promotion of a synthetic substance that produces and is intended to
 3-50 produce an effect when consumed or ingested similar to, or in excess
 3-51 of, the effect of a controlled substance or controlled substance
 3-52 analogue, as those terms are defined by Section 481.002, Health and
 3-53 Safety Code:
 3-54 (A) making a deceptive representation or
 3-55 designation about the synthetic substance; or
 3-56 (B) causing confusion or misunderstanding as to
 3-57 the effects the synthetic substance causes when consumed or
 3-58 ingested; [~~or~~]
 3-59 (32) [~~(31)~~] a licensed public insurance adjuster
 3-60 directly or indirectly soliciting employment, as defined by Section
 3-61 38.01, Penal Code, for an attorney, or a licensed public insurance
 3-62 adjuster entering into a contract with an insured for the primary
 3-63 purpose of referring the insured to an attorney without the intent
 3-64 to actually perform the services customarily provided by a licensed
 3-65 public insurance adjuster, provided that this subdivision may not
 3-66 be construed to prohibit a licensed public insurance adjuster from
 3-67 recommending a particular attorney to an insured; or
 3-68 (33) owning, operating, maintaining, or advertising a
 3-69 massage establishment, as defined by Section 455.001, Occupations

4-1 Code, that:

4-2 (A) is not appropriately licensed under Chapter
4-3 455, Occupations Code, or is not in compliance with the applicable
4-4 licensing and other requirements of that chapter; or

4-5 (B) is not in compliance with an applicable local
4-6 ordinance relating to the licensing or regulation of massage
4-7 establishments.

4-8 SECTION 2. Section 125.001, Civil Practice and Remedies
4-9 Code, is amended by adding Subdivisions (1-a) and (4) to read as
4-10 follows:

4-11 (1-a) "Computer network" means the interconnection of
4-12 two or more computers or computer systems by satellite, microwave,
4-13 line, or other communication medium with the capability to transmit
4-14 information between the computers.

4-15 (4) "Web address" means a website operating on the
4-16 Internet.

4-17 SECTION 3. Section 125.0015, Civil Practice and Remedies
4-18 Code, is amended by adding Subsections (c), (d), and (e) to read as
4-19 follows:

4-20 (c) A person operating a web address or computer network in
4-21 connection with an activity described by Subsection (a)(3), (6),
4-22 (7), (10), (11), (17), (18), (19), (20), (21), or (22) maintains a
4-23 common nuisance.

4-24 (d) Subsection (c) does not apply to:

4-25 (1) a provider of remote computing services or
4-26 electronic communication services to the public;

4-27 (2) a provider of an interactive computer service as
4-28 defined by 47 U.S.C. Section 230;

4-29 (3) an Internet service provider;

4-30 (4) a search engine operator;

4-31 (5) a browsing or hosting company;

4-32 (6) an operating system provider; or

4-33 (7) a device manufacturer.

4-34 (e) This section does not apply to an activity exempted,
4-35 authorized, or otherwise lawful activity regulated by federal law.

4-36 SECTION 4. The heading to Section 125.002, Civil Practice
4-37 and Remedies Code, is amended to read as follows:

4-38 Sec. 125.002. SUIT TO ABATE CERTAIN COMMON NUISANCES
4-39 [NUISANCE]; BOND.

4-40 SECTION 5. Sections 125.002(a), (g), and (h), Civil
4-41 Practice and Remedies Code, are amended to read as follows:

4-42 (a) A suit to enjoin and abate a common nuisance described
4-43 by Section 125.0015(a) or (b) may be brought by an individual, by
4-44 the attorney general, or by a district, county, or city attorney.
4-45 The suit must be brought in the county in which it is alleged to
4-46 exist against the person who is maintaining or about to maintain the
4-47 nuisance. The suit must be brought in the name of the state if
4-48 brought by the attorney general or a district or county attorney, in
4-49 the name of the city if brought by a city attorney, or in the name of
4-50 the individual if brought by a private citizen. Verification of the
4-51 petition or proof of personal injury by the acts complained of need
4-52 not be shown. For purposes of this subsection, personal injury may
4-53 include economic or monetary loss.

4-54 (g) In an action brought under this chapter, other than an
4-55 action brought under Section 125.0025, the petitioner may file a
4-56 notice of lis pendens and a certified copy of an order of the court
4-57 in the office of the county clerk in each county in which the land is
4-58 located. The notice of lis pendens must conform to the requirements
4-59 of Section 12.007, Property Code, and constitutes notice as
4-60 provided by Section 13.004, Property Code. A certified copy of an
4-61 order of the court filed in the office of the county clerk
4-62 constitutes notice of the terms of the order and is binding on
4-63 subsequent purchasers and lienholders.

4-64 (h) A person who may bring a suit under Subsection (a)
4-65 [Section 125.0015] shall consider, among other factors, whether the
4-66 property owner, the owner's authorized representative, or the
4-67 operator or occupant of the business, dwelling, or other place
4-68 where the criminal acts occurred:

4-69 (1) promptly notifies the appropriate governmental

5-1 entity or the entity's law enforcement agency of the occurrence of
5-2 criminal acts on the property; and

5-3 (2) cooperates with the governmental entity's law
5-4 enforcement investigation of criminal acts occurring at the
5-5 property.

5-6 SECTION 6. Subchapter A, Chapter 125, Civil Practice and
5-7 Remedies Code, is amended by adding Section 125.0025 to read as
5-8 follows:

5-9 Sec. 125.0025. SUIT TO DECLARE CERTAIN COMMON NUISANCES.

5-10 (a) A suit to declare that a person operating a web address or
5-11 computer network is maintaining a common nuisance may be brought by
5-12 an individual, by the attorney general, or by a district, county, or
5-13 city attorney.

5-14 (b) Except as provided by Section 125.003(d), on a finding
5-15 that a web address or computer network is a common nuisance, the
5-16 sole remedy available is a judicial finding issued to the attorney
5-17 general.

5-18 (c) The attorney general may:

5-19 (1) notify Internet service providers, search engine
5-20 operators, browsing or hosting companies, or device manufacturers
5-21 on which applications are hosted of the judicial finding issued to
5-22 the attorney general under Subsection (b) to determine if the
5-23 persons notified are able to offer technical assistance to the
5-24 attorney general in a manner consistent with 47 U.S.C. Section 230;
5-25 or

5-26 (2) post the judicial finding issued to the attorney
5-27 general under Subsection (b) on the attorney general's Internet
5-28 website.

5-29 SECTION 7. Section 125.004, Civil Practice and Remedies
5-30 Code, is amended by adding Subsections (a-1), (a-2), and (e) to read
5-31 as follows:

5-32 (a-1) Proof in the form of a person's arrest or the
5-33 testimony of a law enforcement agent that an activity described by
5-34 Section 125.0015(a)(6) or (7) is committed at a place licensed as a
5-35 massage establishment under Chapter 455, Occupations Code, or
5-36 advertised as offering massage therapy or massage services is prima
5-37 facie evidence that the defendant knowingly tolerated the activity.

5-38 (a-2) Proof that an activity described by Section
5-39 125.0015(a)(18) is committed at a place maintained by the defendant
5-40 is prima facie evidence that the defendant:

5-41 (1) knowingly tolerated the activity; and

5-42 (2) did not make a reasonable attempt to abate the
5-43 activity.

5-44 (e) Evidence of a previous suit filed under this chapter
5-45 that resulted in a judgment against a landowner with respect to an
5-46 activity described by Section 125.0015 at the landowner's property
5-47 is admissible in a subsequent suit filed under this chapter to
5-48 demonstrate that the landowner:

5-49 (1) knowingly tolerated the activity; and

5-50 (2) did not make a reasonable attempt to abate the
5-51 activity.

5-52 SECTION 8. Subchapter C, Chapter 11, Education Code, is
5-53 amended by adding Section 11.066 to read as follows:

5-54 Sec. 11.066. ELIGIBILITY FOR SERVICE BY TRUSTEE CONVICTED
5-55 OF CERTAIN OFFENSE. A person is ineligible to serve as a member of
5-56 the board of trustees of a school district if the person has been
5-57 convicted of an offense under Section 43.02(b), Penal Code.

5-58 SECTION 9. Section 411.042(b), Government Code, is amended
5-59 to read as follows:

5-60 (b) The bureau of identification and records shall:

5-61 (1) procure and file for record photographs, pictures,
5-62 descriptions, fingerprints, measurements, and other pertinent
5-63 information of all persons arrested for or charged with a criminal
5-64 offense or convicted of a criminal offense, regardless of whether
5-65 the conviction is probated;

5-66 (2) collect information concerning the number and
5-67 nature of offenses reported or known to have been committed in the
5-68 state and the legal steps taken in connection with the offenses, and
5-69 other information useful in the study of crime and the

6-1 administration of justice, including information that enables the
6-2 bureau to create a statistical breakdown of:

6-3 (A) offenses in which family violence was
6-4 involved;

6-5 (B) offenses under Sections 22.011 and 22.021,
6-6 Penal Code; and

6-7 (C) offenses under Sections 20A.02, 43.02(a),
6-8 43.02(b), 43.03, and 43.05, Penal Code;

6-9 (3) make ballistic tests of bullets and firearms and
6-10 chemical analyses of bloodstains, cloth, materials, and other
6-11 substances for law enforcement officers of the state;

6-12 (4) cooperate with identification and crime records
6-13 bureaus in other states and the United States Department of
6-14 Justice;

6-15 (5) maintain a list of all previous background checks
6-16 for applicants for any position regulated under Chapter 1702,
6-17 Occupations Code, who have undergone a criminal history background
6-18 check under Section 411.119, if the check indicates a Class B
6-19 misdemeanor or equivalent offense or a greater offense;

6-20 (6) collect information concerning the number and
6-21 nature of protective orders and magistrate's orders of emergency
6-22 protection and all other pertinent information about all persons
6-23 subject to active orders, including pertinent information about
6-24 persons subject to conditions of bond imposed for the protection of
6-25 the victim in any family violence, sexual assault or abuse,
6-26 stalking, or trafficking case. Information in the law enforcement
6-27 information system relating to an active order shall include:

6-28 (A) the name, sex, race, date of birth, personal
6-29 descriptors, address, and county of residence of the person to whom
6-30 the order is directed;

6-31 (B) any known identifying number of the person to
6-32 whom the order is directed, including the person's social security
6-33 number or driver's license number;

6-34 (C) the name and county of residence of the
6-35 person protected by the order;

6-36 (D) the residence address and place of employment
6-37 or business of the person protected by the order, unless that
6-38 information is excluded from the order under Section 85.007, Family
6-39 Code, or Article 17.292(e), Code of Criminal Procedure;

6-40 (E) the child-care facility or school where a
6-41 child protected by the order normally resides or which the child
6-42 normally attends, unless that information is excluded from the
6-43 order under Section 85.007, Family Code, or Article 17.292(e), Code
6-44 of Criminal Procedure;

6-45 (F) the relationship or former relationship
6-46 between the person who is protected by the order and the person to
6-47 whom the order is directed;

6-48 (G) the conditions of bond imposed on the person
6-49 to whom the order is directed, if any, for the protection of a
6-50 victim in any family violence, sexual assault or abuse, stalking,
6-51 or trafficking case;

6-52 (H) any minimum distance the person subject to
6-53 the order is required to maintain from the protected places or
6-54 persons; and

6-55 (I) the date the order expires;

6-56 (7) grant access to criminal history record
6-57 information in the manner authorized under Subchapter F;

6-58 (8) collect and disseminate information regarding
6-59 offenders with mental impairments in compliance with Chapter 614,
6-60 Health and Safety Code; and

6-61 (9) record data and maintain a state database for a
6-62 computerized criminal history record system and computerized
6-63 juvenile justice information system that serves:

6-64 (A) as the record creation point for criminal
6-65 history record information and juvenile justice information
6-66 maintained by the state; and

6-67 (B) as the control terminal for the entry of
6-68 records, in accordance with federal law and regulations, federal
6-69 executive orders, and federal policy, into the federal database

7-1 maintained by the Federal Bureau of Investigation.

7-2 SECTION 10. Subchapter A, Chapter 241, Health and Safety
7-3 Code, is amended by adding Section 241.011 to read as follows:

7-4 Sec. 241.011. HUMAN TRAFFICKING SIGNS REQUIRED. An
7-5 emergency department of a hospital shall display separate signs, in
7-6 English and Spanish, that comply with Section 245.025 as if the
7-7 hospital is an abortion facility.

7-8 SECTION 11. Chapter 245, Health and Safety Code, is amended
7-9 by adding Section 245.025 to read as follows:

7-10 Sec. 245.025. HUMAN TRAFFICKING SIGNS REQUIRED. (a) An
7-11 abortion facility shall display separate signs, in English,
7-12 Spanish, and any additional language as required by Subsection (b),
7-13 side by side in accordance with this section in each restroom and
7-14 patient consulting room. The signs must include the following
7-15 information:

7-16 (1) no person, including an individual's parents, may
7-17 force any individual to have an abortion;

7-18 (2) it is illegal for a person to force an individual
7-19 to engage in sexual acts;

7-20 (3) a woman who needs help may call or text a state or
7-21 national organization that assists victims of human trafficking and
7-22 forced abortions; and

7-23 (4) the toll-free number of an organization described
7-24 by Subdivision (3).

7-25 (b) Signs required under this section must be in English and
7-26 Spanish. If an abortion facility is located in a political
7-27 subdivision required to provide election materials in a language
7-28 other than English or Spanish under Section 272.011, Election Code,
7-29 the facility shall display a separate sign in that language.

7-30 (c) Signs required under this section must be at least 8-1/2
7-31 by 11 inches in size and displayed in a conspicuous manner clearly
7-32 visible to the public and employees of an abortion facility. The
7-33 notice must cover at least four-fifths of the sign.

7-34 (d) The executive commissioner shall adopt rules as
7-35 necessary to implement and enforce this section.

7-36 SECTION 12. Section 1602.354, Occupations Code, is amended
7-37 by adding Subsection (c) to read as follows:

7-38 (c) The commission shall require continuing education
7-39 programs under this chapter to include information on:

7-40 (1) activities commonly associated with human
7-41 trafficking;

7-42 (2) recognition of potential victims of human
7-43 trafficking; and

7-44 (3) methods for assisting victims of human
7-45 trafficking, including how to report human trafficking.

7-46 SECTION 13. Subchapter I, Chapter 1602, Occupations Code,
7-47 is amended by adding Section 1602.408 to read as follows:

7-48 Sec. 1602.408. POSTING OF CERTAIN NOTICES REQUIRED. (a) In
7-49 this section, "licensed facility" means the premises of a place of
7-50 business that holds a license, certificate, or permit under this
7-51 chapter.

7-52 (b) A licensed facility shall display a sign approved by or
7-53 acceptable to the commission or the department concerning services
7-54 and assistance available to victims of human trafficking.

7-55 (c) The sign required by this section must be in English,
7-56 Spanish, and Vietnamese and include a toll-free telephone number of
7-57 a nationally recognized information and referral hotline for
7-58 victims of human trafficking.

7-59 (d) The commission by rule shall establish requirements
7-60 regarding the posting of signs under this section.

7-61 SECTION 14. Section 20A.02(b), Penal Code, is amended to
7-62 read as follows:

7-63 (b) Except as otherwise provided by this subsection, an
7-64 offense under this section is a felony of the second degree. An
7-65 offense under this section is a felony of the first degree if:

7-66 (1) the applicable conduct constitutes an offense
7-67 under Subsection (a)(5), (6), (7), or (8), regardless of whether
7-68 the actor knows the age of the child at the time the actor commits
7-69 the offense; [✗]

8-1 (2) the commission of the offense results in the death
8-2 of the person who is trafficked; or

8-3 (3) the commission of the offense results in the death
8-4 of an unborn child of the person who is trafficked.

8-5 SECTION 15. (a) This section takes effect only if the Act
8-6 of the 85th Legislature, Regular Session, 2017, relating to
8-7 nonsubstantive additions to and corrections in enacted codes
8-8 becomes law.

8-9 (b) Section 21.16(g), Penal Code, as added by Chapter 852
8-10 (S.B. 1135), Acts of the 84th Legislature, Regular Session, 2015,
8-11 is amended to read as follows:

8-12 (g) An offense under this section is a state jail felony
8-13 [~~Class A misdemeanor~~].

8-14 (c) Chapter 21, Penal Code, is amended by adding Section
8-15 21.18 to read as follows:

8-16 Sec. 21.18. SEXUAL COERCION. (a) In this section:

8-17 (1) "Intimate visual material" means the visual
8-18 material described by Section 21.16(b)(1) or (c).

8-19 (2) "Sexual conduct" has the meaning assigned by
8-20 Section 43.25.

8-21 (b) A person commits an offense if the person intentionally
8-22 threatens, including by coercion or extortion, to commit an offense
8-23 under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02,
8-24 21.08, 21.11, 21.12, 21.15, 21.16, 21.17, 22.011, or 22.021 to
8-25 obtain, in return for not committing the threatened offense or in
8-26 connection with the threatened offense, any of the following
8-27 benefits:

8-28 (1) intimate visual material;

8-29 (2) an act involving sexual conduct causing arousal or
8-30 gratification; or

8-31 (3) a monetary benefit or other benefit of value.

8-32 (c) A person commits an offense if the person intentionally
8-33 threatens, including by coercion or extortion, to commit an offense
8-34 under Chapter 19 or 20 or Section 20A.02(a)(1), (2), (5), or (6) to
8-35 obtain, in return for not committing the threatened offense or in
8-36 connection with the threatened offense, either of the following
8-37 benefits:

8-38 (1) intimate visual material; or

8-39 (2) an act involving sexual conduct causing arousal or
8-40 gratification.

8-41 (d) This section applies to a threat regardless of how that
8-42 threat is communicated, including a threat transmitted through
8-43 e-mail or an Internet website, social media account, or chat room
8-44 and a threat made by other electronic or technological means.

8-45 (e) An offense under this section is a state jail felony,
8-46 except that the offense is a felony of the third degree if it is
8-47 shown on the trial of the offense that the defendant has previously
8-48 been convicted of an offense under this section.

8-49 SECTION 16. (a) This section takes effect only if the Act
8-50 of the 85th Legislature, Regular Session, 2017, relating to
8-51 nonsubstantive additions to and corrections in enacted codes does
8-52 not become law.

8-53 (b) Section 21.16(g), Penal Code, as added by Chapter 852
8-54 (S.B. 1135), Acts of the 84th Legislature, Regular Session, 2015,
8-55 is amended to read as follows:

8-56 (g) An offense under this section is a state jail felony
8-57 [~~Class A misdemeanor~~].

8-58 (c) Chapter 21, Penal Code, is amended by adding Section
8-59 21.18 to read as follows:

8-60 Sec. 21.18. SEXUAL COERCION. (a) In this section:

8-61 (1) "Intimate visual material" means the visual
8-62 material described by Section 21.16(b)(1) or (c), as added by
8-63 Chapter 852 (S.B. 1135), Acts of the 84th Legislature, Regular
8-64 Session, 2015.

8-65 (2) "Sexual conduct" has the meaning assigned by
8-66 Section 43.25.

8-67 (b) A person commits an offense if the person intentionally
8-68 threatens, including by coercion or extortion, to commit an offense
8-69 under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02,

9-1 21.08, 21.11, 21.12, 21.15, 21.16, as added by Chapter 852 (S.B.
9-2 1135), Acts of the 84th Legislature, Regular Session, 2015, 21.16,
9-3 as added by Chapter 676 (H.B. 207), Acts of the 84th Legislature,
9-4 Regular Session, 2015, 22.011, or 22.021 to obtain, in return for
9-5 not committing the threatened offense or in connection with the
9-6 threatened offense, any of the following benefits:

- 9-7 (1) intimate visual material;
- 9-8 (2) an act involving sexual conduct causing arousal or
9-9 gratification; or
- 9-10 (3) a monetary benefit or other benefit of value.

9-11 (c) A person commits an offense if the person intentionally
9-12 threatens, including by coercion or extortion, to commit an offense
9-13 under Chapter 19 or 20 or Section 20A.02(a)(1), (2), (5), or (6) to
9-14 obtain, in return for not committing the threatened offense or in
9-15 connection with the threatened offense, either of the following
9-16 benefits:

- 9-17 (1) intimate visual material; or
- 9-18 (2) an act involving sexual conduct causing arousal or
9-19 gratification.

9-20 (d) This section applies to a threat regardless of how that
9-21 threat is communicated, including a threat transmitted through
9-22 e-mail or an Internet website, social media account, or chat room
9-23 and a threat made by other electronic or technological means.

9-24 (e) An offense under this section is a state jail felony,
9-25 except that the offense is a felony of the third degree if it is
9-26 shown on the trial of the offense that the defendant has previously
9-27 been convicted of an offense under this section.

9-28 SECTION 17. Sections 22.01(b) and (c), Penal Code, are
9-29 amended to read as follows:

9-30 (b) An offense under Subsection (a)(1) is a Class A
9-31 misdemeanor, except that the offense is a felony of the third degree
9-32 if the offense is committed against:

9-33 (1) a person the actor knows is a public servant while
9-34 the public servant is lawfully discharging an official duty, or in
9-35 retaliation or on account of an exercise of official power or
9-36 performance of an official duty as a public servant;

9-37 (2) a person whose relationship to or association with
9-38 the defendant is described by Section 71.0021(b), 71.003, or
9-39 71.005, Family Code, if:

9-40 (A) it is shown on the trial of the offense that
9-41 the defendant has been previously convicted of an offense under
9-42 this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11
9-43 against a person whose relationship to or association with the
9-44 defendant is described by Section 71.0021(b), 71.003, or 71.005,
9-45 Family Code; or

9-46 (B) the offense is committed by intentionally,
9-47 knowingly, or recklessly impeding the normal breathing or
9-48 circulation of the blood of the person by applying pressure to the
9-49 person's throat or neck or by blocking the person's nose or mouth;

9-50 (3) a person who contracts with government to perform
9-51 a service in a facility as defined by Section 1.07(a)(14), Penal
9-52 Code, or Section 51.02(13) or (14), Family Code, or an employee of
9-53 that person:

9-54 (A) while the person or employee is engaged in
9-55 performing a service within the scope of the contract, if the actor
9-56 knows the person or employee is authorized by government to provide
9-57 the service; or

9-58 (B) in retaliation for or on account of the
9-59 person's or employee's performance of a service within the scope of
9-60 the contract;

9-61 (4) a person the actor knows is a security officer
9-62 while the officer is performing a duty as a security officer; ~~or~~

9-63 (5) a person the actor knows is emergency services
9-64 personnel while the person is providing emergency services; or

9-65 (6) a pregnant individual to force the individual to
9-66 have an abortion.

9-67 (c) An offense under Subsection (a)(2) or (3) is a Class C
9-68 misdemeanor, except that the offense is:

9-69 (1) a Class A misdemeanor if the offense is committed

10-1 under Subsection (a)(3) against an elderly individual or disabled
10-2 individual, as those terms are defined by Section 22.04; ~~[or]~~

10-3 (2) a Class B misdemeanor if the offense is committed
10-4 by a person who is not a sports participant against a person the
10-5 actor knows is a sports participant either:

10-6 (A) while the participant is performing duties or
10-7 responsibilities in the participant's capacity as a sports
10-8 participant; or

10-9 (B) in retaliation for or on account of the
10-10 participant's performance of a duty or responsibility within the
10-11 participant's capacity as a sports participant; or

10-12 (3) a Class A misdemeanor if the offense is committed
10-13 against a pregnant individual to force the individual to have an
10-14 abortion.

10-15 SECTION 18. Section 43.03, Penal Code, is amended to read as
10-16 follows:

10-17 Sec. 43.03. PROMOTION OF PROSTITUTION. (a) A person
10-18 commits an offense if, acting other than as a prostitute receiving
10-19 compensation for personally rendered prostitution services, the
10-20 actor ~~[he or she]~~ knowingly:

10-21 (1) receives money or other property pursuant to an
10-22 agreement to participate in the proceeds of prostitution; ~~[or]~~

10-23 (2) solicits another to engage in sexual conduct with
10-24 another person for compensation;

10-25 (3) provides a person or premises for prostitution
10-26 purposes; or

10-27 (4) publishes or distributes on an Internet website
10-28 that is owned or operated by the actor an advertisement that
10-29 contains an offer to engage in sexual conduct in return for receipt
10-30 of a fee.

10-31 (b) An offense under this section is a Class A misdemeanor,
10-32 except that the offense is:

10-33 (1) a state jail felony if the actor has been
10-34 previously convicted of an offense under this section; or

10-35 (2) a felony of the second degree if the actor engages
10-36 in conduct described by Subsection (a) ~~[(a)(1) or (2)]~~ involving a
10-37 person younger than 18 years of age engaging in prostitution,
10-38 regardless of whether the actor knows the age of the person at the
10-39 time the actor commits the offense.

10-40 SECTION 19. Chapter 93, Property Code, is amended by adding
10-41 Section 93.013 to read as follows:

10-42 Sec. 93.013. CERTAIN UNLAWFUL USES OF PREMISES; TERMINATION
10-43 OF TENANT'S RIGHT OF POSSESSION. (a) Notwithstanding a provision
10-44 in a lease to the contrary, a tenant's right of possession
10-45 terminates and the landlord has a right to recover possession of the
10-46 leased premises if the tenant is using the premises or allowing the
10-47 premises to be used for the purposes of prostitution, promotion of
10-48 prostitution, aggravated promotion of prostitution, or compelling
10-49 prostitution, as prohibited by the Penal Code, or trafficking of
10-50 persons as described by Section 20A.02, Penal Code.

10-51 (b) A landlord who reasonably believes a tenant is using the
10-52 leased premises or allowing the leased premises to be used for a
10-53 purpose described by Subsection (a) may file a forcible detainer
10-54 suit under Chapter 24 seeking possession of the premises and unpaid
10-55 rent, including rent for any period of occupancy after the tenant's
10-56 right of possession terminates.

10-57 (c) Notwithstanding Section 24.005 or 91.001 or any other
10-58 law or a provision in the lease to the contrary, the landlord is not
10-59 required for purposes of a forcible detainer suit authorized by
10-60 this section:

10-61 (1) to give a notice of proposed eviction or a notice
10-62 of termination before giving notice to vacate; or

10-63 (2) to give the tenant more than three days' notice to
10-64 vacate before filing the suit.

10-65 (d) A pending suit brought by the attorney general or a
10-66 district, county, or city attorney under Chapter 125, Civil
10-67 Practice and Remedies Code, alleging that a common nuisance is
10-68 being maintained on the leased premises with respect to an activity
10-69 described by Subsection (a) is prima facie evidence that the

11-1 tenant's right of possession has terminated and the landlord has a
11-2 right to recover possession of the premises under Subsection (a).

11-3 (e) A final, nonappealable determination by a court under
11-4 Chapter 125, Civil Practice and Remedies Code, that a common
11-5 nuisance is being maintained on the leased premises with respect to
11-6 an activity described by Subsection (a) creates an irrebuttable
11-7 presumption that the tenant's right of possession has terminated
11-8 and the landlord has a right to recover possession of the premises
11-9 under Subsection (a).

11-10 SECTION 20. Section 17.46(b), Business & Commerce Code, as
11-11 amended by this Act, applies only to a cause of action that accrues
11-12 on or after the effective date of this Act. A cause of action that
11-13 accrued before the effective date of this Act is governed by the law
11-14 in effect immediately before the effective date of this Act, and
11-15 that law is continued in effect for that purpose.

11-16 SECTION 21. (a) Not later than December 1, 2017, the
11-17 executive commissioner of the Health and Human Services Commission
11-18 shall adopt the rules necessary to implement Sections 241.011 and
11-19 245.025, Health and Safety Code, as added by this Act.

11-20 (b) A hospital or an abortion facility is not required to
11-21 comply with Section 241.011 or 245.025, Health and Safety Code, as
11-22 added by this Act, before January 1, 2018.

11-23 SECTION 22. (a) Not later than March 1, 2018, the Texas
11-24 Commission of Licensing and Regulation shall adopt rules as
11-25 necessary to comply with Section 1602.354, Occupations Code, as
11-26 amended by this Act.

11-27 (b) Section 1602.354(c), Occupations Code, as added by this
11-28 Act, and the rules adopted under Subsection (a) of this section
11-29 apply only to a continuing education program provided on or after
11-30 September 1, 2018.

11-31 SECTION 23. (a) Not later than January 1, 2018, the Texas
11-32 Commission of Licensing and Regulation shall adopt rules as
11-33 necessary to implement Section 1602.408, Occupations Code, as added
11-34 by this Act.

11-35 (b) A licensed facility as defined by Section 1602.408(a),
11-36 Occupations Code, as added by this Act, shall comply with Section
11-37 1602.408, Occupations Code, as added by this Act, not later than
11-38 February 1, 2018.

11-39 SECTION 24. Sections 20A.02 and 22.01, Penal Code, as
11-40 amended by this Act, apply only to an offense committed on or after
11-41 the effective date of this Act. An offense committed before the
11-42 effective date of this Act is governed by the law in effect on the
11-43 date the offense was committed, and that law is continued in effect
11-44 for that purpose. For purposes of this section, an offense was
11-45 committed before the effective date of this Act if any element of
11-46 the offense was committed before that date.

11-47 SECTION 25. Section 43.03, Penal Code, as amended by this
11-48 Act, applies only to an offense committed on or after the effective
11-49 date of this Act. An offense committed before the effective date of
11-50 this Act is governed by the law in effect on the date the offense was
11-51 committed, and the former law is continued in effect for that
11-52 purpose. For purposes of this section, an offense was committed
11-53 before the effective date of this Act if any element of the offense
11-54 occurred before that date.

11-55 SECTION 26. Section 93.013, Property Code, as added by this
11-56 Act, applies only to a lease entered into or renewed on or after the
11-57 effective date of this Act. A lease entered into or renewed before
11-58 the effective date of this Act is governed by the law applicable to
11-59 the lease immediately before the effective date of this Act, and
11-60 that law is continued in effect for that purpose.

11-61 SECTION 27. To the extent of any conflict, this Act prevails
11-62 over another Act of the 85th Legislature, Regular Session, 2017,
11-63 relating to nonsubstantive additions to and corrections in enacted
11-64 codes.

11-65 SECTION 28. This Act takes effect September 1, 2017.

11-66 * * * * *