

1-1 By: Perry, Alvarado S.B. No. 194  
1-2 (In the Senate - Filed November 15, 2018; February 1, 2019,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 21, 2019, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; March 21, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Buckingham	X		
1-11	Flores	X		
1-12	Hughes	X		
1-13	Miles	X		
1-14	Perry	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the creation of the offense of indecent assault, to  
1-18 judicial protection for victims of that offense, and to certain  
1-19 criminal acts committed in relation to that offense.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 22, Penal Code, is amended by adding  
1-22 Section 22.012 to read as follows:

1-23 Sec. 22.012. INDECENT ASSAULT. (a) A person commits an  
1-24 offense if, without the other person's consent and with the intent  
1-25 to arouse or gratify the sexual desire of any person, the person:

1-26 (1) touches the anus, breast, or any part of the  
1-27 genitals of another person;

1-28 (2) touches another person with the anus, breast, or  
1-29 any part of the genitals of any person;

1-30 (3) removes or attempts to remove any clothing  
1-31 covering another person's genitals, pubic area, anus, buttocks, or  
1-32 female areola; or

1-33 (4) causes another person to contact the blood,  
1-34 seminal fluid, vaginal fluid, saliva, urine, or feces of any  
1-35 person.

1-36 (b) An offense under this section is a Class A misdemeanor.

1-37 (c) If conduct that constitutes an offense under this  
1-38 section also constitutes an offense under another law, the actor  
1-39 may be prosecuted under this section, the other law, or both.

1-40 SECTION 2. The heading to Chapter 7A, Code of Criminal  
1-41 Procedure, is amended to read as follows:

1-42 CHAPTER 7A. PROTECTIVE ORDER FOR VICTIMS OF SEXUAL ASSAULT OR  
1-43 ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING

1-44 SECTION 3. Article 7A.01(a), Code of Criminal Procedure, is  
1-45 amended to read as follows:

1-46 (a) The following persons may file an application for a  
1-47 protective order under this chapter without regard to the  
1-48 relationship between the applicant and the alleged offender:

1-49 (1) a person who is the victim of an offense under  
1-50 Section 21.02, 21.11, 22.011, 22.012, 22.021, or 42.072, Penal  
1-51 Code;

1-52 (2) a person who is the victim of an offense under  
1-53 Section 20A.02, 20A.03, or 43.05, Penal Code;

1-54 (3) a parent or guardian acting on behalf of a person  
1-55 younger than 17 years of age who is the victim of an offense listed  
1-56 in Subdivision (1);

1-57 (4) a parent or guardian acting on behalf of a person  
1-58 younger than 18 years of age who is the victim of an offense listed  
1-59 in Subdivision (2); or

1-60 (5) a prosecuting attorney acting on behalf of a  
1-61 person described by Subdivision (1), (2), (3), or (4).

2-1 SECTION 4. Article 7A.02, Code of Criminal Procedure, is  
 2-2 amended to read as follows:

2-3 Art. 7A.02. TEMPORARY EX PARTE ORDER. If the court finds  
 2-4 from the information contained in an application for a protective  
 2-5 order that there is a clear and present danger of sexual assault or  
 2-6 abuse, indecent assault, stalking, trafficking, or other harm to  
 2-7 the applicant, the court, without further notice to the alleged  
 2-8 offender and without a hearing, may enter a temporary ex parte order  
 2-9 for the protection of the applicant or any other member of the  
 2-10 applicant's family or household.

2-11 SECTION 5. Article 7A.03(a), Code of Criminal Procedure, is  
 2-12 amended to read as follows:

2-13 (a) At the close of a hearing on an application for a  
 2-14 protective order under this chapter, the court shall find whether  
 2-15 there are reasonable grounds to believe that the applicant is the  
 2-16 victim of sexual assault or abuse, indecent assault, stalking, or  
 2-17 trafficking.

2-18 SECTION 6. Article 7A.035, Code of Criminal Procedure, is  
 2-19 amended to read as follows:

2-20 Art. 7A.035. HEARSAY STATEMENT OF CHILD VICTIM. In a  
 2-21 hearing on an application for a protective order under this  
 2-22 chapter, a statement that is made by a child younger than 14 years  
 2-23 of age who is the victim of an offense under Section 21.02, 21.11,  
 2-24 22.011, 22.012, or 22.021, Penal Code, and that describes the  
 2-25 offense committed against the child is admissible as evidence in  
 2-26 the same manner that a child's statement regarding alleged abuse  
 2-27 against the child is admissible under Section 104.006, Family Code,  
 2-28 in a suit affecting the parent-child relationship.

2-29 SECTION 7. Articles 17.292(a) and (g), Code of Criminal  
 2-30 Procedure, are amended to read as follows:

2-31 (a) At a defendant's appearance before a magistrate after  
 2-32 arrest for an offense involving family violence or an offense under  
 2-33 Section 20A.02, 20A.03, 22.011, 22.012, 22.021, or 42.072, Penal  
 2-34 Code, the magistrate may issue an order for emergency protection on  
 2-35 the magistrate's own motion or on the request of:

- 2-36 (1) the victim of the offense;
- 2-37 (2) the guardian of the victim;
- 2-38 (3) a peace officer; or
- 2-39 (4) the attorney representing the state.

2-40 (g) An order for emergency protection issued under this  
 2-41 article must contain the following statements printed in bold-face  
 2-42 type or in capital letters:

2-43 "A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED  
 2-44 BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY  
 2-45 CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT  
 2-46 RESULTS IN [~~FAMILY VIOLENCE OR~~] A SEPARATE [~~STALKING OR~~  
 2-47 ~~TRAFFICKING~~] OFFENSE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR  
 2-48 FELONY OFFENSE, AS APPLICABLE, IN ADDITION TO A VIOLATION OF THIS  
 2-49 ORDER. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS  
 2-50 PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS. THE  
 2-51 POSSESSION OF A FIREARM BY A PERSON, OTHER THAN A PEACE OFFICER, AS  
 2-52 DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT  
 2-53 AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL  
 2-54 SUBDIVISION, WHO IS SUBJECT TO THIS ORDER MAY BE PROSECUTED AS A  
 2-55 SEPARATE OFFENSE PUNISHABLE BY CONFINEMENT OR IMPRISONMENT.

2-56 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS  
 2-57 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY  
 2-58 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS  
 2-59 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT  
 2-60 UNLESS A COURT CHANGES THE ORDER."

2-61 SECTION 8. The heading to Article 56.021, Code of Criminal  
 2-62 Procedure, is amended to read as follows:

2-63 Art. 56.021. RIGHTS OF VICTIM OF SEXUAL ASSAULT OR ABUSE,  
 2-64 INDECENT ASSAULT, STALKING, OR TRAFFICKING.

2-65 SECTION 9. Article 56.021(d), Code of Criminal Procedure,  
 2-66 is amended to read as follows:

2-67 (d) This subsection applies only to a victim of an offense  
 2-68 under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021,  
 2-69 42.072, or 43.05, Penal Code. In addition to the rights enumerated

3-1 in Article 56.02 and, if applicable, Subsection (a) of this  
 3-2 article, a victim described by this subsection or a parent or  
 3-3 guardian of the victim is entitled to the following rights within  
 3-4 the criminal justice system:

3-5 (1) the right to request that the attorney  
 3-6 representing the state, subject to the Texas Disciplinary Rules of  
 3-7 Professional Conduct, file an application for a protective order  
 3-8 under Article 7A.01 on behalf of the victim;

3-9 (2) the right to be informed:

3-10 (A) that the victim or the victim's parent or  
 3-11 guardian, as applicable, may file an application for a protective  
 3-12 order under Article 7A.01;

3-13 (B) of the court in which the application for a  
 3-14 protective order may be filed; and

3-15 (C) that, on request of the victim or of the  
 3-16 victim's parent or guardian, as applicable, and subject to the  
 3-17 Texas Disciplinary Rules of Professional Conduct, the attorney  
 3-18 representing the state may file the application for a protective  
 3-19 order;

3-20 (3) if the victim or the victim's parent or guardian,  
 3-21 as applicable, is present when the defendant is convicted or placed  
 3-22 on deferred adjudication community supervision, the right to be  
 3-23 given by the court the information described by Subdivision (2)  
 3-24 and, if the court has jurisdiction over applications for protective  
 3-25 orders that are filed under Article 7A.01, the right to file an  
 3-26 application for a protective order immediately following the  
 3-27 defendant's conviction or placement on deferred adjudication  
 3-28 community supervision; and

3-29 (4) if the victim or the victim's parent or guardian,  
 3-30 as applicable, is not present when the defendant is convicted or  
 3-31 placed on deferred adjudication community supervision, the right to  
 3-32 be given by the attorney representing the state the information  
 3-33 described by Subdivision (2).

3-34 SECTION 10. Sections 411.042(b) and (g), Government Code,  
 3-35 are amended to read as follows:

3-36 (b) The bureau of identification and records shall:

3-37 (1) procure and file for record photographs, pictures,  
 3-38 descriptions, fingerprints, measurements, and other pertinent  
 3-39 information of all persons arrested for or charged with a criminal  
 3-40 offense or convicted of a criminal offense, regardless of whether  
 3-41 the conviction is probated;

3-42 (2) collect information concerning the number and  
 3-43 nature of offenses reported or known to have been committed in the  
 3-44 state and the legal steps taken in connection with the offenses, and  
 3-45 other information useful in the study of crime and the  
 3-46 administration of justice, including information that enables the  
 3-47 bureau to create a statistical breakdown of:

3-48 (A) offenses in which family violence was  
 3-49 involved;

3-50 (B) offenses under Sections 22.011 and 22.021,  
 3-51 Penal Code; and

3-52 (C) offenses under Sections 20A.02, 43.02(a),  
 3-53 43.02(b), 43.03, and 43.05, Penal Code;

3-54 (3) make ballistic tests of bullets and firearms and  
 3-55 chemical analyses of bloodstains, cloth, materials, and other  
 3-56 substances for law enforcement officers of the state;

3-57 (4) cooperate with identification and crime records  
 3-58 bureaus in other states and the United States Department of  
 3-59 Justice;

3-60 (5) maintain a list of all previous background checks  
 3-61 for applicants for any position regulated under Chapter 1702,  
 3-62 Occupations Code, who have undergone a criminal history background  
 3-63 check under Section 411.119, if the check indicates a Class B  
 3-64 misdemeanor or equivalent offense or a greater offense;

3-65 (6) collect information concerning the number and  
 3-66 nature of protective orders and magistrate's orders of emergency  
 3-67 protection and all other pertinent information about all persons  
 3-68 subject to active orders, including pertinent information about  
 3-69 persons subject to conditions of bond imposed for the protection of

4-1 the victim in any family violence, sexual assault or abuse,  
 4-2 indecent assault, stalking, or trafficking case. Information in  
 4-3 the law enforcement information system relating to an active order  
 4-4 shall include:

4-5 (A) the name, sex, race, date of birth, personal  
 4-6 descriptors, address, and county of residence of the person to whom  
 4-7 the order is directed;

4-8 (B) any known identifying number of the person to  
 4-9 whom the order is directed, including the person's social security  
 4-10 number or driver's license number;

4-11 (C) the name and county of residence of the  
 4-12 person protected by the order;

4-13 (D) the residence address and place of employment  
 4-14 or business of the person protected by the order, unless that  
 4-15 information is excluded from the order under Article 17.292(e),  
 4-16 Code of Criminal Procedure;

4-17 (E) the child-care facility or school where a  
 4-18 child protected by the order normally resides or which the child  
 4-19 normally attends, unless that information is excluded from the  
 4-20 order under Article 17.292(e), Code of Criminal Procedure;

4-21 (F) the relationship or former relationship  
 4-22 between the person who is protected by the order and the person to  
 4-23 whom the order is directed;

4-24 (G) the conditions of bond imposed on the person  
 4-25 to whom the order is directed, if any, for the protection of a  
 4-26 victim in any family violence, sexual assault or abuse, indecent  
 4-27 assault, stalking, or trafficking case;

4-28 (H) any minimum distance the person subject to  
 4-29 the order is required to maintain from the protected places or  
 4-30 persons; and

4-31 (I) the date the order expires;

4-32 (7) grant access to criminal history record  
 4-33 information in the manner authorized under Subchapter F;

4-34 (8) collect and disseminate information regarding  
 4-35 offenders with mental impairments in compliance with Chapter 614,  
 4-36 Health and Safety Code; and

4-37 (9) record data and maintain a state database for a  
 4-38 computerized criminal history record system and computerized  
 4-39 juvenile justice information system that serves:

4-40 (A) as the record creation point for criminal  
 4-41 history record information and juvenile justice information  
 4-42 maintained by the state; and

4-43 (B) as the control terminal for the entry of  
 4-44 records, in accordance with federal law and regulations, federal  
 4-45 executive orders, and federal policy, into the federal database  
 4-46 maintained by the Federal Bureau of Investigation.

4-47 (g) The department may adopt reasonable rules under this  
 4-48 section relating to:

4-49 (1) law enforcement information systems maintained by  
 4-50 the department;

4-51 (2) the collection, maintenance, and correction of  
 4-52 records;

4-53 (3) reports of criminal history information submitted  
 4-54 to the department;

4-55 (4) active protective orders and reporting procedures  
 4-56 that ensure that information relating to the issuance and dismissal  
 4-57 of an active protective order is reported to the local law  
 4-58 enforcement agency at the time of the order's issuance or dismissal  
 4-59 and entered by the local law enforcement agency in the state's law  
 4-60 enforcement information system;

4-61 (5) the collection of information described by  
 4-62 Subsection (h);

4-63 (6) a system for providing criminal history record  
 4-64 information through the criminal history clearinghouse under  
 4-65 Section 411.0845; and

4-66 (7) active conditions of bond imposed on a defendant  
 4-67 for the protection of a victim in any family violence, sexual  
 4-68 assault or abuse, indecent assault, stalking, or trafficking case,  
 4-69 and reporting procedures that ensure that information relating to

5-1 the issuance, modification, or removal of the conditions of bond is  
 5-2 reported, at the time of the issuance, modification, or removal,  
 5-3 to:

5-4 (A) the victim or, if the victim is deceased, a  
 5-5 close relative of the victim; and

5-6 (B) the local law enforcement agency for entry by  
 5-7 the local law enforcement agency in the state's law enforcement  
 5-8 information system.

5-9 SECTION 11. (a) This section takes effect only if the  
 5-10 comptroller determines that Sections 14 and 69, Chapter 317 (H.B.  
 5-11 7), Acts of the 85th Legislature, Regular Session, 2017, took  
 5-12 effect as provided by H.B. 7.

5-13 (b) The heading to Section 25.07, Penal Code, is amended to  
 5-14 read as follows:

5-15 Sec. 25.07. VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS  
 5-16 OF BOND IN A FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT  
 5-17 OR ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING CASE.

5-18 (c) Section 25.07(a), Penal Code, is amended to read as  
 5-19 follows:

5-20 (a) A person commits an offense if, in violation of a  
 5-21 condition of bond set in a family violence, sexual assault or abuse,  
 5-22 indecent assault, stalking, or trafficking case and related to the  
 5-23 safety of a victim or the safety of the community, an order issued  
 5-24 under Chapter 7A, Code of Criminal Procedure, an order issued under  
 5-25 Article 17.292, Code of Criminal Procedure, an order issued under  
 5-26 Section 6.504, Family Code, Chapter 83, Family Code, if the  
 5-27 temporary ex parte order has been served on the person, Chapter 85,  
 5-28 Family Code, or Subchapter F, Chapter 261, Family Code, or an order  
 5-29 issued by another jurisdiction as provided by Chapter 88, Family  
 5-30 Code, the person knowingly or intentionally:

5-31 (1) commits family violence or an act in furtherance  
 5-32 of an offense under Section 20A.02, 22.011, 22.012, 22.021, or  
 5-33 42.072;

5-34 (2) communicates:

5-35 (A) directly with a protected individual or a  
 5-36 member of the family or household in a threatening or harassing  
 5-37 manner;

5-38 (B) a threat through any person to a protected  
 5-39 individual or a member of the family or household; or

5-40 (C) in any manner with the protected individual  
 5-41 or a member of the family or household except through the person's  
 5-42 attorney or a person appointed by the court, if the violation is of  
 5-43 an order described by this subsection and the order prohibits any  
 5-44 communication with a protected individual or a member of the family  
 5-45 or household;

5-46 (3) goes to or near any of the following places as  
 5-47 specifically described in the order or condition of bond:

5-48 (A) the residence or place of employment or  
 5-49 business of a protected individual or a member of the family or  
 5-50 household; or

5-51 (B) any child care facility, residence, or school  
 5-52 where a child protected by the order or condition of bond normally  
 5-53 resides or attends;

5-54 (4) possesses a firearm;

5-55 (5) harms, threatens, or interferes with the care,  
 5-56 custody, or control of a pet, companion animal, or assistance  
 5-57 animal that is possessed by a person protected by the order or  
 5-58 condition of bond; or

5-59 (6) removes, attempts to remove, or otherwise tampers  
 5-60 with the normal functioning of a global positioning monitoring  
 5-61 system.

5-62 (d) The heading to Section 25.072, Penal Code, is amended to  
 5-63 read as follows:

5-64 Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR  
 5-65 CONDITIONS OF BOND IN FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT,  
 5-66 SEXUAL ASSAULT OR ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING  
 5-67 CASE.

5-68 (e) Sections 25.07 and 25.072, Penal Code, as amended by  
 5-69 this section, apply only to an offense committed on or after the

6-1 effective date of this Act. An offense committed before the  
 6-2 effective date of this Act is governed by the law in effect when the  
 6-3 offense was committed, and the former law is continued in effect for  
 6-4 that purpose. For purposes of this subsection, an offense was  
 6-5 committed before the effective date of this Act if any element of  
 6-6 the offense occurred before that date.

6-7 SECTION 12. (a) This section takes effect only if the  
 6-8 comptroller determines that Sections 14 and 69, Chapter 317 (H.B.  
 6-9 7), Acts of the 85th Legislature, Regular Session, 2017, did not  
 6-10 take effect as provided by H.B. 7.

6-11 (b) The heading to Section 25.07, Penal Code, is amended to  
 6-12 read as follows:

6-13 Sec. 25.07. VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS  
 6-14 OF BOND IN A FAMILY VIOLENCE, [~~CHILD ABUSE OR NEGLECT,~~] SEXUAL  
 6-15 ASSAULT OR ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING CASE.

6-16 (c) Section 25.07(a), Penal Code, is amended to read as  
 6-17 follows:

6-18 (a) A person commits an offense if, in violation of a  
 6-19 condition of bond set in a family violence, sexual assault or abuse,  
 6-20 indecent assault, stalking, or trafficking case and related to the  
 6-21 safety of a victim or the safety of the community, an order issued  
 6-22 under Chapter 7A, Code of Criminal Procedure, an order issued under  
 6-23 Article 17.292, Code of Criminal Procedure, an order issued under  
 6-24 Section 6.504, Family Code, Chapter 83, Family Code, if the  
 6-25 temporary ex parte order has been served on the person, or Chapter  
 6-26 85, Family Code, or an order issued by another jurisdiction as  
 6-27 provided by Chapter 88, Family Code, the person knowingly or  
 6-28 intentionally:

6-29 (1) commits family violence or an act in furtherance  
 6-30 of an offense under Section 20A.02, 22.011, 22.012, 22.021, or  
 6-31 42.072;

6-32 (2) communicates:

6-33 (A) directly with a protected individual or a  
 6-34 member of the family or household in a threatening or harassing  
 6-35 manner;

6-36 (B) a threat through any person to a protected  
 6-37 individual or a member of the family or household; or

6-38 (C) in any manner with the protected individual  
 6-39 or a member of the family or household except through the person's  
 6-40 attorney or a person appointed by the court, if the violation is of  
 6-41 an order described by this subsection and the order prohibits any  
 6-42 communication with a protected individual or a member of the family  
 6-43 or household;

6-44 (3) goes to or near any of the following places as  
 6-45 specifically described in the order or condition of bond:

6-46 (A) the residence or place of employment or  
 6-47 business of a protected individual or a member of the family or  
 6-48 household; or

6-49 (B) any child care facility, residence, or school  
 6-50 where a child protected by the order or condition of bond normally  
 6-51 resides or attends;

6-52 (4) possesses a firearm;

6-53 (5) harms, threatens, or interferes with the care,  
 6-54 custody, or control of a pet, companion animal, or assistance  
 6-55 animal that is possessed by a person protected by the order or  
 6-56 condition of bond; or

6-57 (6) removes, attempts to remove, or otherwise tampers  
 6-58 with the normal functioning of a global positioning monitoring  
 6-59 system.

6-60 (d) The heading to Section 25.072, Penal Code, is amended to  
 6-61 read as follows:

6-62 Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR  
 6-63 CONDITIONS OF BOND IN FAMILY VIOLENCE, [~~CHILD ABUSE OR NEGLECT,~~] SEXUAL ASSAULT OR ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING  
 6-64 CASE.

6-65 (e) Sections 25.07 and 25.072, Penal Code, as amended by  
 6-66 this section, apply only to an offense committed on or after the  
 6-67 effective date of this Act. An offense committed before the  
 6-68 effective date of this Act is governed by the law in effect when the  
 6-69

7-1 offense was committed, and the former law is continued in effect for  
7-2 that purpose. For purposes of this subsection, an offense was  
7-3 committed before the effective date of this Act if any element of  
7-4 the offense occurred before that date.

7-5 SECTION 13. Section 25.07(b), Penal Code, is amended by  
7-6 adding Subdivision (8) to read as follows:

7-7 (8) "Indecent assault" means any conduct that  
7-8 constitutes an offense under Section 22.012.

7-9 SECTION 14. Chapter 7A, Code of Criminal Procedure, as  
7-10 amended by this Act, and Article 17.292, Code of Criminal  
7-11 Procedure, as amended by this Act, apply only to a protective order  
7-12 or magistrate's order for emergency protection that is issued on or  
7-13 after the effective date of this Act. An order issued before the  
7-14 effective date of this Act is governed by the law in effect on the  
7-15 date the order is issued, and the former law is continued in effect  
7-16 for that purpose.

7-17 SECTION 15. Article 56.021(d), Code of Criminal Procedure,  
7-18 as amended by this Act, applies to a victim of criminally injurious  
7-19 conduct for which a judgment of conviction is entered or a grant of  
7-20 deferred adjudication is made on or after the effective date of this  
7-21 Act, regardless of whether the criminally injurious conduct  
7-22 occurred before, on, or after the effective date of this Act.

7-23 SECTION 16. Not later than the 30th day after the effective  
7-24 date of this section, the comptroller shall make the determination  
7-25 described by Sections 11(a) and 12(a) of this Act.

7-26 SECTION 17. (a) Except as provided by Subsection (b) of  
7-27 this section, this Act takes effect September 1, 2019.

7-28 (b) Section 16 of this Act takes effect immediately if this  
7-29 Act receives a vote of two-thirds of all the members elected to each  
7-30 house, as provided by Section 39, Article III, Texas Constitution.  
7-31 If this Act does not receive the vote necessary for immediate  
7-32 effect, Section 16 of this Act takes effect September 1, 2019.

7-33

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