

1-1 By: Hefner, et al. (Senate Sponsor - Hughes) H.B. No. 869
1-2 (In the Senate - Received from the House April 11, 2019;
1-3 April 15, 2019, read first time and referred to Committee on
1-4 Criminal Justice; May 9, 2019, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 9, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12			X	
1-13	X			
1-14	X			

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

1-17 relating to the prosecution of organized criminal activity
1-18 involving the interception, use, or disclosure of certain
1-19 communications.

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

1-21 SECTION 1. Section 71.02(a), Penal Code, is amended to read
1-22 as follows:

1-23 (a) A person commits an offense if, with the intent to
1-24 establish, maintain, or participate in a combination or in the
1-25 profits of a combination or as a member of a criminal street gang,
1-26 the person commits or conspires to commit one or more of the
1-27 following:

1-28 (1) murder, capital murder, arson, aggravated
1-29 robbery, robbery, burglary, theft, aggravated kidnapping,
1-30 kidnapping, aggravated assault, aggravated sexual assault, sexual
1-31 assault, continuous sexual abuse of young child or children,
1-32 solicitation of a minor, forgery, deadly conduct, assault
1-33 punishable as a Class A misdemeanor, burglary of a motor vehicle, or
1-34 unauthorized use of a motor vehicle;

1-35 (2) any gambling offense punishable as a Class A
1-36 misdemeanor;

1-37 (3) promotion of prostitution, aggravated promotion
1-38 of prostitution, or compelling prostitution;

1-39 (4) unlawful manufacture, transportation, repair, or
1-40 sale of firearms or prohibited weapons;

1-41 (5) unlawful manufacture, delivery, dispensation, or
1-42 distribution of a controlled substance or dangerous drug, or
1-43 unlawful possession of a controlled substance or dangerous drug
1-44 through forgery, fraud, misrepresentation, or deception;

1-45 (5-a) causing the unlawful delivery, dispensation, or
1-46 distribution of a controlled substance or dangerous drug in
1-47 violation of Subtitle B, Title 3, Occupations Code;

1-48 (6) any unlawful wholesale promotion or possession of
1-49 any obscene material or obscene device with the intent to wholesale
1-50 promote the same;

1-51 (7) any offense under Subchapter B, Chapter 43,
1-52 depicting or involving conduct by or directed toward a child
1-53 younger than 18 years of age;

1-54 (8) any felony offense under Chapter 32;

1-55 (9) any offense under Chapter 36;

1-56 (10) any offense under Chapter 34, 35, or 35A;

1-57 (11) any offense under Section 37.11(a);

1-58 (12) any offense under Chapter 20A;

1-59 (13) any offense under Section 37.10;

1-60 (14) any offense under Section 38.06, 38.07, 38.09, or
1-61 38.11;

- 2-1 (15) any offense under Section [42.10](#);
- 2-2 (16) any offense under Section [46.06](#)(a)(1) or [46.14](#);
- 2-3 (17) any offense under Section [20.05](#) or [20.06](#); [~~or~~]
- 2-4 (18) any offense under Section [16.02](#); or
- 2-5 (19) any offense classified as a felony under the Tax
- 2-6 Code.

2-7 SECTION 2. The change in law made by this Act applies only
2-8 to an offense committed on or after the effective date of this Act.
2-9 An offense committed before the effective date of this Act is
2-10 governed by the law in effect on the date the offense was committed,
2-11 and the former law is continued in effect for that purpose. For
2-12 purposes of this section, an offense was committed before the
2-13 effective date of this Act if any element of the offense occurred
2-14 before that date.

2-15 SECTION 3. This Act takes effect September 1, 2019.

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