

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-NINTH DAY — FRIDAY, MAY 18, 2007

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1543).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent — Moreno.

The invocation was offered by Bob Mullen, minister, Westworth Church of Christ, Fort Worth, as follows:

God, we give you praise for this day of life. As you were present when this Capitol building was dedicated 119 years ago today, we are confident that you are present with us this day.

We ask that these representatives be given a special measure of wisdom as they deliberate the business before this house today. We pray that these men and women, from many walks of life and from many experiences, will come together to do their best to help bless the citizens of this great state. Be with these men and women as they listen to information, listen to each other, and come to conclusions about matters that can affect millions of lives. Amen.

The speaker recognized Representative Geren who led the house in the pledges of allegiance to the United States and Texas flags.

### CAPITOL PHYSICIAN

The speaker recognized Representative Gattis who presented Dr. Jennifer Cameron of Georgetown as the "Doctor for the Day."

The house welcomed Dr. Cameron and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

### BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

### REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Gattis and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

### HCR 114 - ADOPTED (by Farabee)

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HCR 114**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 114**, In memory of the Honorable John J. Gavin of Wichita Falls.

**HCR 114** was read and was unanimously adopted by a rising vote.

On motion of Representative Hardcastle, the names of all the members of the house were added to **HCR 114** as signers thereof.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Farabee who introduced family members of the Honorable John J. Gavin.

### HR 1946 - ADOPTED (by Murphy)

Representative Murphy moved to suspend all necessary rules to take up and consider at this time **HR 1946**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1946**, Congratulating Diane Yoo on being named Miss Korea Texas.

**HR 1946** was read and was adopted.

#### **INTRODUCTION OF GUEST**

The speaker recognized Representative Murphy who introduced Diane Yoo.

#### **HR 1952 - ADOPTED (by Goolsby and Hartnett)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 1952**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1952**, In memory of James M. "Jimmy" Moroney, Jr., of Dallas.

**HR 1952** was read and was unanimously adopted by a rising vote.

On motion of Representatives Branch and Hartnett, the names of all the members of the house were added to **HR 1952** as signers thereof.

#### **INTRODUCTION OF GUEST**

The speaker recognized Representative Goolsby who introduced James M. Moroney, III, publisher of *The Dallas Morning News*.

#### **HR 2241 - ADOPTED (by Gallego)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 2241**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2241**, Honoring Fort Stockton Mayor Antonio Perez Villarreal for his career in public service.

**HR 2241** was read and was adopted.

On motion of Speaker Craddick, the names of all the members of the house were added to **HR 2241** as signers thereof.

#### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Gallego who introduced Mayor Antonio Perez Villarreal and members of his family.

#### **HR 1965 - ADOPTED (by O'Day)**

Representative O'Day moved to suspend all necessary rules to take up and consider at this time **HR 1965**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1965**, Congratulating State Representative Dennis Bonnen and Kim Bonnen on the birth of their son, Gregory James Bonnen.

**HR 1965** was read and was adopted.

(Moreno now present)

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 41).

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Chisum on motion of Zerwas.

(McClendon in the chair)

### **CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HCR 232** (by Craddick), Congratulating Ernesto Munoz of Midland on being named a 2007 Exemplary Migrant Student by the Migrant Student Graduation Enhancement Program of The University of Texas at Austin.

**HCR 248** (by Hilderbran), Honoring Fred H. Tally Elementary School in Kerrville on its selection as a 2006-2007 National Title I Distinguished School.

**HR 1660** (by Guillen), Recognizing April 26, 2007, as Zapata County Day at the State Capitol.

**HR 1736** (by Leibowitz), Honoring Michael Herzik on being named a finalist in the National Hispanic Recognition Program.

**HR 1737** (by Leibowitz), Honoring Andrew Houston on being named a finalist in the National Hispanic Recognition Program.

**HR 1738** (by Leibowitz), Honoring Katrina Rajunov on being named a finalist in the National Hispanic Recognition Program.

**HR 1739** (by Leibowitz), Honoring Julian Ordaz-Fernandez on being named a finalist in the National Hispanic Recognition Program.

**HR 1740** (by Leibowitz), Honoring Ommar Bribiesca on being named a finalist in the National Hispanic Recognition Program.

**HR 1741** (by Leibowitz), Honoring Sean Glover on being named a finalist in the National Hispanic Recognition Program.

**HR 1742** (by Leibowitz), Honoring John Curran on being named a finalist in the National Hispanic Recognition Program.

**HR 1743** (by Leibowitz), Honoring Adam Carillo on being named a finalist in the National Hispanic Recognition Program.

**HR 1744** (by Leibowitz), Honoring Mark Rocha on being named a finalist in the National Hispanic Recognition Program.

**HR 1745** (by Leibowitz), Honoring Mark Stone of O'Connor High School on being named the 2007 Campus High School Educator of the Year by the Northside Independent School District.

**HR 1746** (by Leibowitz), Honoring Adrian Lopez-Mobilia on being named a finalist in the National Hispanic Recognition Program.

**HR 1747** (by Leibowitz), Honoring Ashley Guerra on being named a finalist in the National Hispanic Recognition Program.

**HR 1748** (by Leibowitz), Honoring Roxanne Ramirez of Rayburn Middle School on being named the 2007 Campus Middle School First Year Educator of the Year by the Northside Independent School District.

**HR 1749** (by Leibowitz), Honoring Cesar Medrano on being named a finalist in the National Hispanic Recognition Program.

**HR 1750** (by Leibowitz), Honoring Dr. Bloyce H. Britton of San Antonio for his contributions to the community.

**HR 1751** (by Leibowitz), Recognizing Jesse Lozano of San Antonio for winning the 2007 Region VI Chess Championships and the Susan Polgar Scholarship.

**HR 1752** (by Leibowitz), Congratulating Jason Wester and Nina Salinas on the opening of their new business in Helotes.

**HR 1753** (by Leibowitz), Honoring Kathleen Henckel of Clark High School on being named the 2007 Campus High School Educator of the Year by the Northside Independent School District.

**HR 1754** (by Leibowitz), Honoring James Joseph of Clark High School on being named the 2007 Campus High School First Year Educator of the Year by the Northside Independent School District.

**HR 1755** (by Leibowitz), Honoring Alison White of Rayburn Middle School on being named the 2007 Campus Middle School Educator of the Year by the Northside Independent School District.

**HR 1756** (by Harper-Brown), Commemorating the 50th anniversary of the founding of Plymouth Park Baptist Church in Irving.

**HR 1757** (by R. Cook), Honoring the city of Bastrop on its 175th anniversary.

**HR 1758** (by Flynn), Honoring Sarah Monroe Wells of Van Zandt County on her 90th birthday.

**HR 1760** (by Farabee), Honoring Carroll Wilson on his retirement as editor-in-chief of the Wichita Falls Times Record News.

**HR 1763** (by Gallego), Commemorating the dedication of Lieutenant Thomas Romanelli Memorial Park in Del Rio on May 9, 2007.

**HR 1765** (by Gallego), Congratulating Captain Abelardo Paniagua of the Del Rio Police Department on his retirement.

**HR 1767** (by Gallego), Recognizing Del Rio firefighter Daniel Young on his selection as 2006 Firefighter of the Year.

**HR 1768** (by Gallego), Recognizing Jason Ford on his receipt of the Del Rio Fire and Rescue Department's 2006 Medal of Merit.

**HR 1769** (by Gallego), Congratulating Sergeant Raul Arrendondo of the Del Rio Police Department on his retirement.

**HR 1770** (by Gallego), Honoring retired Master Sergeant Jose Martinez of Del Rio for his service to his country and his community.

**HR 1771** (by Gallego), Honoring the 2007 Big Bend Air Show in Alpine.

**HR 1772** (by B. Brown), Congratulating Dr. Thomas Autry Wallis of the Mabank Independent School District on being selected as the 2007 Texas Secondary School Principal of the Year by the Texas Association of Secondary School Principals.

**HR 1773** (by Driver), Honoring Captain Clifton H. Grumbles of San Antonio on his retirement from the Texas Department of Public Safety.

**HR 1774** (by D. Howard), Honoring the Austin Symphonic Band on its 25th anniversary.

**HR 1775** (by Leibowitz), Honoring Felicia Quiroz of Adams Hill Elementary School on being named the 2007 Campus Elementary First Year Educator of the Year by the Northside Independent School District.

**HR 1776** (by Leibowitz), Honoring Belinda Martinez of Adams Hill Elementary School on being named the 2007 Campus Elementary Educator of the Year by the Northside Independent School District.

**HR 1777** (by Leibowitz), Honoring Amber Haby of Galm Elementary School on being named the 2007 Campus Elementary First Year Educator of the Year by the Northside Independent School District.

**HR 1778** (by Leibowitz), Honoring Hope Gonzales of Galm Elementary School on being named the 2007 Campus Elementary Educator of the Year by the Northside Independent School District.

**HR 1779** (by Leibowitz), Honoring Katia Lopez of Lackland City Elementary School on being named the 2007 Campus Elementary First Year Educator of the Year by the Northside Independent School District.

**HR 1780** (by Leibowitz), Honoring Karen Billnitzer of Lackland City Elementary School on being named the 2007 Campus Elementary Educator of the Year by the Northside Independent School District.

**HR 1781** (by Leibowitz), Honoring Lizette Ballesteros of Valley Hi Elementary School on being named the 2007 Campus Elementary First Year Educator of the Year by the Northside Independent School District.

**HR 1782** (by Leibowitz), Honoring Donita Montgomery of Valley Hi Elementary School on being named the 2007 Campus Elementary Educator of the Year by the Northside Independent School District.

**HR 1783** (by Leibowitz), Honoring William Kingsbery of O'Connor High School on being named the 2007 Campus High School First Year Educator of the Year by the Northside Independent School District.

**HR 1784** (by Leibowitz), Congratulating Trevor Ohman of Clark High School in San Antonio on being named a National Merit Scholar semifinalist.

**HR 1785** (by Leibowitz), Congratulating Dahlia Baldinger of Clark High School in San Antonio on being named a National Merit Scholar semifinalist.

**HR 1786** (by Leibowitz), Honoring Hunter Ellis on being named a finalist in the National Hispanic Recognition Program.

**HR 1787** (by Leibowitz), Congratulating Nathan Swaney of O'Connor High School in San Antonio on being named a National Merit Scholar semifinalist.

**HR 1788** (by Leibowitz), Honoring Susie Diaz of Helotes Elementary School on being named the 2007 Campus Elementary Educator of the Year by the Northside Independent School District.

**HR 1789** (by Dutton), Honoring Ernest McMillan of Houston on his retirement as the CEO and executive director of the Fifth Ward Enrichment Program.

**HR 1790** (by Martinez Fischer), Honoring the League of Women Voters of the San Antonio Area.

**HR 1791** (by Jones), Honoring the memory of Clifton H. Cummings of Lubbock on the occasion of the annual Furr's, Inc., employee reunion.

**HR 1794** (by Flynn), Honoring the drama department of Van High School on its many successes.

**HR 1796** (by Hughes), Congratulating the Honorable Charles "Chad" Everingham IV on his appointment as the first U.S. Magistrate Judge to serve the Marshall Division, Eastern District of Texas, on a full-time basis.

**HR 1798** (by Menendez), Honoring Dr. Charles Holshouser for his service to the citizens of San Antonio.

**HR 1800** (by Patrick), Commemorating the 25th anniversary of the founding of Miller Elementary School in Arlington.

**HR 1801** (by Peña), Honoring Elva Jackson Garza of Edinburg for her contributions to her community.

**HR 1802** (by Peña), Honoring Robert Capello of Edcouch-Elsa High School for his success as a basketball coach and his record of athletic achievement.

**HR 1803** (by Murphy), Honoring Ray Miller on his contributions to the broadcasting industry and to Harris County.

**HR 1804** (by Murphy), Honoring the Houston Young Republicans for their participation in the political process.

**HR 1806** (by Martinez), Honoring Sylvia G. Pena on her 50th birthday.

**HR 1811** (by Guillen), Congratulating Gabriel Salinas III of Roma on his success at the 2006 Amateur Athletic Union Junior Olympic Games.

**HR 1812** (by Murphy), Honoring Louie Welch, former mayor of Houston, on his civic and professional achievements.

**HR 1813** (by Murphy), Honoring Houston Chronicle editor emeritus Jack Loftis for his career achievements and for his contributions to his community.

**HR 1814** (by Murphy), Honoring Drayton McLane, chairman and CEO of the Houston Astros.

**HR 1815** (by Murphy), Honoring the Asian Chamber of Commerce 2007 Entrepreneurs of the Year.

**HR 1816** (by J. Davis), Honoring the Reverend Alberto Arcilla Maullon, Jr., on 25 years of service to the Archdiocese of Galveston-Houston.

**HR 1819** (by Naishtat), Honoring Texas Foster Youth, Inc.

**HR 1821** (by Flynn), Honoring Ray and Jerry Kirkpatrick of Grand Saline on their 50th wedding anniversary.

**HR 1822** (by Flynn), Recognizing June 15 and 16, 2007, as Audie Murphy Days in Greenville and Hunt County.

**HR 1824** (by Heflin), Recognizing the Honorable Giles W. Dalby on his retirement as Garza County Judge.

**HR 1825** (by Heflin), Congratulating the Honorable William Hardin on his retirement as the county judge of Floyd County.

**HR 1827** (by Crownover), Honoring George Reynolds Brown of Midland on his 90th birthday.

**HR 1828** (by Harper-Brown), Honoring the career of Cherie Clodfelter on the occasion of her retirement from the University of Dallas.

**HR 1830** (by T. Smith), Congratulating Tiffany Burgess of Trinity High School on being named a 2006-2007 National Achievement Scholar.

**HR 1831** (by T. Smith), Honoring Euless city manager Joe Hennig on his retirement.

**HR 1832** (by T. Smith), Congratulating Ron and Charlessa Crittenden of Hurst on their 50th wedding anniversary.

**HR 1833** (by T. Smith), Honoring Tracy Duren, Mike "Doc" Mike Pruitt, and Jessica Ferris for saving the life of a student at Trinity High School in Euless.

**HR 1834** (by T. Smith), Congratulating Linda Kay and Harlon E. Smith of Hurst on their 50th anniversary.



**HR 1835** (by T. Smith), Congratulating Gene and Myrth Faurot of Hurst on their 50th wedding anniversary.

**HR 1836** (by Aycock and Delisi), Honoring the 125th anniversary of the founding of Killeen.

**HR 1837** (by Allen), Honoring Dr. Robert F. Austin of Houston on his 75th birthday.

**HR 1840** (by Farabee), Honoring the Rider High School boys' soccer team of Wichita Falls for winning the 2007 Class 4A state title.

**HR 1841** (by Dutton), Congratulating Lisa Phillip of Houston on her selection as the 2007 Small Business Exporter of the Year by the Houston District Office of the U.S. Small Business Administration.

**HR 1842** (by Dutton), Congratulating Sheila Lee Coates of Katy on her selection as the 2007 Home-Based Business Champion of the Year by the Houston District Office of the U.S. Small Business Administration.

**HR 1843** (by Dutton), Congratulating Valerie Boudreaux-Allen of Houston on her selection as the 2007 Women in Business Champion of the Year by the Houston District Office of the U.S. Small Business Administration.

**HR 1848** (by Herrero), Honoring Johnny Canales for his achievements and community service and commemorating the founding of the Johnny Canales International Chapter of the American GI Forum.

**HR 1849** (by Leibowitz), Honoring Constance Bridges of San Antonio on her receipt of a 2007 Texas Excellence Award for Outstanding Teachers from the UT Texas Exes.

**HR 1850** (by Leibowitz), Congratulating Ed Suarez of the South San Antonio Independent School District on his receipt of two Texas School Public Relations Association Gold Star Awards for excellence in school communications.

**HR 1851** (by Leibowitz), Honoring Mark E. Moseley of Helotes on his receipt of a 2007 Outstanding Achievement Award for Stewardship from the Society for Range Management.

**HR 1859** (by Y. Davis), Commending Chidi Umez for her service as a legislative intern in the office of Representative Yvonne Davis.

**HR 1860** (by Y. Davis), Congratulating Dallas city manager Mary K. Suhm on her selection as the 2007 North Texas Public Administrator of the Year.

**HR 1861** (by Y. Davis), Congratulating Ruby J. Scott on her receipt of the Anthonette Hardemen Award from the Dallas Council of PTAs.

**HR 1862** (by Y. Davis), Congratulating Kathlyn Gilliam on her receipt of a Texas PTA Life Membership Award and a National PTA Life Achievement Award.

**HR 1863** (by Y. Davis), Congratulating Pamela Craddock on her receipt of a Texas PTA Extended Service Award.

**HR 1868** (by Naishtat), Congratulating Julia Eleanor Griffith Goodacre and Robert Forrest Goodacre of Austin on the birth of their daughter, Audrey Eleanor Goodacre.

**HR 1869** (by T. Smith), Congratulating John and Paula Juengerman on their 50th wedding anniversary.

**HR 1874** (by Delisi), Recognizing May 3, 2007, as the National Day of Prayer in Texas.

**HR 1876** (by Noriega), Commemorating the 70th anniversary of Stephen F. Austin High School in Houston.

**HR 1881** (by Talton), Congratulating Pastor Edward Bryan Morrison of Deer Park on his retirement.

**HR 1882** (by W. Smith), Recognizing Baytown city councilman Sammy Mahan for his professional and civic accomplishments.

**HR 1884** (by W. Smith), Honoring Dr. Richard Thomson on being named the Outstanding Baytown Texas Ex for 2007 by the Baytown Texas Exes.

**HR 1885** (by W. Smith), Honoring attorney Maria Andrea Sanchez of Houston for her achievements and congratulating her on her recognition in More magazine.

**HR 1889** (by Dutton), Congratulating Ebony M. Jackson on graduating in the top 10 percent of her class at E. L. Furr High School in Houston.

**HR 1890** (by Hughes), Honoring Bob and Bernita Measles of Mineola on their 50th wedding anniversary.

**HR 1892** (by Martinez), Honoring former Mercedes High School baseball player Arturo Gonzalez.

**HR 1893** (by Hancock), Recognizing the nursing staff of North Hills Hospital in North Richland Hills on the occasion of National Nurses Week 2007.

**HR 1894** (by Hancock), Commemorating the opening of Dr. Pillow Park in North Richland Hills.

**HR 1898** (by Creighton), Honoring W. L. "Blackie" Bilnoski on his retirement from the Willis City Council.

**HR 1899** (by Kolkhorst), Congratulating the Blinn College football team on winning the 2006 National Junior College Athletic Association championship.

**HR 1901** (by Dutton), Congratulating Michele Falzon of Friendswood on the selection of F. W. Gartner Thermal Spraying, Ltd. as the 2007 Jeffrey Butland Family-Owned Business of the Year by the Houston District Office of the U.S. Small Business Administration.

**HR 1902** (by Dutton), Congratulating Constance Jones on her selection as the 2007 Minority Small Business Champion of the Year by the Houston District Office of the U.S. Small Business Administration.

**HR 1903** (by Dutton), Congratulating Bruce Smith on his selection as the 2007 Small Business Person of the Year by the Houston District Office of the U.S. Small Business Administration.

**HR 1905** (by Dutton), Congratulating Rhonda Lewis on her selection as the 2007 Financial Services Champion of the Year by the Houston District Office of the U.S. Small Business Administration.

**HR 1907** (by Dutton), Congratulating John Hernandez on his selection as the 2007 Young Entrepreneur of the Year by the Houston District Office of the U.S. Small Business Administration.

**HR 1908** (by Craddick), Congratulating William Logsdon on his receipt of a Midland Civics Teacher Award from the Bill of Rights Institute.

**HR 1909** (by Craddick), Congratulating Erik Rook on his receipt of a Midland Civics Teacher Award from the Bill of Rights Institute.

**HR 1910** (by Craddick), Congratulating Tammie Logsdon on her receipt of a Midland Civics Teacher Award from the Bill of Rights Institute.

**HR 1915** (by Merritt), Congratulating Bill Parrott on being named Citizen of the Year by the Lindale Chamber of Commerce.

**HR 1916** (by Parker), Honoring the Texas Army National Guard soldiers from House District 63 who have returned from duty in Iraq and Afghanistan.

**HR 1917** (by Parker), Congratulating Cloyce Purcell on his retirement as superintendent of Pilot Point ISD.

**HR 1918** (by Villarreal), Commending G. W. Brackenridge High School on its receipt of the College Board 2007 Inspiration Award.

**HR 1920** (by Quintanilla), Honoring Ignacio G. and Victoria R. Apodaca of Socorro on their 50th wedding anniversary.

**HR 1921** (by Leibowitz), Honoring Rebecca Toolan of Palo Alto Elementary School on her selection as the Teacher of the Year by the South San Antonio Independent School District and as the recipient of the KENS 5/ExCEL Award.

**HR 1924** (by Hill), Honoring Jack Lindamood, Michelle Berger, and Matthew Dempsey of UT Dallas for placing in the top 20 at the World Finals of the Association for Computing Machinery International Collegiate Programming Contest.

**HR 1925** (by Hill), Honoring Sara Stephens and Brian Rubaie of the UT Dallas Debate Team for competing at the National Debate Tournament.

**HR 1926** (by Hill), Congratulating The University of Texas at Dallas chess team for winning first place at the Final Four Intercollegiate Team Chess Championship.

**HR 1927** (by Rose), Recognizing the student members of the boards of regents of the public universities of Texas.

**HR 1928** (by Castro), Congratulating Jason Aragorn Kingsford of San Antonio on achieving the rank of Eagle Scout.

**HR 1929** (by Castro), Congratulating Principal James Buchanan of Communications Arts High School in San Antonio on winning the Friend of the Profession Award from the Southwest Conference on Language Teaching.

**HR 1930** (by B. Brown), Commending Horace P. Flatt for his career achievements and service to the United States.

**HR 1931** (by B. Brown), Honoring the life of Elise Amalie Tvede Waerenskjold for her contributions to the State of Texas.

**HR 1932** (by Latham), Commemorating the 50th anniversary of the Mesquite Championship Rodeo in 2007.

**HR 1933** (by Chisum), Honoring Parmer County on the 100th anniversary of its founding.

**HR 1934** (by Gattis), Congratulating the Cedar Park Fire Department for being named the top EMS first-responder organization in Texas for 2006.

**HR 1935** (by Gattis), Honoring Leander Independent School District Superintendent Tom Glenn on his retirement.

**HR 1939** (by Dutton), Honoring the life and achievements of the late artist and activist Paul Robeson.

**HR 1943** (by Delisi), Honoring young inventor and entrepreneur Joel Williams, Jr., of Troy.

**HR 1944** (by Delisi), Congratulating Allison Dickson of Temple on her graduation from Baylor Law School.

**HR 1945** (by Martinez), Congratulating Dr. Gene Lester and Dr. Yin-Tung Wang of Weslaco on being named Fellows by the American Society for Horticultural Science.

**HR 1946** was previously adopted.

**HR 1947** (by Villarreal), Congratulating the educators and administrators who have earned 2007 H-E-B Excellence in Education Awards.

**HR 1957** (by Guillen), Honoring Edmundo B. Garcia, Jr., for his service as county judge of Duval County.

**HR 1960** (by B. Brown), Congratulating Chief James M. Smith for receiving the award of public service from the Texas Commission of Law Enforcement Officer Standards and Education.

**HR 1961** (by McCall and Madden), Congratulating the Plano West High School girls' soccer team on winning its fourth state title.

**HR 1962** (by McCall and Madden), Honoring Beverly Halperin for her service to the Plano Chamber of Commerce.

**HR 1976** (by Gattis), Recognizing retiring Cameron ISD superintendent Maxie Morgan.

**HR 1978** (by Martinez), Congratulating the Weslaco East High School girls' basketball team on winning the District 32-4A championship.

**HR 1980** (by J. Davis and Taylor), Congratulating Clear Creek ISD CFO Paul McLarty on earning the Distinguished Budget Presentation award from the Government Finance Officers Association.

**HR 1981** (by S. King), Commemorating the 42nd Annual Armed Forces Barbecue in Abilene.

**HR 1987** (by Hilderbran), Commending Bruce Rigler for his service to the Plainview community.

**HR 1988** was previously adopted.

**HR 1990** (by Vaught), Honoring Texas writer Lawrence Wright for winning the Pulitzer Prize for nonfiction for his book *The Looming Tower: Al-Qaeda and the Road to 9/11*.

**HR 1991** (by Branch), Congratulating members of the Highland Park High School science team on their success at the Class 4A Region II Academic Meet.

**HR 1992** (by Branch), Honoring the girls' swimming and diving team of Highland Park High School in Dallas for winning the UIL Class 4A state championship for 2006-2007.

**HR 1995** (by Hughes), Congratulating Charles and Mae Brown on being named the Man and Woman of the Year by the Big Sandy Chamber of Commerce.

**HR 1997** (by Branch), Congratulating the SMU cheer and dance teams on their success at the National Collegiate Cheer and Dance Championships.

**HR 1999** was withdrawn.

**HR 2000** (by Laubenberg and Miller), Recognizing May 11, 2007, as the 2007 China Textiles Materials Trade and Cooperation Delegation Day at the State Capitol.

**HR 2001** (by Leibowitz), Honoring Angie D'Ambrosio of San Antonio on being named a finalist for an HEB Excellence in Education Leadership Award.

**HR 2003** (by Craddick), Honoring Margaret Elizabeth Crouch Tiner and David Daniel Tiner of Crane on their public service.

**HR 2004** (by Craddick), Honoring Midland ISD's Volunteers in Public Schools.

**HR 2005** (by Chavez), Honoring Raymond Ochoa for serving as Democratic chair of Precinct 2 in El Paso County.

**HR 2006** (by Chavez), Honoring Ruben John Vogt for serving as Democratic chair of Precinct 3 in El Paso County.

**HR 2007** (by Chavez), Honoring Moises Munoz for serving as Democratic chair of Precinct 4 in El Paso County.

**HR 2008** (by Chavez), Honoring Peggy Janosek for serving as Democratic chair of Precinct 5 in El Paso County.

**HR 2009** (by Chavez), Honoring Jim Schewherr for serving as Democratic chair of Precinct 6 in El Paso County.

**HR 2010** (by Chavez), Honoring Carolyn Diamond for serving as Democratic chair of Precinct 8 in El Paso County.

**HR 2011** (by Chavez), Honoring Marco A. Marquez for serving as Democratic chair of Precinct 9 in El Paso County.

**HR 2012** (by Chavez), Honoring Paul Geneson for serving as Democratic chair of Precinct 10 in El Paso County.

**HR 2013** (by Chavez), Honoring Kevin Quinn for serving as Democratic chair of Precinct 11 in El Paso County.

**HR 2014** (by Chavez), Honoring Tim Fierro for serving as Democratic chair of Precinct 12 in El Paso County.

**HR 2015** (by Chavez), Honoring Porfirio O. Alvarado, Jr., for serving as Democratic chair of Precinct 15 in El Paso County.

**HR 2016** (by Chavez), Honoring Dexter Katzman for serving as Democratic chair of Precinct 16 in El Paso County.

**HR 2017** (by Chavez), Honoring Miguel A. Torres for serving as Democratic chair of Precinct 17 in El Paso County.

**HR 2018** (by Chavez), Honoring Jim Fitzgerald for serving as Democratic chair of Precinct 18 in El Paso County.

**HR 2019** (by Chavez), Honoring Mary Lyerly for serving as Democratic chair of Precinct 19 in El Paso County.

**HR 2020** (by Chavez), Honoring Don Kirkpatrick for serving as Democratic chair of Precinct 20 in El Paso County.

**HR 2021** (by Chavez), Honoring Michael Charter for serving as Democratic chair of Precinct 21 in El Paso County.

**HR 2022** (by Chavez), Honoring Clinton Cross for serving as Democratic chair of Precinct 22 in El Paso County.

**HR 2023** (by Chavez), Honoring Marie "Pee Wee" Mier for serving as Democratic chair of Precinct 23 in El Paso County.

**HR 2024** (by Chavez), Honoring Joseph William Delgado for serving as Democratic chair of Precinct 25 in El Paso County.

**HR 2025** (by Bolton), Congratulating Giang Hoang of Paredes Middle School in Austin on her receipt of a 2007 READ 180 All-Star Award.

**SCR 38** (B. Brown - House Sponsor), Commemorating the 200th anniversary of the birth of James Pinckney Henderson.

**SCR 70** (D. Howard - House Sponsor), Congratulating Lawrence Wright for being awarded the 2007 Pulitzer Prize for General Nonfiction.

**SCR 71** (Puente and T. King - House Sponsors), Commending the farmers of Medina and Uvalde Counties in the Edwards Aquifer region for their water conservation efforts.

**SCR 72** (Noriega - House Sponsor), Recognizing May 4, 2007, as East End Chamber Day.

The resolutions were adopted.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session, 10:30 a.m. today, in 3W.9, for a formal meeting, to consider a calendar.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 10:30 a.m. today, 3W.9, for a formal meeting, to consider a calendar.

#### **SB 1125 - RECOMMITTED**

Representative Hartnett moved to recommit **SB 1125** to the Committee on Judiciary.

The motion prevailed.

#### **HR 1339 - READ**

**(by Bolton, Naishtat, Dukes, Rodriguez, and D. Howard)**

The chair laid out and had read the following previously adopted resolution:

**HR 1339**, Congratulating Jody Conratt on her retirement and her achievements as head coach of The University of Texas women's basketball team.

#### **HR 1339 - MOTION TO ADD NAMES**

On motion of the Travis County Delegation, the names of all the members of the house were added to **HR 1339** as signers thereof.

#### **INTRODUCTION OF GUEST**

The chair recognized Representative Bolton who introduced Jody Conratt who briefly addressed the house.

#### **HR 2269 - ADOPTED**

**(by Mowery)**

Representative Mowery moved to suspend all necessary rules to take up and consider at this time **HR 2269**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2269**, In memory of Jimmie Doris Bland of Osage.

**HR 2269** was unanimously adopted by a rising vote.

(Speaker in the chair)

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Berman requested permission for the Committee on Elections to meet while the house is in session, 10:45 a.m. today, in 3N.3, for a formal meeting, to consider **SJR 68**.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Elections, 10:45 a.m. today, 3N.3, for a formal meeting, to consider **SJR 68**.

#### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Isett who introduced head coach of the Texas Tech Lady Raiders basketball team Marcia Sharp who briefly addressed the house.

(McClendon in the chair)

#### **RESOLUTIONS ADOPTED**

Representative Parker moved to suspend all necessary rules in order to take up and consider at this time **HR 2279 - HR 2284, HR 2286 - HR 2303, HR 2305 - HR 2369, and HR 2373**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 2279** (by Noriega), In memory of U.S. Army Master Sergeant Ivica Jerak of Houston.

**HR 2280** (by Noriega), In memory of U.S. Army Sergeant Michael T. Robertson of Houston.

**HR 2281** (by Noriega), In memory of U.S. Army Staff Sergeant Terrence D. Dunn of Houston.

**HR 2282** (by Noriega), In memory of U.S. Army Staff Sergeant Alberto Virrueta Sanchez of Houston.

**HR 2283** (by Noriega), In memory of U.S. Marine Staff Sergeant William D. Richardson of Houston.

**HR 2284** (by Noriega), In memory of U.S. Army Staff Sergeant Timothy J. Roark of Houston.

**HR 2286** (by Flynn), In memory of U.S. Army National Guard Staff Sergeant Sean B. Berry of Mansfield.



**HR 2287** (by Gattis), In memory of U.S. Marine Lance Corporal Phillip C. George of Houston.

**HR 2288** (by Eissler), In memory of U.S. Army Sergeant Michael C. Taylor of Hockley.

**HR 2289** (by Eissler), In memory of U.S. Army Specialist Hoby F. Bradfield, Jr., of The Woodlands.

**HR 2290** (by Eissler), In memory of U.S. Air Force Technical Sergeant Walter M. Moss, Jr., of Houston.

**HR 2291** (by Lucio), In memory of U.S. Marine Lance Corporal Samuel Tapia of San Benito.

**HR 2292** (by Thompson), In memory of U.S. Army Staff Sergeant Jerry M. Durbin, Jr., of Spring.

**HR 2293** (by Morrison), In memory of U.S. Marine Corporal Andres Aguilar, Jr., of Victoria.

**HR 2294** (by Corte), In memory of U.S. Marine Lance Corporal Stephen J. Perez of San Antonio.

**HR 2295** (by Madden), In memory of U.S. Marine Corporal Tyler S. Trovillion of Richardson.

**HR 2296** (by Corte), In memory of U.S. Army Sergeant First Class John S. Stephens of San Antonio.

**HR 2297** (by Corte), In memory of U.S. Army Private First Class Nathaniel A. Given of Dickinson.

**HR 2298** (by Chavez), In memory of U.S. Army Sergeant First Class Russell P. Borea of El Paso.

**HR 2299** (by Chavez), In memory of U.S. Army Sergeant First Class Ruben J. Villa, Jr., of El Paso.

**HR 2300** (by Chavez), In memory of U.S. Marine Lance Corporal Miguel Terrazas of El Paso.

**HR 2301** (by Quintanilla), In memory of U.S. Army Sergeant Israel Devora Garcia of Clint.

**HR 2302** (by Creighton), In memory of U.S. Army Sergeant Reyes Ramirez of Willis.

**HR 2303** (by Creighton), In memory of U.S. Marine Corporal John R. Stalvey of Conroe.

**HR 2305** (by Macias), In memory of U.S. Army Lieutenant Colonel Daniel E. Holland of San Antonio.

**HR 2306** (by Garcia), In memory of U.S. Marine Sergeant Jonathan J. Simpson of Rockport.

**HR 2307** (by Zedler), In memory of U.S. Army Specialist Richard A. Smith of Grand Prairie.

**HR 2308** (by Orr), In memory of U.S. Army Staff Sergeant Johnnie V. Mason of Rio Vista.

**HR 2309** (by Swinford), In memory of U.S. Army Sergeant Roberto Arizola, Jr., of Laredo.

**HR 2310** (by Swinford), In memory of U.S. Army Private Troy D. Cooper of Amarillo.

**HR 2311** (by Flores), In memory of U.S. Marine Lance Corporal Jonathan R. Flores of San Antonio.

**HR 2312** (by Flores), In memory of U.S. Army First Lieutenant Laura M. Walker of Texas.

**HR 2313** (by Menendez), In memory of U.S. Marine Corporal Jose A. Galvan of San Antonio.

**HR 2314** (by Menendez), In memory of U.S. Army First Lieutenant David M. Fraser of Houston.

**HR 2315** (by Menendez), In memory of U.S. Army Reserve Lieutenant Colonel Albert E. Smart II of San Antonio.

**HR 2316** (by Menendez), In memory of U.S. Army Private First Class Nickolas A. Tanton of San Antonio.

**HR 2317** (by Giddings), In memory of U.S. Army Staff Sergeant Brian L. Mintzclaff of Fort Worth.

**HR 2318** (by McReynolds), In memory of U.S. Army Specialist Carl A. Eason of Lovelady.

**HR 2319** (by Kuempel), In memory of U.S. Marine Corporal John M. Longoria of Nixon.

**HR 2320** (by Kuempel), In memory of U.S. Marine Major Ramon J. Mendoza, Jr., of Nixon.

**HR 2321** (by Parker), In memory of U.S. Army Specialist Ernest W. Dallas, Jr., of Denton.

**HR 2322** (by Parker), In memory of U.S. Army Second Lieutenant Johnny K. Craver of McKinney.

**HR 2323** (by Parker), In memory of U.S. Army Second Lieutenant Emily J. T. Perez of Texas.

**HR 2324** (by Parker), In memory of U.S. Army Captain Travis L. Patriquin of Texas.

**HR 2325** (by S. King), In memory of U.S. Marine Lance Corporal Mario A. Castillo of Brownwood.

**HR 2326** (by Gallego), In memory of U.S. Army Sergeant Jeffery S. Wiekamp of Utopia.

**HR 2327** (by Gallego), In memory of U.S. Army Staff Sergeant Jose A. Lanzarin of Lubbock.

**HR 2328** (by R. Cook), In memory of U.S. Air Force Staff Sergeant Brian McElroy of San Antonio.

**HR 2329** (by R. Cook), In memory of U.S. Army Private First Class Tina M. Priest of Austin.

**HR 2330** (by Ortiz), In memory of U.S. Army Chief Warrant Officer Eric W. Totten of Texas.

**HR 2331** (by Hernandez), In memory of U.S. Marine Lance Corporal Anthony Aguirre of Channelview.

**HR 2332** (by Ortiz), In memory of U.S. Army Specialist John Barta of Corpus Christi.

**HR 2333** (by R. Cook), In memory of U.S. Army Specialist Rafael A. Carrillo of Austin.

**HR 2334** (by R. Cook), In memory of U.S. Army Private First Class Christopher R. Kilpatrick of Columbus.

**HR 2335** (by Jones), In memory of U.S. Army Specialist Andrew Velez of Lubbock.

**HR 2336** (by Harper-Brown), In memory of U.S. Army Specialist J. Adan Garcia of Irving.

**HR 2337** (by Chisum), In memory of U.S. Army First Lieutenant Benjamin T. Britt of Wheeler.

**HR 2338** (by Chisum), In memory of U.S. Army Chief Warrant Officer Miles P. Henderson of Amarillo.

**HR 2339** (by Chisum), In memory of U.S. Army Sergeant Jacob D. Dones of Dimmitt.

**HR 2340** (by Hilderbran), In memory of U.S. Army Specialist William J. Byler of Ballinger.

**HR 2341** (by Aycock), In memory of U.S. Army Staff Sergeant George T. Alexander, Jr., of Killeen.

**HR 2342** (by Anderson), In memory of U.S. Marine Gunnery Sergeant John D. Fry of Lorena.

**HR 2343** (by Mowery), In memory of U.S. Army Specialist Marieo Guerrero of Fort Worth.

**HR 2344** (by Mowery), In memory of U.S. Army Specialist Hatim S. Kathiria of Fort Worth.

**HR 2345** (by Mowery), In memory of U.S. Marine Corporal Richard P. Waller of Fort Worth.

**HR 2346** (by Heflin), In memory of U.S. Army Private First Class Kristian Menchaca of Houston.

**HR 2347** (by Heflin), In memory of U.S. Army Specialist Robert J. Volker of Big Spring.

**HR 2348** (by Heflin), In memory of U.S. Army Staff Sergeant Clinton T. Newman of Pleasanton.

**HR 2349** (by Truitt), In memory of U.S. Army Private First Class Steven C. Tucker of Grapevine.

**HR 2350** (by Oliveira), In memory of U.S. Army Specialist Rogelio R. Garza, Jr., of Corpus Christi.

**HR 2351** (by Pitts), In memory of U.S. Army National Guard Sergeant Shawn A. Graham of Red Oak.

**HR 2352** (by Pitts), In memory of U.S. Army Specialist Aaron P. Latimer of Ennis.

**HR 2353** (by Crabb), In memory of U.S. Army Sergeant William B. Meeuwssen of Kingwood.

**HR 2354** (by Delisi), In memory of U.S. Army Specialist Javier A. Villanueva of Temple.

**HR 2355** (by Delisi), In memory of U.S. Army Private First Class Brian J. Kubik of Harker Heights.

**HR 2356** (by Delisi), In memory of U.S. Army Private First Class Thomas J. Hewett of Temple.

**HR 2357** (by Hughes), In memory of U.S. Navy Seaman Apprentice Robert D. Macrum of Sugarland.

**HR 2358** (by Driver), In memory of U.S. Army First Lieutenant Simon T. Cox, Jr., of Mesquite.

**HR 2359** (by Driver), In memory of U.S. Army Lieutenant Colonel Eric J. Kruger of Garland.

**HR 2360** (by Elkins), In memory of U.S. Navy Petty Officer First Class Howard E. Babcock IV of Houston.

**HR 2361** (by Callegari), In memory of U.S. Army Captain James A. Funkhouser of Katy.

**HR 2362** (by Callegari), In memory of U.S. Marine Corporal Benjamin S. Rosales of Houston.

**HR 2363** (by Farabee), In memory of U.S. Army Sergeant Donald J. Hasse of Wichita Falls.

**HR 2364** (by Aycock), In memory of U.S. Army Staff Sergeant Bryant A. Herlem of Copperas Cove.

**HR 2365** (by Aycock), In memory of U.S. Army Staff Sergeant Michael C. Lloyd of San Antonio.

**HR 2366** (by Aycock), In memory of U.S. Army Sergeant First Class Allen Mosteiro of Fort Worth.

**HR 2367** (by Aycock), In memory of U.S. Army Staff Sergeant Kenneth I. Pugh of Houston.

**HR 2368** (by Aycock), In memory of U.S. Army Chief Warrant Officer Richard M. Salter of Cypress.

**HR 2369** (by Aycock), In memory of U.S. Army Sergeant Aaron A. Smith of Killeen.

**HR 2373** (by Swinford), In memory of U.S. Marine Lance Corporal Joshua C. Alonzo of Dumas.

The resolutions were unanimously adopted by a rising vote.

On motion of Representatives Corte and Noriega, the names of all the members of the house were added to **HR 2279 - HR 2284, HR 2286 - HR 2303, HR 2305 - HR 2369, and HR 2373** as signers thereof.

#### **RESOLUTIONS ADOPTED**

Representative Parker moved to suspend all necessary rules in order to take up and consider at this time **HR 2285, HR 2304, and HR 2370 - 2372**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 2285** (by Hill), Congratulating the J. J. Pearce High School boys swim team on winning the 2007 Class 4A State Championship.

**HR 2304** (by Ortiz), Recognizing Conquer the Coast as the premier bike riding event of Corpus Christi and the Coastal Bend.

**HR 2370** (by Herrero), Congratulating Mathilda Veronica Simnacher and Vernon Gregory Simnacher of Nueces County on their 50th wedding anniversary.

**HR 2371** (by Dunnam), Congratulating Neesha Ishwar Dave and Jeffre Ward Rotkoff of Austin on their impending nuptials.

**HR 2372** (by Dunnam), Honoring Jenny Casey for her exemplary service as a legislative intern in the office of State Representative Jim Dunnam.

The resolutions were adopted.

On motion of Representatives Corte and Noriega, the names of all the members of the house were added to **HR 2285, HR 2304, and HR 2370 - HR 2372** as signers thereof.

**CONGRATULATORY AND MEMORIAL CALENDAR**  
**(consideration continued)**

The following memorial resolutions were laid before the house:

**HCR 228** (by Straus), In memory of Bruce B. Cloud of San Antonio.

**HCR 231** (by Ritter), In memory of Beaumont police officer Lisa Renee Ligda Beaulieu.

**HCR 233** (by Strama), In memory of Teresa Terry of Pflugerville.

**HR 1669** (by Martinez), In memory of Isaac D. Rodriguez of Weslaco.

**HR 1690** (by Zerwas), In memory of Needville ISD Chief of Police Ernest Valencia Mendoza of Wharton County.

**HR 1764** (by Gallego), In memory of Jack L. Richardson of Del Rio.

**HR 1766** (by Gallego), In memory of Nora Sotelo Cordero of Marfa.

**HR 1809** (by Woolley), In memory of Harry Stanton Hassel.

**HR 1818** (by Hodge), In memory of Lillian M. Cooper of Dallas.

**HR 1852** (by Martinez Fischer), In memory of Peter Torres, Jr., of San Antonio.

**HR 1857** (by Strama), In memory of U.S. Army Corporal Yari Mokri of Pflugerville.

**HR 1858** (by Strama), In memory of U.S. Army Captain Sean Lyerly of Pflugerville.

**HR 1864** (by Solomons and Jackson), In memory of Carl Benjamin "Catfish" Montgomery of Dallas.

**HR 1871** (by Crownover), In memory of Gilbert Daniel Martinez of Crossroads.

**HR 1883** (by W. Smith), In memory of Martha Jane Huddle of Baytown.

**HR 1887** (by W. Smith), In memory of U.S. Army Sergeant Robert Matthew McDowell.

**HR 1888** (by W. Smith), In memory of William Howard Dickerson of Baytown.

**HR 1891** (by Hughes), In memory of Quinton Bond Carlile of Marshall.

**HR 1900** (by Dutton), In memory of Fairy "E. J." Moore of Houston.

**HR 1913** (by Gallego), In memory of Anna Beth Anderson Ward of Fort Davis.

**HR 1922** (by Laubenberg), In memory of U.S. Army First Lieutenant Gwilym Josef Newman.

**HR 1952** was previously adopted.

**HR 1958** was previously adopted.

**HR 1963** was previously adopted.

**HR 1964** (by Hopson), In memory of U.S. Customs and Border Protection Agent Clinton Brady Thrasher of McAllen.

**HR 1966** (by Farabee), In memory of James D. Lonergan of Wichita Falls.

**HR 1977** (by Gattis), In memory of William Grogan Lord of Georgetown.

**HR 1983** (by Hopson), In memory of Rosa Jane Cigainero of Jacksonville.

**HR 1986** (by Dukes, Naishtat, Rodriguez, Strama, and D. Howard), In memory of Clifford Jamal Antone of Austin.

**HR 1993** (by Hughes), In memory of David Kitchens of Mineola.

**HR 1994** (by Hughes), In memory of Robert Lee "Bob" Reynolds of the Holly Lake Ranch area in Wood County.

**HR 2026** (by Bolton), In memory of Richard West Hopper of Austin.

**HR 2027** was withdrawn.

**HR 2028** was withdrawn.

**HR 2029** was withdrawn.

The resolutions were unanimously adopted by a rising vote.

#### **MOTION TO ADD NAMES**

On motion of Representative Gallego, the names of all the members of the house were added to **HR 1763**, **HR 1765**, **HR 1767 - HR 1771**, **SCR 72**, **HR 1764**, **HR 1766**, and **HR 1913** as signers thereof.

(Speaker in the chair)

#### **HB 8 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Riddle submitted the following conference committee report on **HB 8** :

Austin, Texas, May 14, 2007

The Honorable David Dewhurst  
President of the Senate

The Honorable Tom Craddick  
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 8** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Deuell  
Brimer  
Shapiro  
Hinojosa  
Ogden  
On the part of the senate

Riddle  
Peña  
Madden  
Deshotel  
Gattis  
On the part of the house

**HB 8**, A bill entitled to be An Act relating to the prosecution, punishment, and supervision of certain sex offenders and to certain crimes involving sex offenders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 ARTICLE 1. CREATION, PROSECUTION, AND PUNISHMENT OF  
 OFFENSES

SECTION 1.01. This Act shall be known as the Jessica Lunsford Act.

SECTION 1.02. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.021 to read as follows:

Art. 2.021. DUTIES OF ATTORNEY GENERAL. The attorney general may offer to a county or district attorney the assistance of the attorney general's office in the prosecution of an offense described by Article 60.051(g) the victim of which is younger than 17 years of age at the time the offense is committed. On request of a county or district attorney, the attorney general shall assist in the prosecution of an offense described by Article 60.051(g) the victim of which is younger than 17 years of age at the time the offense is committed. For purposes of this article, assistance includes investigative, technical, and litigation assistance of the attorney general's office.

SECTION 1.03. Article 12.01, Code of Criminal Procedure, is amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

(1) no limitation:

(A) murder and manslaughter;

(B) sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code;

(C) sexual assault, if during the investigation of the offense biological matter is collected and subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained;

(D) continuous sexual abuse of young child or children under Section 21.02, Penal Code;

(E) indecency with a child under Section 21.11, Penal Code; or

(F) ~~(C)~~ an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person;

(2) ten years from the date of the commission of the offense:

(A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;

(B) theft by a public servant of government property over which he exercises control in his official capacity;

(C) forgery or the uttering, using or passing of forged instruments;

(D) injury to a child, elderly individual, or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;

(E) sexual assault, except as provided by Subdivision (1) or (5); or



- (F) arson;
- (3) seven years from the date of the commission of the offense:
- (A) misapplication of fiduciary property or property of a financial institution;
- (B) securing execution of document by deception; or
- (C) a violation under Sections 162.403(22)-(39), Tax Code;
- (4) five years from the date of the commission of the offense:
- (A) theft or ~~burglary~~ robbery;
- (B) ~~except as provided by Subdivision (5), kidnapping or burglary;~~
- (C) injury to a child, elderly individual, or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;
- (D) abandoning or endangering a child; or
- (E) insurance fraud;
- (5) if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of one of the following offenses:
- (A) sexual performance by a child under Section 43.25, Penal Code;
- (B) aggravated kidnapping under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or
- (C) burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit an offense described by Subdivision (1)(B) or (D) of this article or Paragraph (B) of this subdivision ~~ten years from the 18th birthday of the victim of the offense;~~
- ~~[(A) indecency with a child under Section 21.11(a)(1) or (2), Penal Code; or~~
- ~~[(B) except as provided by Subdivision (1), sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code]; or~~
- (6) three years from the date of the commission of the offense: all other felonies.

SECTION 1.04. Chapter 37, Code of Criminal Procedure, is amended by adding Article 37.072 to read as follows:

Art. 37.072. PROCEDURE IN REPEAT SEX OFFENDER CAPITAL CASE

Sec. 1. If a defendant is found guilty in a capital felony case punishable under Section 12.42(c)(3), Penal Code, in which the state does not seek the death penalty, the judge shall sentence the defendant to life imprisonment without parole.

Sec. 2. (a)(1) If a defendant is tried for an offense punishable under Section 12.42(c)(3), Penal Code, in which the state seeks the death penalty, on a finding that the defendant is guilty of a capital offense, the court shall conduct a separate sentencing proceeding to determine whether the defendant shall be sentenced to death or life imprisonment without parole. The proceeding shall be conducted in

the trial court and, except as provided by Article 44.29(d) of this code, before the trial jury as soon as practicable. In the proceeding, evidence may be presented by the state and the defendant or the defendant's counsel as to any matter that the court considers relevant to sentence, including evidence of the defendant's background or character or the circumstances of the offense that mitigates against the imposition of the death penalty. This subdivision may not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the State of Texas. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against sentence of death. The introduction of evidence of extraneous conduct is governed by the notice requirements of Section 3(g), Article 37.07. The court, the attorney representing the state, the defendant, or the defendant's counsel may not inform a juror or a prospective juror of the effect of a failure of a jury to agree on issues submitted under Subsection (b) or (e).

(2) Notwithstanding Subdivision (1), evidence may not be offered by the state to establish that the race or ethnicity of the defendant makes it likely that the defendant will engage in future criminal conduct.

(b) On conclusion of the presentation of the evidence, the court shall submit the following issues to the jury:

(1) whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society; and

(2) in cases in which the jury charge at the guilt or innocence stage permitted the jury to find the defendant guilty as a party under Sections 7.01 and 7.02, Penal Code, whether the defendant actually engaged in the conduct prohibited by Section 22.021, Penal Code, or did not actually engage in the conduct prohibited by Section 22.021, Penal Code, but intended that the offense be committed against the victim or another intended victim.

(c) The state must prove beyond a reasonable doubt each issue submitted under Subsection (b) of this section, and the jury shall return a special verdict of "yes" or "no" on each issue submitted under Subsection (b) of this section.

(d) The court shall charge the jury that:

(1) in deliberating on the issues submitted under Subsection (b) of this section, it shall consider all evidence admitted at the guilt or innocence stage and the punishment stage, including evidence of the defendant's background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty;

(2) it may not answer any issue submitted under Subsection (b) of this section "yes" unless it agrees unanimously and it may not answer any issue "no" unless 10 or more jurors agree; and

(3) members of the jury need not agree on what particular evidence supports a negative answer to any issue submitted under Subsection (b) of this section.

(e)(1) The court shall instruct the jury that if the jury returns an affirmative finding to each issue submitted under Subsection (b), it shall answer the following issue:

Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed.

(2) The court shall:

(A) instruct the jury that if the jury answers that a circumstance or circumstances warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed, the court will sentence the defendant to imprisonment in the Texas Department of Criminal Justice for life without parole; and

(B) charge the jury that a defendant sentenced to confinement for life without parole under this article is ineligible for release from the department on parole.

(f) The court shall charge the jury that in answering the issue submitted under Subsection (e) of this section, the jury:

(1) shall answer the issue "yes" or "no";

(2) may not answer the issue "no" unless it agrees unanimously and may not answer the issue "yes" unless 10 or more jurors agree;

(3) need not agree on what particular evidence supports an affirmative finding on the issue; and

(4) shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

(g) If the jury returns an affirmative finding on each issue submitted under Subsection (b) and a negative finding on an issue submitted under Subsection (e)(1), the court shall sentence the defendant to death. If the jury returns a negative finding on any issue submitted under Subsection (b) or an affirmative finding on an issue submitted under Subsection (e)(1) or is unable to answer any issue submitted under Subsection (b) or (e), the court shall sentence the defendant to imprisonment in the Texas Department of Criminal Justice for life without parole.

(h) The judgment of conviction and sentence of death shall be subject to automatic review by the Court of Criminal Appeals.

SECTION 1.05. Section 3g(a), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(a) The provisions of Section 3 of this article do not apply:

(1) to a defendant adjudged guilty of an offense under:

(A) Section 19.02, Penal Code (Murder);

(B) Section 19.03, Penal Code (Capital murder);

(C) Section 21.11(a)(1), Penal Code (Indecency with a child);

(D) Section 20.04, Penal Code (Aggravated kidnapping);

(E) Section 22.021, Penal Code (Aggravated sexual assault);

(F) Section 29.03, Penal Code (Aggravated robbery);

(G) Chapter 481, Health and Safety Code, for which punishment is increased under:

(i) Section 481.140, Health and Safety Code; or

(ii) Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any of those subsections; ~~or~~

(H) Section 22.011, Penal Code (Sexual assault); or

(I) Section 43.25, Penal Code (Sexual performance by a child); or

(2) to a defendant when it is shown that a deadly weapon as defined in Section 1.07, Penal Code, was used or exhibited during the commission of a felony offense or during immediate flight therefrom, and that the defendant used or exhibited the deadly weapon or was a party to the offense and knew that a deadly weapon would be used or exhibited. On an affirmative finding under this subdivision, the trial court shall enter the finding in the judgment of the court. On an affirmative finding that the deadly weapon was a firearm, the court shall enter that finding in its judgment.

SECTION 1.06. Section 4(d), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(d) A defendant is not eligible for community supervision under this section if the defendant:

(1) is sentenced to a term of imprisonment that exceeds 10 years;

(2) is convicted of a state jail felony for which suspension of the imposition of the sentence occurs automatically under Section 15(a);

(3) does not file a sworn motion under Subsection (e) of this section or for whom the jury does not enter in the verdict a finding that the information contained in the motion is true; ~~or~~

(4) is convicted ~~[adjudged guilty]~~ of an offense for which punishment is increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any one of those subsections;

(5) is convicted of an offense listed in Section 3g(a)(1)(C), (E), or (H), if the victim of the offense was younger than 14 years of age at the time the offense was committed;

(6) is convicted of an offense listed in Section 3g(a)(1)(D), if the victim of the offense was younger than 14 years of age at the time the offense was committed and the actor committed the offense with the intent to violate or abuse the victim sexually; or

(7) is convicted of an offense listed in Section 3g(a)(1)(I).

SECTION 1.07. Section 5(d), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(d) In all other cases the judge may grant deferred adjudication unless:

(1) the defendant is charged with an offense:

(A) under Section 49.04, 49.05, 49.06, 49.07, or 49.08, Penal Code; or

(B) for which punishment may be increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any one of those subsections; ~~or~~

(2) the defendant:

(A) is charged with an offense under Section 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the victim, or a felony described by Section 13B(b) of this article; and

(B) has previously been placed on community supervision for any offense under Paragraph (A) of this subdivision; or

(3) the defendant is charged with an offense under:

(A) Section 21.02, Penal Code; or

(B) Section 22.021, Penal Code, that is punishable under Subsection (f) of that section or under Section 12.42(c)(3), Penal Code.

SECTION 1.08. Article 60.051, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) In addition to the information described by Subsections (a)-(f), information in the computerized criminal history system must include the age of the victim of the offense if the defendant was arrested for or charged with an offense under:

(1) Section 21.02 (Continuous sexual abuse of young child or children), Penal Code;

(2) Section 21.11 (Indecency with a child), Penal Code;

(3) Section 22.011 (Sexual assault) or 22.021 (Aggravated sexual assault), Penal Code;

(4) Section 43.25 (Sexual performance by a child), Penal Code;

(5) Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant committed the offense with intent to violate or abuse the victim sexually; or

(6) Section 30.02 (Burglary), Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with intent to commit an offense described by Subdivision (2), (3), or (5).

SECTION 1.09. Subchapter C, Chapter 499, Government Code, is amended by adding Section 499.054 to read as follows:

Sec. 499.054. SEX OFFENDER TREATMENT PROGRAM. (a) In this section, "sex offender treatment program" means a comprehensive treatment program that:

(1) psychologically evaluates inmates who are serving a sentence for an offense described by Section 12.42(c)(2), Penal Code;

(2) addresses the motivation and psychosocial education of inmates described by Subdivision (1); and

(3) provides relapse prevention training for inmates described by Subdivision (1), including interruption of cognitive and behavioral patterns that have led the inmate to commit criminal offenses.

(b) The department shall establish a sex offender treatment program to treat inmates who are serving sentences for offenses punishable under Section 21.02(h) or 22.021(f), Penal Code. The department shall require an inmate described by this subsection to participate in and complete the sex offender treatment program before being released from the department.

(c) The department may establish a sex offender treatment program to treat inmates other than those inmates described by Subsection (b).

SECTION 1.10. Sections 508.145(a) and (d), Government Code, are amended to read as follows:

(a) An inmate under sentence of death, ~~[or]~~ serving a sentence of life imprisonment without parole, serving a sentence for an offense under Section 21.02, Penal Code, or serving a sentence for an offense under Section 22.021, Penal Code, that is punishable under Subsection (f) of that section is not eligible for release on parole.

(d) An inmate serving a sentence for an offense described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), ~~(H)~~, or (I), Article 42.12, Code of Criminal Procedure, or for an offense for which the judgment contains an affirmative finding under Section 3g(a)(2) of that article, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

SECTION 1.11. Section 508.149(a), Government Code, is amended to read as follows:

(a) An inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of:

(1) an offense for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure;

(2) a first degree felony or a second degree felony under Section 19.02, Penal Code;

(3) a capital felony under Section 19.03, Penal Code;

(4) a first degree felony or a second degree felony under Section 20.04, Penal Code;

(5) ~~an offense [a second degree felony or a third degree felony]~~ under Section 21.11, Penal Code;

(6) a ~~[second degree]~~ felony under Section 22.011, Penal Code;

(7) a first degree felony or a second degree felony under Section 22.02, Penal Code;

(8) a first degree felony under Section 22.021, Penal Code;

(9) a first degree felony under Section 22.04, Penal Code;

(10) a first degree felony under Section 28.02, Penal Code;

(11) a second degree felony under Section 29.02, Penal Code;

(12) a first degree felony under Section 29.03, Penal Code;

(13) a first degree felony under Section 30.02, Penal Code; ~~[or]~~

481.134 or Section 481.140, Health and Safety Code;

(15) an offense under Section 43.25, Penal Code; or

(16) an offense under Section 21.02, Penal Code.

SECTION 1.12. Section 841.082, Health and Safety Code, is amended by adding Subsection (b) to read as follows:

(b) A tracking service to which a person is required to submit under Subsection (a)(5) must:

(1) track the person's location in real time;

(2) be able to provide a real-time report of the person's location to the case manager at the case manager's request; and

(3) periodically provide a cumulative report of the person's location to the case manager.

SECTION 1.13. Subchapter E, Chapter 841, Health and Safety Code, is amended by adding Section 841.084 to read as follows:

Sec. 841.084. COST OF TRACKING SERVICE. Notwithstanding Section 841.146(c), a civilly committed person who is not indigent is responsible for the cost of the tracking service required by Section 841.082 and monthly shall pay to the council the amount that the council determines will be necessary to defray the cost of operating the service with respect to the person during the subsequent month. The council immediately shall transfer the money to the appropriate service provider.

SECTION 1.14. Section 12.42(b), Penal Code, is amended to read as follows:

(b) Except as provided by Subsection (c)(2), if [H] it is shown on the trial of a second-degree felony that the defendant has been once before convicted of a felony, on conviction he shall be punished for a first-degree felony.

SECTION 1.15. Section 12.42(c), Penal Code, is amended to read as follows:

(c)(1) If [Except as provided by Subdivision (2), if] it is shown on the trial of a first-degree felony that the defendant has been once before convicted of a felony, on conviction he shall be punished by imprisonment in the [institutional division of the] Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 15 years. In addition to imprisonment, an individual may be punished by a fine not to exceed \$10,000.

(2) Notwithstanding Subdivision (1), a [A] defendant shall be punished by imprisonment in the Texas Department of Criminal Justice [institutional division] for life if:

(A) the defendant is convicted of an offense:

(i) under Section 21.11(a)(1), 22.021, or 22.011, Penal Code;

(ii) under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or

(iii) under Section 30.02, Penal Code, punishable under Subsection (d) of that section, if the defendant committed the offense with the intent to commit a felony described by Subparagraph (i) or (ii) or a felony under Section 21.11 ~~[or 22.011]~~, Penal Code; and

(B) the defendant has been previously convicted of an offense:

(i) under Section 43.25 or 43.26, Penal Code, or an offense under Section 43.23, Penal Code, punishable under Subsection (h) of that section;

(ii) under Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code;

(iii) under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually;

(iv) under Section 30.02, Penal Code, punishable under Subsection (d) of that section, if the defendant committed the offense with the intent to commit a felony described by Subparagraph (ii) or (iii); or

(v) under the laws of another state containing elements that are substantially similar to the elements of an offense listed in Subparagraph (i), (ii), (iii), or (iv).

(3) Notwithstanding Subdivision (1) or (2), a defendant shall be punished for a capital felony if it is shown on the trial of an offense under Section 22.021 otherwise punishable under Subsection (f) of that section that the defendant has previously been finally convicted of:

(A) an offense under Section 22.021 that was committed against a victim described by Section 22.021(f)(1) or was committed against a victim described by Section 22.021(f)(2) and in a manner described by Section 22.021(a)(2)(A); or

(B) an offense that was committed under the laws of another state that:

(i) contains elements that are substantially similar to the elements of an offense under Section 22.021; and

(ii) was committed against a victim described by Section 22.021(f)(1) or was committed against a victim described by Section 22.021(f)(2) and in a manner substantially similar to a manner described by Section 22.021(a)(2)(A).

(4) Notwithstanding Subdivision (1) or (2), a defendant shall be punished by imprisonment in the Texas Department of Criminal Justice for life without parole if it is shown on the trial of an offense under Section 21.02 that the defendant has previously been finally convicted of:

(A) an offense under Section 21.02; or

(B) an offense that was committed under the laws of another state and that contains elements that are substantially similar to the elements of an offense under Section 21.02.

SECTION 1.16. Section 12.42(d), Penal Code, is amended to read as follows:

(d) Except as provided by Subsection (c)(2), if [H] it is shown on the trial of a felony offense other than a state jail felony punishable under Section 12.35(a) that the defendant has previously been finally convicted of two felony offenses, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, on conviction he shall be punished by imprisonment in the institutional division of the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 25 years.

SECTION 1.17. Chapter 21, Penal Code, is amended by adding Section 21.02 to read as follows:

Sec. 21.02. CONTINUOUS SEXUAL ABUSE OF YOUNG CHILD OR CHILDREN. (a) In this section, "child" has the meaning assigned by Section 22.011(c).

(b) A person commits an offense if:



(1) during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims; and

(2) at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age.

(c) For purposes of this section, "act of sexual abuse" means any act that is a violation of one or more of the following penal laws:

(1) aggravated kidnapping under Section 20.04(a)(4), if the actor committed the offense with the intent to violate or abuse the victim sexually;

(2) indecency with a child under Section 21.11(a)(1), if the actor committed the offense in a manner other than by touching, including touching through clothing, the breast of a child;

(3) sexual assault under Section 22.011;

(4) aggravated sexual assault under Section 22.021;

(5) burglary under Section 30.02, if the offense is punishable under Subsection (d) of that section and the actor committed the offense with the intent to commit an offense listed in Subdivisions (1)-(4); and

(6) sexual performance by a child under Section 43.25.

(d) If a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific acts of sexual abuse were committed by the defendant or the exact date when those acts were committed. The jury must agree unanimously that the defendant, during a period that is 30 or more days in duration, committed two or more acts of sexual abuse.

(e) A defendant may not be convicted in the same criminal action of an offense listed under Subsection (c) the victim of which is the same victim as a victim of the offense alleged under Subsection (b) unless the offense listed in Subsection (c):

(1) is charged in the alternative;

(2) occurred outside the period in which the offense alleged under Subsection (b) was committed; or

(3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (b).

(f) A defendant may not be charged with more than one count under Subsection (b) if all of the specific acts of sexual abuse that are alleged to have been committed are alleged to have been committed against a single victim.

(g) It is an affirmative defense to prosecution under this section that the actor:

(1) was not more than five years older than:

(A) the victim of the offense, if the offense is alleged to have been committed against only one victim; or

(B) the youngest victim of the offense, if the offense is alleged to have been committed against more than one victim;

(2) did not use duress, force, or a threat against a victim at the time of the commission of any of the acts of sexual abuse alleged as an element of the offense; and

(3) at the time of the commission of any of the acts of sexual abuse alleged as an element of the offense:

(A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section or an act of sexual abuse as described by Subsection (c).

(h) An offense under this section is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 25 years.

SECTION 1.18. Section 22.021, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:

(1) the victim of the offense is younger than six years of age at the time the offense is committed; or

(2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection (a)(2)(A).

SECTION 1.19. Section 38.05, Penal Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Except as provided by Subsection (d), an [An] offense under this section is a Class A misdemeanor.

(d) An [~~except that the~~] offense under this section is a felony of the third degree if the person who is harbored, concealed, provided with a means of avoiding arrest or effecting escape, or warned of discovery or apprehension is under arrest for, charged with, or convicted of a felony, including an offense under Section 62.102, Code of Criminal Procedure, or is in custody or detention for, is alleged in a petition to have engaged in, or has been adjudicated as having engaged in delinquent conduct that violates a penal law of the grade of felony, including an offense under Section 62.102, Code of Criminal Procedure, and the person charged under this section knew that the person they harbored, concealed, provided with a means of avoiding arrest or effecting escape, or warned of discovery or apprehension is under arrest for, charged with, or convicted of a felony, or is in custody or detention for, is alleged in a petition to have engaged in, or has been adjudicated as having engaged in delinquent conduct that violates a penal law of the grade of felony.

SECTION 1.20. Sections 43.25(c) and (e), Penal Code, are amended to read as follows:

(c) An offense under Subsection (b) is a felony of the second degree, except that the offense is a felony of the first degree if the victim is younger than 14 years of age at the time the offense is committed.

(e) An offense under Subsection (d) is a felony of the third degree, except that the offense is a felony of the second degree if the victim is younger than 14 years of age at the time the offense is committed.

ARTICLE 2. PRIORITIZATION OF CASES INVOLVING THE  
PROSECUTION OF CERTAIN OFFENSES

SECTION 2.01. Section 23.101(a), Government Code, is amended to read as follows:

(a) The trial courts of this state shall regularly and frequently set hearings and trials of pending matters, giving preference to hearings and trials of the following:

(1) temporary injunctions;

(2) criminal actions, with the following actions given preference over other criminal actions:

(A) criminal actions against defendants who are detained in jail pending trial;

(B) criminal actions involving a charge that a person committed an act of family violence, as defined by Section 71.004, Family Code; ~~and~~

(C) an offense under:

(i) Section 21.02 or 21.11, Penal Code;

(ii) Chapter 22, Penal Code, if the victim of the alleged offense is younger than 17 years of age;

(iii) Section 25.02, Penal Code, if the victim of the alleged offense is younger than 17 years of age; ~~or~~

(iv) Section 25.06, Penal Code; or

(v) Section 43.25, Penal Code; ~~and~~

(D) an offense described by Article 62.001(6)(C) or (D), Code of Criminal Procedure;

(3) election contests and suits under the Election Code;

(4) orders for the protection of the family under Subtitle B, Title 4, Family Code;

(5) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims and claims under the Federal Employers' Liability Act and the Jones Act;

(6) appeals of final orders of the commissioner of the General Land Office under Section 51.3021, Natural Resources Code; and

(7) actions in which the claimant has been diagnosed with malignant mesothelioma, other malignant asbestos-related cancer, malignant silica-related cancer, or acute silicosis.

ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.01. Section 16.0045(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A person must bring suit for personal injury not later than five years after the day the cause of action accrues if the injury arises as a result of conduct that violates:

(1) Section 22.011, Penal Code (sexual assault); ~~or~~

(2) Section 22.021, Penal Code (aggravated sexual assault); or

(3) Section 21.02, Penal Code (continuous sexual abuse of young child or children).

SECTION 3.02. Section 33.013(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) Notwithstanding Subsection (a), each liable defendant is, in addition to his liability under Subsection (a), jointly and severally liable for the damages recoverable by the claimant under Section 33.012 with respect to a cause of action if:

(1) the percentage of responsibility attributed to the defendant with respect to a cause of action is greater than 50 percent; or

(2) the defendant, with the specific intent to do harm to others, acted in concert with another person to engage in the conduct described in the following provisions of the Penal Code and in so doing proximately caused the damages legally recoverable by the claimant:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 20.04 (aggravated kidnapping);

(D) Section 22.02 (aggravated assault);

(E) Section 22.011 (sexual assault);

(F) Section 22.021 (aggravated sexual assault);

(G) Section 22.04 (injury to a child, elderly individual, or disabled individual);

(H) Section 32.21 (forgery);

(I) Section 32.43 (commercial bribery);

(J) Section 32.45 (misapplication of fiduciary property or property of financial institution);

(K) Section 32.46 (securing execution of document by deception);

(L) Section 32.47 (fraudulent destruction, removal, or concealment of writing); ~~or~~

(M) conduct described in Chapter 31 the punishment level for which is a felony of the third degree or higher; or

(N) Section 21.02 (continuous sexual abuse of young child or children).

SECTION 3.03. Section 41.008(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) This section does not apply to a cause of action against a defendant from whom a plaintiff seeks recovery of exemplary damages based on conduct described as a felony in the following sections of the Penal Code if, except for Sections 49.07 and 49.08, the conduct was committed knowingly or intentionally:

(1) Section 19.02 (murder);

(2) Section 19.03 (capital murder);

(3) Section 20.04 (aggravated kidnapping);

(4) Section 22.02 (aggravated assault);

(5) Section 22.011 (sexual assault);

(6) Section 22.021 (aggravated sexual assault);

(7) Section 22.04 (injury to a child, elderly individual, or disabled individual, but not if the conduct occurred while providing health care as defined by Section 74.001);

- (8) Section 32.21 (forgery);
- (9) Section 32.43 (commercial bribery);
- (10) Section 32.45 (misapplication of fiduciary property or property of financial institution);
- (11) Section 32.46 (securing execution of document by deception);
- (12) Section 32.47 (fraudulent destruction, removal, or concealment of writing);
- (13) Chapter 31 (theft) the punishment level for which is a felony of the third degree or higher;
- (14) Section 49.07 (intoxication assault); [~~o~~]
- (15) Section 49.08 (intoxication manslaughter); or
- (16) Section 21.02 (continuous sexual abuse of young child or children).

SECTION 3.04. Section 125.0015(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance:

- (1) discharge of a firearm in a public place as prohibited by the Penal Code;
- (2) reckless discharge of a firearm as prohibited by the Penal Code;
- (3) engaging in organized criminal activity as a member of a combination as prohibited by the Penal Code;
- (4) delivery, possession, manufacture, or use of a controlled substance in violation of Chapter 481, Health and Safety Code;
- (5) gambling, gambling promotion, or communicating gambling information as prohibited by the Penal Code;
- (6) prostitution, promotion of prostitution, or aggravated promotion of prostitution as prohibited by the Penal Code;
- (7) compelling prostitution as prohibited by the Penal Code;
- (8) commercial manufacture, commercial distribution, or commercial exhibition of obscene material as prohibited by the Penal Code;
- (9) aggravated assault as described by Section 22.02, Penal Code;
- (10) sexual assault as described by Section 22.011, Penal Code;
- (11) aggravated sexual assault as described by Section 22.021, Penal Code;
- (12) robbery as described by Section 29.02, Penal Code;
- (13) aggravated robbery as described by Section 29.03, Penal Code;
- (14) unlawfully carrying a weapon as described by Section 46.02, Penal Code;
- (15) murder as described by Section 19.02, Penal Code; [~~o~~]
- (16) capital murder as described by Section 19.03, Penal Code; or
- (17) continuous sexual abuse of young child or children as described by Section 21.02, Penal Code.

SECTION 3.05. Article 7A.01(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person who is the victim of an offense under Section 21.02, 22.011, or 22.021, Penal Code, or a prosecuting attorney acting on behalf of the person, may file an application for a protective order under this chapter without regard to the relationship between the applicant and the alleged offender.

SECTION 3.06. Section 5(a), Article 11.071, Code of Criminal Procedure, is amended to read as follows:

(a) If a subsequent application for a writ of habeas corpus is filed after filing an initial application, a court may not consider the merits of or grant relief based on the subsequent application unless the application contains sufficient specific facts establishing that:

(1) the current claims and issues have not been and could not have been presented previously in a timely initial application or in a previously considered application filed under this article or Article 11.07 because the factual or legal basis for the claim was unavailable on the date the applicant filed the previous application;

(2) by a preponderance of the evidence, but for a violation of the United States Constitution no rational juror could have found the applicant guilty beyond a reasonable doubt; or

(3) by clear and convincing evidence, but for a violation of the United States Constitution no rational juror would have answered in the state's favor one or more of the special issues that were submitted to the jury in the applicant's trial under Article 37.071, ~~or~~ 37.0711, or 37.072.

SECTION 3.07. Article 15.051(a), Code of Criminal Procedure, is amended to read as follows:

(a) A peace officer or an attorney representing the state may not require a polygraph examination of a person who charges or seeks to charge in a complaint the commission of an offense under Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code.

SECTION 3.08. Article 17.03(b), Code of Criminal Procedure, is amended to read as follows:

(b) Only the court before whom the case is pending may release on personal bond a defendant who:

(1) is charged with an offense under the following sections of the Penal Code:

(A) Section 19.03 (Capital Murder);

(B) Section 20.04 (Aggravated Kidnapping);

(C) Section 22.021 (Aggravated Sexual Assault);

(D) Section 22.03 (Deadly Assault on Law Enforcement or Corrections Officer, Member or Employee of Board of Pardons and Paroles, or Court Participant);

(E) Section 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual);

(F) Section 29.03 (Aggravated Robbery);

(G) Section 30.02 (Burglary); ~~or~~

- (H) Section 71.02 (Engaging in Organized Criminal Activity); or  
(I) Section 21.02 (Continuous Sexual Abuse of Young Child or

Children);

(2) is charged with a felony under Chapter 481, Health and Safety Code, or Section 485.033, Health and Safety Code, punishable by imprisonment for a minimum term or by a maximum fine that is more than a minimum term or maximum fine for a first degree felony; or

(3) does not submit to testing for the presence of a controlled substance in the defendant's body as requested by the court or magistrate under Subsection (c) of this article or submits to testing and the test shows evidence of the presence of a controlled substance in the defendant's body.

SECTION 3.09. Article 17.032(a), Code of Criminal Procedure, is amended to read as follows:

(a) In this article, "violent offense" means an offense under the following sections of the Penal Code:

- (1) Section 19.02 (murder);
- (2) Section 19.03 (capital murder);
- (3) Section 20.03 (kidnapping);
- (4) Section 20.04 (aggravated kidnapping);
- (5) Section 21.11 (indecenty with a child);
- (6) Section 22.01(a)(1) (assault);
- (7) Section 22.011 (sexual assault);
- (8) Section 22.02 (aggravated assault);
- (9) Section 22.021 (aggravated sexual assault);

(10) Section 22.04 (injury to a child, elderly individual, or disabled individual); ~~[or]~~

(11) Section 29.03 (aggravated robbery); or

(12) Section 21.02 (continuous sexual abuse of young child or children).

SECTION 3.10. Article 17.091, Code of Criminal Procedure, is amended to read as follows:

Art. 17.091. NOTICE OF CERTAIN BAIL REDUCTIONS REQUIRED. Before a judge or magistrate reduces the amount of bail set for a defendant charged with an offense listed in Section 3g, Article 42.12, or an offense described by Article 62.001(5) ~~[62.01(5)]~~, the judge or magistrate shall provide:

(1) to the attorney representing the state, reasonable notice of the proposed bail reduction; and

(2) on request of the attorney representing the state or the defendant or the defendant's counsel, an opportunity for a hearing concerning the proposed bail reduction.

SECTION 3.11. Article 18.021(a), Code of Criminal Procedure, is amended to read as follows:

(a) A search warrant may be issued to search for and photograph a child who is alleged to be the victim of the offenses of injury to a child as prohibited ~~[defined]~~ by Section 22.04, Penal Code ~~[as amended]~~; sexual assault of a child as prohibited ~~[defined]~~ by Section 22.011(a), Penal Code ~~[as amended]~~; ~~[or]~~

aggravated sexual assault of a child as prohibited ~~[defined]~~ by Section 22.021, Penal Code; or continuous sexual abuse of young child or children as prohibited by Section 21.02, Penal Code.

SECTION 3.12. Article 21.31(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person who is indicted for or who waives indictment for an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code, shall, at the direction of the court, undergo a medical procedure or test designed to show or help show whether the person has a sexually transmitted disease or has acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS. The court may direct the person to undergo the procedure or test on its own motion or on the request of the victim of the alleged offense. If the person refuses to submit voluntarily to the procedure or test, the court shall require the person to submit to the procedure or test. The court may require a defendant previously required under this article to undergo a medical procedure or test on indictment for an offense to undergo a subsequent medical procedure or test following conviction of the offense. The person performing the procedure or test shall make the test results available to the local health authority, and the local health authority shall be required to make the notification of the test result to the victim of the alleged offense and to the defendant.

SECTION 3.13. Section 3, Article 31.08, Code of Criminal Procedure, is amended to read as follows:

Sec. 3. Except for the review of a death sentence under Section 2(h), Article 37.071, or under Section 2(h), Article 37.072 ~~[37.071(h) of this code]~~, an appeal taken in a cause returned to the original county under this article must be docketed in the appellate district in which the county of original venue is located.

SECTION 3.14. Section 2(b), Article 37.07, Code of Criminal Procedure, is amended to read as follows:

(b) Except as provided by ~~[it]~~ Article 37.071 or 37.072, if a finding of guilty is returned, it shall then be the responsibility of the judge to assess the punishment applicable to the offense; provided, however, that (1) in any criminal action where the jury may recommend community supervision and the defendant filed his sworn motion for community supervision before the trial began, and (2) in other cases where the defendant so elects in writing before the commencement of the voir dire examination of the jury panel, the punishment shall be assessed by the same jury, except as provided in Section 3(c) of this article and in Article 44.29. If a finding of guilty is returned, the defendant may, with the consent of the attorney for the state, change his election of one who assesses the punishment.

SECTION 3.15. Sections 4(a) and (b), Article 37.07, Code of Criminal Procedure, are amended to read as follows:

(a) In the penalty phase of the trial of a felony case in which the punishment is to be assessed by the jury rather than the court, if the offense of which the jury has found the defendant guilty is listed in Section 3g(a)(1), Article 42.12, of this code or if the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, of this code, unless the defendant has been convicted of an offense



under Section 21.02, Penal Code, an offense under Section 22.021, Penal Code, that is punishable under Subsection (f) of that section, or a capital felony, the court shall charge the jury in writing as follows:

"Under the law applicable in this case, the defendant, if sentenced to a term of imprisonment, may earn time off the period of incarceration imposed through the award of good conduct time. Prison authorities may award good conduct time to a prisoner who exhibits good behavior, diligence in carrying out prison work assignments, and attempts at rehabilitation. If a prisoner engages in misconduct, prison authorities may also take away all or part of any good conduct time earned by the prisoner.

"It is also possible that the length of time for which the defendant will be imprisoned might be reduced by the award of parole.

"Under the law applicable in this case, if the defendant is sentenced to a term of imprisonment, he will not become eligible for parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less, without consideration of any good conduct time he may earn. If the defendant is sentenced to a term of less than four years, he must serve at least two years before he is eligible for parole. Eligibility for parole does not guarantee that parole will be granted.

"It cannot accurately be predicted how the parole law and good conduct time might be applied to this defendant if he is sentenced to a term of imprisonment, because the application of these laws will depend on decisions made by prison and parole authorities.

"You may consider the existence of the parole law and good conduct time. However, you are not to consider the extent to which good conduct time may be awarded to or forfeited by this particular defendant. You are not to consider the manner in which the parole law may be applied to this particular defendant."

(b) In the penalty phase of the trial of a felony case in which the punishment is to be assessed by the jury rather than the court, if the offense is punishable as a felony of the first degree, if a prior conviction has been alleged for enhancement of punishment as provided by Section 12.42(b), (c)(1) or (2) [~~(c)~~], or (d), Penal Code, or if the offense is a felony not designated as a capital felony or a felony of the first, second, or third degree and the maximum term of imprisonment that may be imposed for the offense is longer than 60 years, unless the offense of which the jury has found the defendant guilty is an offense that is punishable under Section 21.02(h), Penal Code, or is listed in Section 3g(a)(1), Article 42.12, of this code or the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, of this code, the court shall charge the jury in writing as follows:

"Under the law applicable in this case, the defendant, if sentenced to a term of imprisonment, may earn time off the period of incarceration imposed through the award of good conduct time. Prison authorities may award good conduct time to a prisoner who exhibits good behavior, diligence in carrying out prison work assignments, and attempts at rehabilitation. If a prisoner engages in misconduct, prison authorities may also take away all or part of any good conduct time earned by the prisoner.

"It is also possible that the length of time for which the defendant will be imprisoned might be reduced by the award of parole.

"Under the law applicable in this case, if the defendant is sentenced to a term of imprisonment, he will not become eligible for parole until the actual time served plus any good conduct time earned equals one-fourth of the sentence imposed or 15 years, whichever is less. Eligibility for parole does not guarantee that parole will be granted.

"It cannot accurately be predicted how the parole law and good conduct time might be applied to this defendant if he is sentenced to a term of imprisonment, because the application of these laws will depend on decisions made by prison and parole authorities.

"You may consider the existence of the parole law and good conduct time. However, you are not to consider the extent to which good conduct time may be awarded to or forfeited by this particular defendant. You are not to consider the manner in which the parole law may be applied to this particular defendant."

SECTION 3.16. Section 1, Article 38.071, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. This article applies only to a hearing or proceeding in which the court determines that a child younger than 13 years of age would be unavailable to testify in the presence of the defendant about an offense defined by any of the following sections of the Penal Code:

- (1) Section 19.02 (Murder);
- (2) Section 19.03 (Capital Murder);
- (3) Section 19.04 (Manslaughter);
- (4) Section 20.04 (Aggravated Kidnapping);
- (5) Section 21.11 (Indecency with a Child);
- (6) Section 22.011 (Sexual Assault);
- (7) Section 22.02 (Aggravated Assault);
- (8) Section 22.021 (Aggravated Sexual Assault);
- (9) Section 22.04(e) (Injury to a Child, Elderly Individual, or Disabled Individual);
- (10) Section 22.04(f) (Injury to a Child, Elderly Individual, or Disabled Individual), if the conduct is committed intentionally or knowingly;
- (11) Section 25.02 (Prohibited Sexual Conduct);
- (12) Section 29.03 (Aggravated Robbery); ~~or~~
- (13) Section 43.25 (Sexual Performance by a Child); or
- (14) Section 21.02 (Continuous Sexual Abuse of Young Child or Children).

SECTION 3.17. Article 42.017, Code of Criminal Procedure, is amended to read as follows:

Art. 42.017. FINDING REGARDING AGE-BASED OFFENSE. In the trial of an offense under Section 21.02, 21.11, 22.011, 22.021, or 43.25, Penal Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that:

- (1) at the time of the offense, the defendant was younger than 19 years of age and the victim was at least 13 years of age; and

(2) the conviction is based solely on the ages of the defendant and the victim or intended victim at the time of the offense.

SECTION 3.18. Article 44.251, Code of Criminal Procedure, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The court of criminal appeals shall reform a sentence of death to a sentence of confinement in the ~~[institutional division of the]~~ Texas Department of Criminal Justice for life without parole if the court finds that there is legally insufficient evidence to support an affirmative answer to an issue submitted to the jury under Section 2(b), Article 37.071, or Section 2(b), Article 37.072.

(c) If the court of criminal appeals finds reversible error that affects the punishment stage of the trial only, as described by Subsection (b) of this article, and the prosecuting attorney does not file a motion for reformation of sentence in the period described by that subsection, the defendant shall receive a new sentencing trial in the manner required by Article 44.29(c) or (d), as applicable ~~[of this code]~~.

(d) The court of criminal appeals shall reform a sentence of death imposed under Section 12.42(c)(3), Penal Code, to a sentence of imprisonment in the Texas Department of Criminal Justice for life without parole if the United States Supreme Court:

(1) finds that the imposition of the death penalty under Section 12.42(c)(3), Penal Code, violates the United States Constitution; and

(2) issues an order that is not inconsistent with this article.

SECTION 3.19. Article 44.29, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) If any court sets aside or invalidates the sentence of a defendant convicted of an offense punishable as a capital felony under Section 12.42(c)(3), Penal Code, and sentenced to death on the basis of any error affecting punishment only, the court shall not set the conviction aside but rather shall commence a new punishment hearing under Article 37.072, as if a finding of guilt had been returned. The court shall empanel a jury for the sentencing stage of the trial in the same manner as a jury is to be empaneled by the court in other trials before the court for the offense of which the defendant was convicted. At the new punishment hearing, the court shall permit both the state and the defendant to introduce evidence as permitted by Article 37.072.

SECTION 3.20. Article 56.01, Code of Criminal Procedure, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Sexual assault" includes an offense under Section 21.02, Penal Code.

SECTION 3.21. Article 56.02(a), Code of Criminal Procedure, is amended to read as follows:

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;

(3) the right, if requested, to be informed:

(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and

(B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;

(4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;

(6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;

(12) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;

(13) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the Board of Pardons and Paroles before an inmate is released on parole; and

(14) except as provided by Article 56.06(a), for a victim of a sexual assault, the right to a forensic medical examination if the sexual assault is reported to a law enforcement agency within 96 hours of the assault.

SECTION 3.22. (a) Article 62.001(5), Code of Criminal Procedure, as renumbered from former Subdivision (5), Article 62.01, Code of Criminal Procedure, and amended by Chapter 1008, Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to conform to an amendment to former Subdivision (5), Article 62.01, by Chapter 1273, Acts of the 79th Legislature, Regular Session, 2005, and is further amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or children), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(C) a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor committed the offense or engaged in the conduct with intent to violate or abuse the victim sexually;

(D) a violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under Subsection (d) of that section and the actor committed the offense or engaged in the conduct with intent to commit a felony listed in Paragraph (A) or (C);

(E) a violation of Section 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping), Penal Code, if, as applicable:

(i) the judgment in the case contains an affirmative finding under Article 42.015; or

(ii) the order in the hearing or the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age;

(F) the second violation of Section 21.08 (Indecent exposure), Penal Code, but not if the second violation results in a deferred adjudication;

(G) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in Paragraph (A), (B), (C), (D), or (E);

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (C), (D), (E), ~~(F)~~ (G), or (J), but not if the violation results in a deferred adjudication; ~~(F)~~

(I) the second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication; or

(J) a violation of Section 33.021 (Online solicitation of a minor), Penal Code.

(b) Section 2, Chapter 1273, Acts of the 79th Legislature, Regular Session, 2005, is repealed.

SECTION 3.23. Article 62.001(6), Code of Criminal Procedure, is amended to read as follows:

(6) "Sexually violent offense" means any of the following offenses committed by a person 17 years of age or older:

(A) an offense under Section 21.02 (Continuous sexual abuse of young child or children), 21.11(a)(1) (Indecency with a child), 22.011 (Sexual assault), or 22.021 (Aggravated sexual assault), Penal Code;

(B) an offense under Section 43.25 (Sexual performance by a child), Penal Code;

(C) an offense under Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant committed the offense with intent to violate or abuse the victim sexually;

(D) an offense under Section 30.02 (Burglary), Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with intent to commit a felony listed in Paragraph (A) or (C) of Subdivision (5); or

(E) an offense under the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice if the offense contains elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (C), or (D).

SECTION 3.24. Article 102.0186(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person convicted of an offense under Section 21.02, 21.11, 22.011(a)(2), 22.021(a)(1)(B), 43.25, 43.251, or 43.26, Penal Code, shall pay \$100 on conviction of the offense.

SECTION 3.25. Section 25.0341(a), Education Code, as added by Chapter 997, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

(a) This section applies only to:

(1) a student:

(A) who has been convicted of continuous sexual abuse of young child or children under Section 21.02, Penal Code, or convicted of or placed on deferred adjudication for the offense of sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code, committed against another student who, at the time the offense occurred, was assigned to the same campus as the student convicted or placed on deferred adjudication;

(B) who has been adjudicated under Section 54.03, Family Code, as having engaged in conduct described by Paragraph (A);

(C) whose prosecution under Section 53.03, Family Code, for engaging in conduct described by Paragraph (A) has been deferred; or

(D) who has been placed on probation under Section 54.04(d)(1), Family Code, for engaging in conduct described by Paragraph (A); and

(2) a student who is the victim of conduct described by Subdivision (1)(A).

SECTION 3.26. Section 37.007(a), Education Code, is amended to read as follows:

(a) A student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

(1) uses, exhibits, or possesses:

(A) a firearm as defined by Section 46.01(3), Penal Code;

(B) an illegal knife as defined by Section 46.01(6), Penal Code, or by local policy;

(C) a club as defined by Section 46.01(1), Penal Code; or

(D) a weapon listed as a prohibited weapon under Section 46.05, Penal Code;

(2) engages in conduct that contains the elements of the offense of:

(A) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(B) arson under Section 28.02, Penal Code;

(C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;

(D) indecency with a child under Section 21.11, Penal Code;

(E) aggravated kidnapping under Section 20.04, Penal Code;

(F) aggravated robbery under Section 29.03, Penal Code;

(G) manslaughter under Section 19.04, Penal Code; ~~or~~

(H) criminally negligent homicide under Section 19.05, Penal Code; or

(I) continuous sexual abuse of young child or children under Section 21.02, Penal Code; or

(3) engages in conduct specified by Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

SECTION 3.27. Section 33.009, Family Code, is amended to read as follows:

Sec. 33.009. OTHER REPORTS OF SEXUAL ABUSE OF A MINOR. A court or the guardian ad litem or attorney ad litem for the minor shall report conduct reasonably believed to violate Section 21.02, 22.011, 22.021, or 25.02, Penal Code, based on information obtained during a confidential court proceeding held under this chapter to:

(1) any local or state law enforcement agency;

(2) the Department of Family and Protective ~~[and Regulatory]~~ Services, if the alleged conduct involves a person responsible for the care, custody, or welfare of the child;

(3) the state agency that operates, licenses, certifies, or registers the facility in which the alleged conduct occurred, if the alleged conduct occurred in a facility operated, licensed, certified, or registered by a state agency; or

(4) an appropriate agency designated by the court.

SECTION 3.28. Section 33.010, Family Code, is amended to read as follows:

Sec. 33.010. CONFIDENTIALITY. Notwithstanding any other law, information obtained by the Department of Family and Protective ~~[and Regulatory]~~ Services or another entity under Section 33.008 or 33.009 is confidential except to the extent necessary to prove a violation of Section 21.02, 22.011, 22.021, or 25.02, Penal Code.

SECTION 3.29. Section 156.104, Family Code, is amended to read as follows:

Sec. 156.104. MODIFICATION OF ORDER ON CONVICTION FOR CHILD ABUSE; PENALTY. (a) Except as provided by Section 156.1045, the conviction of a conservator for an offense under Section 21.02, Penal Code, or the conviction of a conservator~~[;]~~ or an order deferring adjudication with regard to the conservator, for an offense involving the abuse of a child under Section 21.11, 22.011, or 22.021, Penal Code, is a material and substantial change of circumstances sufficient to justify a temporary order and modification of an existing court order or portion of a decree that provides for the appointment of a conservator or that sets the terms and conditions of conservatorship or for the possession of or access to a child.

(b) A person commits an offense if the person files a suit to modify an order or portion of a decree based on the grounds permitted under Subsection (a) and the person knows that the person against whom the motion is filed has not been



convicted of an offense, or received deferred adjudication for an offense, under Section 21.02, 21.11, 22.011, or 22.021, Penal Code. An offense under this subsection is a Class B misdemeanor.

SECTION 3.30. Section 161.001, Family Code, is amended to read as follows:

Sec. 161.001. INVOLUNTARY TERMINATION OF PARENT-CHILD RELATIONSHIP. The court may order termination of the parent-child relationship if the court finds by clear and convincing evidence:

(1) that the parent has:

(A) voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return;

(B) voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months;

(C) voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months;

(D) knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child;

(E) engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child;

(F) failed to support the child in accordance with the parent's ability during a period of one year ending within six months of the date of the filing of the petition;

(G) abandoned the child without identifying the child or furnishing means of identification, and the child's identity cannot be ascertained by the exercise of reasonable diligence;

(H) voluntarily, and with knowledge of the pregnancy, abandoned the mother of the child beginning at a time during her pregnancy with the child and continuing through the birth, failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart from the child or failed to support the child since the birth;

(I) contumaciously refused to submit to a reasonable and lawful order of a court under Subchapter D, Chapter 261;

(J) been the major cause of:

(i) the failure of the child to be enrolled in school as required by the Education Code; or

(ii) the child's absence from the child's home without the consent of the parents or guardian for a substantial length of time or without the intent to return;

(K) executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by this chapter;

(L) been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under the following sections of the Penal Code or adjudicated under Title 3 for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following Penal Code sections:

- (i) Section 19.02 (murder);
- (ii) Section 19.03 (capital murder);
- (iii) Section 19.04 (manslaughter);
- (iv) Section 21.11 (indecenty with a child);
- (v) Section 22.01 (assault);
- (vi) Section 22.011 (sexual assault);
- (vii) Section 22.02 (aggravated assault);
- (viii) Section 22.021 (aggravated sexual assault);
- (ix) Section 22.04 (injury to a child, elderly individual, or disabled individual);
- (x) Section 22.041 (abandoning or endangering child);
- (xi) Section 25.02 (prohibited sexual conduct);
- (xii) Section 43.25 (sexual performance by a child); ~~and~~
- (xiii) Section 43.26 (possession or promotion of child pornography); and
- (xiv) Section 21.02 (continuous sexual abuse of young child or children);

(M) had his or her parent-child relationship terminated with respect to another child based on a finding that the parent's conduct was in violation of Paragraph (D) or (E) or substantially equivalent provisions of the law of another state;

(N) constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services or an authorized agency for not less than six months, and:

- (i) the department or authorized agency has made reasonable efforts to return the child to the parent;
- (ii) the parent has not regularly visited or maintained significant contact with the child; and
- (iii) the parent has demonstrated an inability to provide the child with a safe environment;

(O) failed to comply with the provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than nine months as a result of the child's removal from the parent under Chapter 262 for the abuse or neglect of the child;

(P) used a controlled substance, as defined by Chapter 481, Health and Safety Code, in a manner that endangered the health or safety of the child, and:

(i) failed to complete a court-ordered substance abuse treatment program; or

(ii) after completion of a court-ordered substance abuse treatment program, continued to abuse a controlled substance;

(Q) knowingly engaged in criminal conduct that has resulted in the parent's:

(i) conviction of an offense; and

(ii) confinement or imprisonment and inability to care for the child for not less than two years from the date of filing the petition;

(R) been the cause of the child being born addicted to alcohol or a controlled substance, other than a controlled substance legally obtained by prescription, as defined by Section 261.001;

(S) voluntarily delivered the child to a designated emergency infant care provider under Section 262.302 without expressing an intent to return for the child; or

(T) been convicted of the murder of the other parent of the child under Section 19.02 or 19.03, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 19.02 or 19.03, Penal Code; and

(2) that termination is in the best interest of the child.

SECTION 3.31. Section 161.007, Family Code, is amended to read as follows:

Sec. 161.007. TERMINATION WHEN PREGNANCY RESULTS FROM CRIMINAL ACT. The court may order the termination of the parent-child relationship of a parent and a child if the court finds that:

(1) the parent has been convicted of an offense committed under Section 21.02, 22.011, 22.021, or 25.02, Penal Code;

(2) as a direct result of the commission of the offense by the parent, the victim of the offense became pregnant with the parent's child; and

(3) termination is in the best interest of the child.

SECTION 3.32. Section 261.001(1), Family Code, is amended to read as follows:

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code;

(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code; or

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code.

SECTION 3.33. Section 262.2015(b), Family Code, is amended to read as follows:

(b) The court may find under Subsection (a) that a parent has subjected the child to aggravated circumstances if:

(1) the parent abandoned the child without identification or a means for identifying the child;

(2) the child is a victim of serious bodily injury or sexual abuse inflicted by the parent or by another person with the parent's consent;

(3) the parent has engaged in conduct against the child that would constitute an offense under the following provisions of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 19.04 (manslaughter);

(D) Section 21.11 (indecency with a child);

(E) Section 22.011 (sexual assault);

(F) Section 22.02 (aggravated assault);

- (G) Section 22.021 (aggravated sexual assault);
  - (H) Section 22.04 (injury to a child, elderly individual, or disabled individual);
  - (I) Section 22.041 (abandoning or endangering child);
  - (J) Section 25.02 (prohibited sexual conduct);
  - (K) Section 43.25 (sexual performance by a child); ~~[☐]~~
  - (L) Section 43.26 (possession or promotion of child pornography);
- or
- (M) Section 21.02 (continuous sexual abuse of young child or children);

(4) the parent voluntarily left the child alone or in the possession of another person not the parent of the child for at least six months without expressing an intent to return and without providing adequate support for the child;

(5) the parent's parental rights with regard to another child have been involuntarily terminated based on a finding that the parent's conduct violated Section 161.001(1)(D) or (E) or a substantially equivalent provision of another state's law;

(6) the parent has been convicted for:

(A) the murder of another child of the parent and the offense would have been an offense under 18 U.S.C. Section 1111(a) if the offense had occurred in the special maritime or territorial jurisdiction of the United States;

(B) the voluntary manslaughter of another child of the parent and the offense would have been an offense under 18 U.S.C. Section 1112(a) if the offense had occurred in the special maritime or territorial jurisdiction of the United States;

(C) aiding or abetting, attempting, conspiring, or soliciting an offense under Subdivision (A) or (B); or

(D) the felony assault of the child or another child of the parent that resulted in serious bodily injury to the child or another child of the parent; or

(7) the parent's parental rights with regard to two other children have been involuntarily terminated.

SECTION 3.34. Section 411.1471(a), Government Code, is amended to read as follows:

(a) This section applies to a defendant who is:

(1) indicted or waives indictment for a felony prohibited or punishable under any of the following Penal Code sections:

(A) Section 20.04(a)(4);

(B) Section 21.11;

(C) Section 22.011;

(D) Section 22.021;

(E) Section 25.02;

(F) Section 30.02(d);

(G) Section 43.05;

(H) Section 43.25; ~~[☐]~~

(I) Section 43.26; or

## (J) Section 21.02;

(2) ~~arrested for a felony~~ described by Subdivision (1) after having been previously convicted of or placed on deferred adjudication for an offense described by Subdivision (1) or an offense punishable under Section 30.02(c)(2), Penal Code; or

(3) convicted of an offense under Section 21.07 or 21.08, Penal Code.

SECTION 3.35. Section 420.003(4), Government Code, is amended to read as follows:

(4) "Sexual assault" means any act or attempted act as described by Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code.

SECTION 3.36. Section 499.027(b), Government Code, is amended to read as follows:

(b) An inmate is not eligible under this subchapter to be considered for release to intensive supervision parole if:

(1) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure;

(2) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense listed in one of the following sections of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 19.04 (manslaughter);

(D) Section 20.03 (kidnapping);

(E) Section 20.04 (aggravated kidnapping);

(F) Section 21.11 (indecenty with a child);

(G) Section 22.011 (sexual assault);

(H) Section 22.02 (aggravated assault);

(I) Section 22.021 (aggravated sexual assault);

(J) Section 22.04 (injury to a child or an elderly individual);

(K) Section 25.02 (prohibited sexual conduct);

(L) Section 25.08 (sale or purchase of a child);

(M) Section 28.02 (arson);

(N) Section 29.02 (robbery);

(O) Section 29.03 (aggravated robbery);

(P) Section 30.02 (burglary), if the offense is punished as a first-degree felony under that section;

(Q) Section 43.04 (aggravated promotion of prostitution);

(R) Section 43.05 (compelling prostitution);

(S) Section 43.24 (sale, distribution, or display of harmful material to minor);

(T) Section 43.25 (sexual performance by a child);

(U) Section 46.10 (deadly weapon in penal institution);

(V) Section 15.01 (criminal attempt), if the offense attempted is listed in this subsection;

(W) Section 15.02 (criminal conspiracy), if the offense that is the subject of the conspiracy is listed in this subsection; [~~or~~]

(X) Section 15.03 (criminal solicitation), if the offense solicited is listed in this subsection; or

(Y) Section 21.02 (continuous sexual abuse of young child or children); or

(3) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense under Chapter 481, Health and Safety Code, punishable by a minimum term of imprisonment or a maximum fine that is greater than the minimum term of imprisonment or the maximum fine for a first degree felony.

SECTION 3.37. Section 501.061(a), Government Code, is amended to read as follows:

(a) A physician employed or retained by the department may perform an orchiectomy on an inmate only if:

(1) the inmate has been convicted of an offense under Section 21.02, 21.11, 22.011(a)(2), or 22.021(a)(2)(B), Penal Code, and has previously been convicted under one or more of those sections;

(2) the inmate is 21 years of age or older;

(3) the inmate requests the procedure in writing;

(4) the inmate signs a statement admitting the inmate committed the offense described by Subsection (a)(1) for which the inmate has been convicted;

(5) a psychiatrist and a psychologist who are appointed by the department and have experience in the treatment of sex offenders:

(A) evaluate the inmate and determine that the inmate is a suitable candidate for the procedure; and

(B) counsel the inmate before the inmate undergoes the procedure;

(6) the physician obtains the inmate's informed, written consent to undergo the procedure;

(7) the inmate has not previously requested that the department perform the procedure and subsequently withdrawn the request; and

(8) the inmate consults with a monitor as provided by Subsection (f).

SECTION 3.38. Section 508.046, Government Code, is amended to read as follows:

Sec. 508.046. EXTRAORDINARY VOTE REQUIRED. To release on parole an inmate who was convicted of an offense under Section 21.02, 21.11(a)(1), or 22.021, Penal Code, or who is required under Section 508.145(c) to serve 35 calendar years before becoming eligible for release on parole, all members of the board must vote on the release on parole of the inmate, and at least two-thirds of the members must vote in favor of the release on parole. A member of the board may not vote on the release unless the member first receives a copy of a written report from the department on the probability that the inmate would commit an offense after being released on parole.

SECTION 3.39. Section 508.117(g), Government Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Sexual assault" includes an offense under Section 21.02, Penal Code.

SECTION 3.40. Section 508.151(a), Government Code, is amended to read as follows:

(a) For the purpose of diverting inmates to halfway houses under Section 508.118, a parole panel, after reviewing all available pertinent information, may designate a presumptive parole date for an inmate who:

(1) has never been convicted of an offense listed under Section 3g(a)(1), Article 42.12, Code of Criminal Procedure, or an offense under Section 21.02, Penal Code; and

(2) has never had a conviction with a judgment that contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure.

SECTION 3.41. Section 508.187(a), Government Code, is amended to read as follows:

(a) This section applies only to a releasee serving a sentence for an offense under:

(1) Section 43.25 or 43.26, Penal Code;

(2) Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code;

(3) Section 20.04(a)(4), Penal Code, if the releasee committed the offense with the intent to violate or abuse the victim sexually; or

(4) Section 30.02, Penal Code, punishable under Subsection (d) of that section, if the releasee committed the offense with the intent to commit a felony listed in Subdivision (2) or (3).

SECTION 3.42. Section 508.189(a), Government Code, is amended to read as follows:

(a) A parole panel shall require as a condition of parole or mandatory supervision that a releasee convicted of an offense under Section 21.02, 21.08, 21.11, 22.011, 22.021, 25.02, 43.25, or 43.26, Penal Code, pay to ~~the~~ the division a parole supervision fee of \$5 each month during the period of parole supervision.

SECTION 3.43. Section 242.126(c), Health and Safety Code, is amended to read as follows:

(c) The agency shall begin the investigation:

(1) within 24 hours of receipt of the report or other allegation, if the report of abuse or neglect or other complaint alleges that:

(A) a resident's health or safety is in imminent danger;

(B) a resident has recently died because of conduct alleged in the report of abuse or neglect or other complaint;

(C) a resident has been hospitalized or been treated in an emergency room because of conduct alleged in the report of abuse or neglect or other complaint;

(D) a resident has been a victim of any act or attempted act described by Section 21.02, 21.11, 22.011, or 22.021, Penal Code; or

(E) a resident has suffered bodily injury, as that term is defined by Section 1.07, Penal Code, because of conduct alleged in the report of abuse or neglect or other complaint; or



(2) before the end of the next working day after the date of receipt of the report of abuse or neglect or other complaint, if the report or complaint alleges the existence of circumstances that could result in abuse or neglect and that could place a resident's health or safety in imminent danger.

SECTION 3.44. Section 250.006(a), Health and Safety Code, is amended to read as follows:

(a) A person for whom the facility is entitled to obtain criminal history record information may not be employed in a facility if the person has been convicted of an offense listed in this subsection:

- (1) an offense under Chapter 19, Penal Code (criminal homicide);
  - (2) an offense under Chapter 20, Penal Code (kidnapping and unlawful restraint);
  - (3) an offense under Section 21.02, Penal Code (continuous sexual abuse of young child or children), or Section 21.11, Penal Code (indecenty with a child);
  - (4) an offense under Section 22.011, Penal Code (sexual assault);
  - (5) an offense under Section 22.02, Penal Code (aggravated assault);
  - (6) an offense under Section 22.04, Penal Code (injury to a child, elderly individual, or disabled individual);
  - (7) an offense under Section 22.041, Penal Code (abandoning or endangering child);
  - (8) an offense under Section 22.08, Penal Code (aiding suicide);
  - (9) an offense under Section 25.031, Penal Code (agreement to abduct from custody);
  - (10) an offense under Section 25.08, Penal Code (sale or purchase of a child);
  - (11) an offense under Section 28.02, Penal Code (arson);
  - (12) an offense under Section 29.02, Penal Code (robbery);
  - (13) an offense under Section 29.03, Penal Code (aggravated robbery);
- or
- (14) a conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed under Subdivisions (1)-(13).

SECTION 3.45. Section 841.002(8), Health and Safety Code, is amended to read as follows:

- (8) "Sexually violent offense" means:
- (A) an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;
  - (B) an offense under Section 20.04(a)(4), Penal Code, if the person committed the offense with the intent to violate or abuse the victim sexually;
  - (C) an offense under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the person committed the offense with the intent to commit an offense listed in Paragraph (A) or (B);

(D) an offense under Section 19.02 or 19.03, Penal Code, that, during the guilt or innocence phase or the punishment phase for the offense, during the adjudication or disposition of delinquent conduct constituting the offense, or subsequently during a civil commitment proceeding under Subchapter D, is determined beyond a reasonable doubt to have been based on sexually motivated conduct;

(E) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense listed in Paragraph (A), (B), (C), or (D);

(F) an offense under prior state law that contains elements substantially similar to the elements of an offense listed in Paragraph (A), (B), (C), (D), or (E); or

(G) an offense under the law of another state, federal law, or the Uniform Code of Military Justice that contains elements substantially similar to the elements of an offense listed in Paragraph (A), (B), (C), (D), or (E).

SECTION 3.46. Section 301.4535(a), Occupations Code, is amended to read as follows:

(a) The board shall suspend a nurse's license or refuse to issue a license to an applicant on proof that the nurse or applicant has been initially convicted of:

(1) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or manslaughter under Section 19.04, Penal Code;

(2) kidnapping or unlawful restraint under Chapter 20, Penal Code, and the offense was punished as a felony or state jail felony;

(3) sexual assault under Section 22.011, Penal Code;

(4) aggravated sexual assault under Section 22.021, Penal Code;

(5) continuous sexual abuse of young child or children under Section 21.02, Penal Code, or indecency with a child under Section 21.11, Penal Code;

(6) aggravated assault under Section 22.02, Penal Code;

(7) intentionally, knowingly, or recklessly injuring a child, elderly individual, or disabled individual under Section 22.04, Penal Code;

(8) intentionally, knowingly, or recklessly abandoning or endangering a child under Section 22.041, Penal Code;

(9) aiding suicide under Section 22.08, Penal Code, and the offense was punished as a state jail felony;

(10) an offense under Section 25.07, Penal Code, punished as a felony;

(11) an offense under Section 25.071, Penal Code, punished as a felony;

(12) an agreement to abduct a child from custody under Section 25.031, Penal Code;

(13) the sale or purchase of a child under Section 25.08, Penal Code;

(14) robbery under Section 29.02, Penal Code;

(15) aggravated robbery under Section 29.03, Penal Code;

(16) an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(17) an offense under the law of another state, federal law, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense listed in this subsection.

SECTION 3.47. Section 3.03(b), Penal Code, is amended to read as follows:

(b) If the accused is found guilty of more than one offense arising out of the same criminal episode, the sentences may run concurrently or consecutively if each sentence is for a conviction of:

(1) an offense:

(A) under Section 49.07 or 49.08, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections;

(2) an offense:

(A) under Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section; or

(3) an offense:

(A) under Section 21.15 or 43.26, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections.

SECTION 3.48. Section 12.35(c), Penal Code, is amended to read as follows:

(c) An individual adjudged guilty of a state jail felony shall be punished for a third degree felony if it is shown on the trial of the offense that:

(1) a deadly weapon as defined by Section 1.07 was used or exhibited during the commission of the offense or during immediate flight following the commission of the offense, and that the individual used or exhibited the deadly weapon or was a party to the offense and knew that a deadly weapon would be used or exhibited; or

(2) the individual has previously been finally convicted of any felony:

(A) under Section 21.02 or listed in Section 3g(a)(1), Article 42.12, Code of Criminal Procedure; or

(B) for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure.

SECTION 3.49. Section 15.031(b), Penal Code, is amended to read as follows:

(b) A person commits an offense if, with intent that an offense under Section 21.02, 21.11, 22.011, 22.021, or 43.25 be committed, the person by any means requests, commands, or attempts to induce a minor or another whom the person believes to be a minor to engage in specific conduct that, under the circumstances surrounding the actor's conduct as the actor believes them to be, would constitute an offense under one of those sections or would make the minor or other believed by the person to be a minor a party to the commission of an offense under one of those sections.

SECTION 3.50. Section 38.17(a), Penal Code, is amended to read as follows:

(a) A person, other than a person who has a relationship with a child described by Section 22.04(b), commits an offense if:

(1) the actor observes the commission or attempted commission of an offense prohibited by Section 21.02 or 22.021(a)(2)(B) under circumstances in which a reasonable person would believe that an offense of a sexual or assaultive nature was being committed or was about to be committed against the child;

(2) the actor fails to assist the child or immediately report the commission of the offense to a peace officer or law enforcement agency; and

(3) the actor could assist the child or immediately report the commission of the offense without placing the actor in danger of suffering serious bodily injury or death.

#### ARTICLE 4. TRANSITION; EFFECTIVE DATE

SECTION 4.01. (a) Except as provided by Subsections (b) and (c) of this section, the change in law made by this Act applies only to an offense committed on or after September 1, 2007. An offense committed before September 1, 2007, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For the purposes of this section, an offense was committed before September 1, 2007, if any element of the offense occurred before that date.

(b) The change in law made by this Act to Chapter 841, Health and Safety Code, applies only to an individual who on or after September 1, 2007, is serving a sentence in the Texas Department of Criminal Justice or is committed to the Department of State Health Services for an offense committed before, on, or after the effective date of this Act.

(c) The change in law made by this Act to Article 12.01, Code of Criminal Procedure, does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date of this Act. The prosecution of that offense remains barred as if this Act had not taken effect.

SECTION 4.02. This Act takes effect September 1, 2007.

Representative Riddle moved to adopt the conference committee report on **HB 8**.

A record vote was requested.

The motion to adopt the conference committee report on **HB 8** prevailed by (Record 1544): 122 Yeas, 17 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Murphy; Noriega; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Dutton; Farrar; Giddings; Hernandez; Howard, D.; Moreno; Naishtat; Olivo; Thompson.

Present, not voting — Mr. Speaker(C); Turner.

Absent, Excused, Committee Meeting — Chisum.

Absent — Davis, Y.; Deshotel; Hodge; McClendon; Miles; Mowery; Pickett; West.

### STATEMENT OF VOTE

When Record No. 1544 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Hartnett requested permission for the Committee on Judiciary to meet while the house is in session, 11:25 a.m. today, in 3W.9, for a formal meeting, to consider **SB 232**, **SB 1125**, and **SB 1655**.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary, 11:25 a.m. today, 3W.9, for a formal meeting, to consider **SB 232**, **SB 1125**, and **SB 1655**.

**HB 1928 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative Flores called up with senate amendments for consideration at this time,

**HB 1928**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain travel trailers.

Representative Flores moved to concur in the senate amendments to **HB 1928**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1545): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Leibowitz.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Chisum.

Absent — Allen; Burnam; Kuempel; Mowery.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 1545. I intended to vote no.

Martinez

**Senate Committee Substitute**

**CSHB 1928**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain travel trailers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Section 11.14(b), Tax Code, is amended to read as follows:

(b) In this section:

(1) "Manufactured [~~,"manufactured]~~ home" has the meaning assigned by Section 11.432 [~~of this code~~].

(2) "Structure" does not include a vehicle that:

(A) is a trailer-type unit designed primarily for use as temporary living quarters in connection with recreational, camping, travel, or seasonal use;

(B) is built on a single chassis mounted on wheels;

(C) has a gross trailer area in the set-up mode of 400 square feet or less; and

(D) is certified by the manufacturer as complying with American National Standards Institute Standard A119.5.

SECTION 2. This Act applies only to an ad valorem tax year that begins on or after the effective date of this Act.

SECTION 3. This Act takes effect January 1, 2009.

### INTRODUCTION OF GUEST

The speaker recognized Representative Lucio who introduced Mayor of Harlingen Chris Bosewell.

(Zedler in the chair)

### HR 2124 - ADOPTED

(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 2124**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2124**, Commemorating Armed Forces Day, May 19, 2007.

**HR 2124** was adopted.

On motion of Representative Noriega, the names of all the members of the house were added to **HR 2124** as signers thereof.

### BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

### HJR 19 - MOTION TO CONCUR IN SENATE AMENDMENTS

Representative Branch called up with senate amendments for consideration at this time,

**HJR 19**, A joint resolution proposing a constitutional amendment to require each house of the legislature to take a record vote on final passage of a bill other than certain local bills, of a resolution proposing or ratifying a constitutional amendment, or of any other nonceremonial resolution, and to publish the record vote on the Internet.

Representative Branch moved to concur in the senate amendments to **HJR 19**.

(Morrison in the chair)

### **HJR 19 - POINT OF ORDER**

Representative Talton raised a point of order against further consideration of **HJR 19** under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

**HJR 19** was returned to the conference committee.

### **SB 3 - COMMITTEE ON CALENDARS RULE ADOPTED**

Pursuant to House Rule 3, Section 5(2), and House Rule 6, Section 16(f), Representative Woolley moved to adopt the following rule governing floor consideration for **SB 3**:

All original amendments that will be offered during second reading consideration of **SB 3** must be filed with the chief clerk by 6 p.m. on Sunday, May 20, 2007.

The motion to adopt the Committee on Calendars rule prevailed.

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Puente requested permission for the Committee on Natural Resources to meet while the house is in session, 11:45 a.m. today, in 3N.4, for a formal meeting, to consider **SB 2054**.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Natural Resources, 11:45 a.m. today, 3N.4, for a formal meeting, to consider **SB 2054**.

### **HB 1251 - MOTION TO CONCUR IN SENATE AMENDMENTS**

Representative Bonnen called up with senate amendments for consideration at this time,

**HB 1251**, A bill to be entitled An Act relating to a public agency's, county's, or municipality's authority to grant or enforce certain solid waste collection and transportation services franchises.

Representative Bonnen moved to concur in the senate amendments to **HB 1251**.

### **HB 1251 - POINT OF ORDER**

Representative Burnam raised a point of order against further consideration of **HB 1251** under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.



The point of order was withdrawn.

The motion to concur in senate amendments was withdrawn.

**HB 1060 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

Representative Parker called up with senate amendments for consideration at this time,

**HB 1060**, A bill to be entitled An Act relating to the use of electronically readable information from a driver's license or personal identification certificate by certain health care providers and hospitals.

Representative Parker moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1060**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1060**: Parker, chair; D. Howard, Kolkhorst, McClendon, and Zerwas.

**HB 930 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

Representative Chavez called up with senate amendments for consideration at this time,

**HB 930**, A bill to be entitled An Act relating to certain orders rendered by an associate judge under the Family Code.

Representative Chavez moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 930**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 930**: Chavez, chair; Corte, Garcia, Taylor, and Castro.

**HB 1530 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative Flores called up with senate amendments for consideration at this time,

**HB 1530**, A bill to be entitled An Act relating to the regulation of the sale and inspection of real estate and residential service contracts.

Representative Flores moved to concur in the senate amendments to **HB 1530**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1546):  
144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Morrison(C).

Absent, Excused, Committee Meeting — Chisum.

Absent — Eiland; Howard, C.; Pierson.

### Senate Committee Substitute

**CSHB 1530**, A bill to be entitled An Act relating to the regulation of the sale and inspection of real estate and residential service contracts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1101.005, Occupations Code, is amended to read as follows:

Sec. 1101.005. APPLICABILITY OF CHAPTER. This chapter does not apply to:

- (1) an attorney licensed in any state;
- (2) an attorney-in-fact authorized under a power of attorney to conduct a real estate transaction;
- (3) a public official while engaged in official duties;
- (4) an auctioneer licensed under Chapter 1802 while conducting the sale of real estate by auction if the auctioneer does not perform another act of a broker or salesperson;
- (5) a person conducting a real estate transaction ~~[acting]~~ under a court order or the authority of a will or written trust instrument;
- (6) a person employed by an owner in the sale of structures and land on which structures are located if the structures are erected by the owner in the course of the owner's business;
- (7) an on-site manager of an apartment complex;

(8) an owner or the owner's employee who leases the owner's improved or unimproved real estate;

(9) a partnership or limited liability partnership acting as a broker or salesperson through a partner who is a licensed broker; or

(10) a transaction involving:

(A) the sale, lease, or transfer of a mineral or mining interest in real property;

(B) the sale, lease, or transfer of a cemetery lot;

(C) the lease or management of a hotel or motel; or

(D) the sale of real property under a power of sale conferred by a deed of trust or other contract lien.

SECTION 2. Section 1101.057(a), Occupations Code, is amended to read as follows:

(a) It is a ground for removal from the commission that a member:

(1) does not have at the time of appointment the qualifications required by Section 1101.051(a) or (b) or 1101.052;

(2) does not maintain during service on the commission the qualifications required by Section 1101.051(a) or (b) or 1101.052;

(3) violates a prohibition established by Section 1101.053;

(4) cannot [~~because of illness or disability,~~] discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during each calendar year, unless the absence is excused by majority vote of the commission.

SECTION 3. Section 1101.152(a), Occupations Code, is amended to read as follows:

(a) The commission shall adopt rules to charge and collect reasonable fees, including a fee for [the following fees]:

(1) [~~for~~] filing an original application for a broker license [~~, not more than \$100~~];

(2) [~~for~~] annual renewal of a broker license [~~, not more than \$100~~];

(3) [~~for~~] filing an original application for a salesperson license [~~, not more than \$75~~];

(4) [~~for~~] annual renewal of a salesperson license [~~, not more than \$50~~];

(5) [~~for~~] annual registration [~~, \$80~~];

(6) filing [~~for~~] an application for a license examination [~~, not more than \$100~~];

(7) [~~for~~] filing a request for a branch office license [~~, not more than \$20~~];

(8) [~~for~~] filing a request for a change of place of business, change of name, return to active status, or change of sponsoring broker [~~, not more than \$20~~];

(9) [~~for~~] filing a request to replace a lost or destroyed license or certificate of registration [~~, not more than \$20~~];

(10) [~~for~~] filing an application for approval of an education program under Subchapter G [~~, not more than \$400~~];

- (11) ~~[for]~~ annual operation of an education program under Subchapter G, ~~[not more than \$200]~~;
- (12) ~~[for]~~ filing an application for approval of an instructor of core real estate courses, ~~[not more than \$40]~~;
- (13) ~~[for]~~ transcript evaluation, ~~[\$20]~~;
- (14) ~~[for]~~ preparing a license or registration history, ~~[not more than \$20]~~; ~~[and]~~
- (15) ~~[for]~~ filing an application for a moral character determination; and
- (16) ~~conducting a criminal history check for issuing or renewing a license, [not more than \$50].~~

SECTION 4. Section 1101.302(b), Occupations Code, is amended to read as follows:

(b) An educational institution shall maintain a corporate surety bond or other security acceptable to the commission that is:

- (1) in the amount of \$20,000 ~~[\$10,000]~~;
- (2) payable to the commission; and
- (3) for the benefit of a party who suffers damages caused by the failure of the institution to fulfill obligations related to the commission's approval.

SECTION 5. Subchapter H, Chapter 1101, Occupations Code, is amended by adding Section 1101.3521 to read as follows:

Sec. 1101.3521. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE. (a) The commission shall require that an applicant for a license or renewal of an unexpired license submit a complete and legible set of fingerprints, on a form prescribed by the commission, to the commission or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The commission shall refuse to issue a license to or renew the license of a person who does not comply with the requirement of Subsection (a).

(c) The commission shall conduct a criminal history check of each applicant for a license or renewal of a license using information:

- (1) provided by the individual under this section; and
- (2) made available to the commission by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The commission may:

- (1) enter into an agreement with the Department of Public Safety to administer a criminal history check required under this section; and
- (2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the department in conducting the criminal history check.

SECTION 6. Section 1101.356(a), Occupations Code, is amended to read as follows:

(a) An applicant for a broker license must provide to the commission satisfactory evidence that the applicant:

(1) has had at least two years of active experience in this state as a license holder during the 36 months preceding the date the application is filed; and

(2) has successfully completed at least 60 semester hours, or equivalent classroom hours, of postsecondary education, including:

(A) at least 18 semester hours or equivalent classroom hours of core real estate courses, two semester hours of which must be real estate brokerage; and

(B) at least 42 hours of core real estate courses or related courses accepted by the commission.

SECTION 7. Subchapter J, Chapter 1101, Occupations Code, is amended by adding Section 1101.4521 to read as follows:

Sec. 1101.4521. CRIMINAL HISTORY RECORD INFORMATION FOR RENEWAL. An applicant for the renewal of an unexpired license must comply with the criminal history record check requirements of Section 1101.3521.

SECTION 8. Section 1101.455, Occupations Code, is amended by adding Subsection (k) to read as follows:

(k) Notwithstanding the number of hours required by Subsection (e), a member of the legislature licensed under this chapter is only required to complete three hours of continuing education on the legal topics under Subsection (e).

SECTION 9. Section 1101.652(a), Occupations Code, is amended to read as follows:

(a) The commission may suspend or revoke a license issued under this chapter or take other disciplinary action authorized by this chapter if the license holder:

(1) enters a plea of guilty or nolo contendere to or is convicted of a felony in which fraud is an essential element, and the time for appeal has elapsed or the judgment or conviction has been affirmed on appeal, without regard to an order granting community supervision that suspends the imposition of the sentence;

(2) procures or attempts to procure a license under this chapter for the license holder or a salesperson by fraud, misrepresentation, or deceit or by making a material misstatement of fact in an application for a license;

(3) engages in misrepresentation, dishonesty, or fraud when selling, buying, trading, or leasing real property in the name of:

(A) the license holder;

(B) the license holder's spouse; or

(C) a person related to the license holder within the first degree by consanguinity;

(4) fails to honor, within a reasonable time, a check issued to the commission after the commission has sent by certified mail a request for payment to the license holder's last known business address according to commission records;

(5) fails or refuses to produce on request, for inspection by the commission or a commission representative, a document, book, or record that is in the license holder's possession and relates to a real estate transaction conducted by the license holder;

(6) fails to provide, within a reasonable time, information requested by the commission that relates to a formal or informal complaint to the commission that would indicate a violation of this chapter;

(7) fails to surrender to the owner, without just cause, a document or instrument that is requested by the owner and that is in the license holder's possession;

(8) fails to use a contract form required by the commission under Section 1101.155;

(9) fails to notify the commission, not later than the 30th day after the date of a final conviction or the entry of a plea of guilty or nolo contendere, that the person has been convicted of or entered a plea of guilty or nolo contendere to a felony or a criminal offense involving fraud; or

(10) disregards or violates this chapter.

SECTION 10. Section 1101.655(a), Occupations Code, is amended to read as follows:

(a) The commission may revoke a license, approval, or ~~[certificate of]~~ registration issued under this chapter or Chapter 1102 if the commission makes a payment from the real estate recovery trust account to satisfy all or part of a judgment against the license or registration ~~[certificate]~~ holder.

SECTION 11. Section 1102.111, Occupations Code, is amended to read as follows:

Sec. 1102.111. SUBSTITUTE REQUIREMENTS. (a) The commission by rule shall provide for substitution of relevant experience and ~~[or]~~ additional education in place of:

(1) the number of real estate inspections required for licensing; and

(2) the requirement that an applicant be:

(A) licensed as an apprentice inspector before being licensed as a real estate inspector; or

(B) licensed as a real estate inspector before being licensed as a professional inspector.

(b) Rules adopted under Subsection (a) may not require an applicant to:

(1) complete more than 320 additional classroom hours of core real estate inspection courses; or

(2) have more than seven years of relevant experience.

SECTION 12. Sections 1102.402(a) and (c), Occupations Code, are amended to read as follows:

(a) The commission may revoke a ~~[the]~~ license issued under this chapter or a license, approval, or registration issued under Chapter 1101 ~~[of an inspector]~~ if the commission makes a payment from the real estate inspection recovery fund to satisfy all or part of a judgment against the person issued the license, approval, or registration ~~[inspector]~~.

(c) A person [~~whose license is revoked under this section~~] is not eligible for a [~~new~~] license until the person has repaid in full the amount paid from the fund on the person's account, plus interest at the legal rate.

SECTION 13. Section 1303.302, Occupations Code, is amended to read as follows:

Sec. 1303.302. CERTAIN CONDITIONAL SALES OF PROPERTY PROHIBITED. (a) A seller of a residential property or the buyer's or seller's agent may not condition the sale of the property on the buyer's purchase of a residential service contract.

(b) A seller of a residential property or the buyer's or seller's agent shall provide to the buyer a statement that clearly and conspicuously states that:

(1) the purchase of a residential service contract is optional; and  
(2) the buyer may purchase similar coverage through another residential service company or insurance company authorized to engage in business in this state.

SECTION 14. Sections 1102.1035 and 1102.2051, Occupations Code, are repealed.

SECTION 15. Not later than January 1, 2008, an educational institution that maintains a bond under Section 1101.302(b), Occupations Code, on the effective date of this Act shall obtain a bond in the amount required by Section 1101.302(b), Occupations Code, as amended by this Act.

SECTION 16. Not later than January 1, 2008, the Texas Real Estate Commission shall adopt rules as required by Section 1101.152, Occupations Code, as amended by this Act.

SECTION 17. (a) The change in law made by this Act to Section 1101.356(a), Occupations Code, applies only to a license application filed on or after January 1, 2008. A license application filed before that date is covered by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

(b) The requirement that a person applying for or renewing a license under Chapter 1101, Occupations Code, must submit to a criminal history check under Sections 1101.3521 and 1101.4521, Occupations Code, as added by this Act, applies only to an application filed on or after January 1, 2008.

SECTION 18. This Act takes effect September 1, 2007.

(Speaker in the chair)

**ADDRESS BY REPRESENTATIVE SWINFORD  
ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative Swinford who addressed the house on a matter of personal privilege.

**HR 2273 - ADOPTED  
(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 2273**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2273**, Congratulating Ismael "Kino" Flores, Jr., on his graduation from The University of Texas School of Law.

**HR 2273** was read and was adopted.

On motion of Representative Chavez, the names of all the members of the house were added to **HR 2273** as signers thereof.

**MAJOR STATE CALENDAR  
SENATE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 11 ON SECOND READING  
(Corte - House Sponsor)**

**CSSB 11**, A bill to be entitled An Act relating to homeland security; providing penalties.

**Amendment No. 1**

Representative Corte offered the following amendment to **CSSB 11**:

Amend **CSSB 11** (house committee report) by adding the following appropriately numbered article to the bill and renumbering subsequent articles and sections as appropriate:

ARTICLE \_\_\_\_ . TRANSFER OF USED VEHICLES

SECTION \_\_\_\_ .01. Section 520.023, Transportation Code, is amended by amending Subsection (a) and adding Subsections (g) and (h) to read as follows:

(a) On receipt of a notarized, written notice of transfer from the transferor of a motor vehicle, the department shall indicate the transfer on the motor vehicle records maintained by the department.

(g) A person who files a false notice under Subsection (a) commits a Class A misdemeanor.

(h) A transferor that files notice under Subsection (a) for a motor vehicle is not civilly or criminally liable for use, operation, or abandonment of the vehicle after the notice is filed. A copy of the notice filed under Subsection (a) and evidence that it was delivered to the U.S. Postal Service is proof of the filing of the notice for:

(1) a civil or criminal action brought against the transferor as a result of an act or omission arising out of the use, operation, or abandonment the vehicle; and

(2) any entity that uses motor vehicle ownership in the enforcement of laws or regulations.

Amendment No. 1 was adopted. (The vote was later reconsidered on May 21, and Amendment No. 1 was withdrawn.)

**Amendment No. 2**

Representative Burnam offered the following amendment to **CSSB 11**:



Amend **CSSB 11** (House Committee Printing) by striking Article 6 of the bill and renumbering subsequent articles and sections of the bill as appropriate.

Representative Turner moved to extend speaking time on **CSSB 11**.

A record vote was requested.

The motion to extend time prevailed by (Record 1547): 118 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Gonzales; Gonzalez Tourelles; Guillen; Haggerty; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Jones; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Ortiz; Otto; Parker; Paxton; Peña; Pickett; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Corte; Driver; Harper-Brown; Hilderbran; Isett; Krusee; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Chisum.

Absent — Bailey; Branch; Burnam; Callegari; Christian; Geren; Giddings; Goolsby; Hamilton; Hughes; Jackson; Keffer; Macias; Merritt; Miller; Moreno; Morrison; Orr; Patrick; Phillips; Pierson; Puente; Truitt.

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative C. Howard requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, 12:30 p.m. today, in 1W.14, for a formal meeting, to consider a calendar.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meetings was announced:

Local and Consent Calendars, 12:30 p.m today, 1W.14, for a formal meeting, to consider a calendar.

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business:

Rodriguez on motion of Naishtat.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Krusee on motion of Driver.

**CSSB 11 - (consideration continued)**

Representative Escobar moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 1548): 96 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eiland; Eissler; Elkins; England; Escobar; Farabee; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hill; Hochberg; Homer; Hopson; Howard, C.; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Kuempel; Latham; Laubenberg; Macias; Madden; Martinez; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Murphy; O'Day; Oliveira; Orr; Otto; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; Vaught; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Farias; Farrar; Flores; Giddings; Gonzales; Gonzalez Toureilles; Hernandez; Herrero; Hodge; Howard, D.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; Miles; Moreno; Naishtat; Noriega; Olivo; Ortiz; Puente; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Krusee; Rodriguez.

Absent, Excused, Committee Meeting — Chisum.

Absent — Creighton; Hilderbran; Hughes; King, S.; Mowery; Parker; Phillips; Straus.

**CSSB 11 - POINT OF ORDER**

Representative Burnam raised a point of order against further consideration of **CSSB 11** under Rule 8, Section 3 of the House Rules and Article III, Section 35a of the Texas Constitution on the grounds that the bill violates the one subject rule.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of illness:

Bailey on motion of Raymond.

**CSSB 11 - (consideration continued)**

The point of order was withdrawn.

Representative Corte moved to postpone consideration of **CSSB 11** until 10 a.m. Monday, May 21.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Defense Affairs and State-Federal Relations, upon final adjournment today, Desk 76, for a formal meeting, to consider pending business.

Licensing and Administrative Procedures, upon final adjournment today, Desk 99, for a formal meeting, to consider **SB 1475**.

Law Enforcement, upon final adjournment today, Desk 56, for a formal meeting, to consider **SB 798**.

Calendars, upon final adjournment today, 3W.9, for a formal meeting, to consider a calendar.

Pensions and Investments, upon final adjournment today, Desk 6, for a formal meeting, to consider pending business.

Human Services, upon final adjournment today, Desk 120, for a formal meeting, to consider a motion to adopt revised minutes.

Local Government Ways and Means, upon final adjournment today, Desk73, for a formal meeting, to consider **SB 126**.

Criminal Jurisprudence, upon final adjournment today, 3W.9, for a formal meeting, to consider **SB 263**, **SB 528**, **SB 789**, **SB 1116**, and **SB 1622**.

Appropriations, upon final adjournment today, E1.030, for a formal meeting, to consider **SB 1640**, **SB 1848**, and **SJR 57**.

**RESOLUTIONS ADOPTED**

Representative Harper-Brown moved to suspend all necessary rules in order to take up and consider at this time **HR 1717**, **HR 2225**, **HR 2272**, and **SCR 30**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 1717** (by Callegari), Congratulating Mike Johnston on his induction into the Texas High School Coaches Association Hall of Honor.

**HR 2225** (by West), Congratulating Southwest Airlines on its 30th anniversary of service at Midland International Airport.

**HR 2272** (by Gonzalez Tourelles), Honoring Melanie Sue Schroedter for her service as a legislative intern for Representative Yvonne Gonzalez Tourelles.

**SCR 30** (Harper-Brown - House Sponsor), Recognizing May 5, 2007, as Parliamentary Law Day at the State Capitol.

The resolutions were adopted.

**HCR 262 - ADOPTED**  
**(by Guillen)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HCR 262**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 262**, In memory of John Austin Pena of Edinburg.

**HCR 262** was unanimously adopted by a rising vote.

**HR 2212 - ADOPTED**  
**(by Anderson, et al.)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 2212**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2212**, In memory of Cecil Gene Shaw of Riesel.

**HR 2212** was unanimously adopted by a rising vote.

**HB 1251 - HOUSE REFUSES TO CONCUR**  
**IN SENATE AMENDMENTS**  
**CONFERENCE COMMITTEE APPOINTED**

Representative Bonnen called up with senate amendments for consideration at this time,

**HB 1251**, A bill to be entitled An Act relating to a public agency's, county's, or municipality's authority to grant or enforce certain solid waste collection and transportation services franchises.

Representative Bonnen moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1251**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1251**: Bonnen, chair; Driver, Eiland, T. King, and Kuempel.

**ADJOURNMENT**

Representative B. Brown moved that the house adjourn until 10 a.m. Monday, May 21 in memory of Deputy Sheriffs Paul Steven Habet and Tony Price Ogburn of Henderson County.

The motion prevailed.

The house accordingly, at 1:02 p.m., adjourned until 10 a.m. Monday, May 21.

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## ADDENDUM

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### REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### List No. 1

**HCR 255** (By Morrison), Urging Congress to restore federal maintenance and dredging funds for the Victoria Barge Canal.

To Transportation.

**SJR 68** to Elections.

#### List No. 2

**SB 1848** to Appropriations.

### SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

#### House List No. 41

**HB 73, HB 125, HB 246, HB 312, HB 342, HB 386, HB 416, HB 417, HB 425, HB 495, HB 496, HB 564, HB 576, HB 680, HB 1023, HB 1045, HB 1067, HB 1100, HB 1138, HB 1178, HB 1210, HB 1230, HB 1365, HB 1382, HB 1401, HB 1412, HB 1497, HB 1741, HB 1787, HB 1820, HB 1844, HB 1871, HB 2056, HB 2075, HB 2188, HB 2212, HB 2338, HB 2393, HB 2468, HB 2514, HB 2546, HB 2559, HB 2611, HB 2636, HB 2683, HB 2735, HB 2799, HB 2967, HB 3074, HB 3084, HB 3138, HB 3191, HB 3226, HB 3601, HCR 23, HCR 136, HCR 137, HCR 152, HCR 159, HCR 256**

### MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 18, 2007

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 1848** Duncan  
Relating to state fiscal matters.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 17**

Agriculture and Livestock - **SB 357, SB 911**

Appropriations - **SB 10**

Border and International Affairs - **HR 1576**

Business and Industry - **SB 1038**

Corrections - **SB 230, SB 262, SB 838, SB 1909**

Criminal Jurisprudence - **SB 1129, SB 1285, SB 1616, SB 1796, SB 1901**

Culture, Recreation, and Tourism - **SB 825, SB 900, SB 1312, SB 1668, SB 1669, SB 1829, SB 1933**

Defense Affairs and State-Federal Relations - **HCR 28, HCR 121, SB 363, SB 1237**

Economic Development - **SB 1523**

Environmental Regulation - **SB 1351, SB 2000**

Financial Institutions - **SB 607, SB 1484**

Government Reform - **SB 205, SB 297, SB 704, SB 1310**

Higher Education - **SB 101, SB 105, SB 309, SB 469, SB 523, SB 649, SB 963, SB 1007, SB 1046, SB 1050, SB 1053, SB 1146, SB 1495**

Human Services - **SB 21, SB 206, SB 589, SB 1098, SB 1649, SB 1682**

Insurance - **SB 568, SB 1254, SB 1255, SB 1391, SB 2040**

Judiciary - **SB 406, SB 706, SB 966, SB 1379, SB 1624**

Juvenile Justice and Family Issues - **SB 304, SB 433, SB 617, SB 990, SB 1311, SB 1915, SB 1976**

Land and Resource Management - **SB 1128**

Law Enforcement - **SB 333, SB 503, SB 745, SB 799, SB 1061, SB 1083, SB 1361, SB 1716**

Licensing and Administrative Procedures - **SB 1729, SB 1750**

Natural Resources - **SB 401, SB 585, SB 662, SB 707, SB 714, SB 747, SB 1070, SB 1071, SB 1407, SB 1408, SB 1409, SB 1535, SB 1762, SB 1974, SB 1989, SB 1990, SB 1991, SB 1997, SB 2014, SB 2020, SB 2029, SB 2042, SB 2043**

Pensions and Investments - **SB 1777, SB 1778, SB 1877**

Public Education - **SB 4**

Public Health - **SB 1731**

State Affairs - **SB 1133, SB 2037**

Transportation - **SB 876, SB 1085, SB 1251, SB 1373, SB 1794**

Urban Affairs - **SB 125**

Ways and Means - **SB 663, SB 666, SB 1173, SB 1296, SB 1809, SB 1816, SJR 29**

#### ENGROSSED

May 17 - **HB 3984, HB 4013, HB 4033, HB 4044, HB 4066, HB 4085, HB 4139, HCR 1, HCR 200, HCR 222**

#### ENROLLED

May 17 - **HB 125, HB 246, HB 386, HB 416, HB 425, HB 564, HB 680, HB 1100, HB 1138, HB 1210, HB 1365, HB 1382, HB 1401, HB 1497, HB 2188, HB 2338, HB 2393, HB 2967, HB 3084, HB 3138, HB 3191, HB 3226, HCR 23, HCR 137, HCR 152**

#### SENT TO THE GOVERNOR

May 17 - **HB 71, HB 75, HB 86, HB 90, HB 184, HB 210, HB 280, HB 290, HB 389, HB 391, HB 421, HB 486, HB 488, HB 505, HB 519, HB 534, HB 606, HB 682, HB 716, HB 872, HB 953, HB 989, HB 1042, HB 1127, HB 1194, HB 1244, HB 1248, HB 1298, HB 1590, HB 1694,**

**HB 1710, HB 1739, HB 1766, HB 1850, HB 1887, HB 1972, HB 2045,  
HB 2278, HB 2281, HB 2282, HB 2288, HB 2322, HB 2400, HB 2411,  
HB 2455, HB 2492, HB 2682, HB 2685, HB 2840, HB 2870, HB 3089,  
HB 3166, HB 3167, HB 3564, HCR 70, HCR 125, HCR 196, HCR 235,  
HCR 252**

**SIGNED BY THE GOVERNOR**

**May 17 - HB 310, HB 320, HB 570, HB 709, HB 733, HB 886, HB 923,  
HB 973, HB 1164, HB 2007, HB 2024, HB 2252**