(2) it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; and

(3) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person’s throat or neck or by blocking the person’s nose or mouth.

(f) For the purposes of Subsections (b)(2)(A) and (b-1)(2) [Subsection (b)(2)]:

(1) a defendant has been previously convicted of an offense listed in those subsections committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision; and

(2) a conviction under the laws of another state for an offense containing elements that are substantially similar to the elements of an offense listed in those subsections is a conviction of the offense listed [in Subsection (b)(2)].

(g) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

CHAPTER 428

H.B. No. 2068

AN ACT
relating to an identification card for certain retired peace officers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1701.357(i), Occupations Code, is amended to read as follows:

(i) On request of an honorably retired officer who holds a certificate of proficiency under this section, the head of the state or local law enforcement agency from which the officer retired shall issue to the retired officer identification that indicates that the officer honorably retired from the agency. An identification under this subsection must include a photograph of the retired officer.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

1023
CHAPTER 429

H.B. No. 2102

AN ACT
relating to the powers and duties of the Harris County Municipal Utility District No. 403; providing
authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding
Chapter 8352 to read as follows:

CHAPTER 8352. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 403

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8352.001. DEFINITION. In this chapter, "district" means the Harris County
Municipal Utility District No. 403.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8352.051. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The dis-
trict has the powers and duties provided by the general law of this state, including Chapters
49 and 54, Water Code, applicable to municipal utility districts created under Section 59,
Article XVI, Texas Constitution.

Sec. 8352.052. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III,
Texas Constitution, the district may design, acquire, construct, finance, issue bonds for,
improve, operate, maintain and convey to this state, a county, or a municipality for
operation and maintenance macadamized, graveled, or paved roads, or improvements,
including storm drainage, in aid of those roads.

Sec. 8352.053. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must
meet all applicable construction standards, zoning and subdivision requirements, and
regulations of each municipality in whose corporate limits or extraterritorial jurisdiction
the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of
a municipality, the road project must meet all applicable construction standards, subdivi-
sion requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission
must approve the plans and specifications of the road project.

Sec. 8352.054. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RES-
OLUTION. The district shall comply with all applicable requirements of an ordinance or
resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to
the creation of the district or to the inclusion of land in the district.

Sec. 8352.055. LIMITATION ON USE OF EMINENT DOMAIN. The district may not
exercise the power of eminent domain outside the district to acquire a site or easement for:

1. a road project authorized by Section 8352.052; or