CHAPTER 435
   H.B. No. 2187
   AN ACT
relating to the prosecution and punishment of offenses involving coercing, inducing, or soliciting membership in a criminal street gang.

Be it enacted by the Legislature of the State of Texas:
SECTION 1. The heading to Section 71.022, Penal Code, is amended to read as follows:
Sec. 71.022. COERCING, INDUCING, OR SOLICITING MEMBERSHIP IN A CRIMINAL STREET GANG.

SECTION 2. Section 71.022, Penal Code, is amended by adding Subsections (a-1) and (d) to read as follows:
(a-1) A person commits an offense if, with intent to coerce, induce, or solicit a child to actively participate in the activities of a criminal street gang, the person:
(1) threatens the child or a member of the child's family with imminent bodily injury; or
(2) causes bodily injury to the child or a member of the child's family.

(d) In this section:
(1) “Child” means an individual younger than 17 years of age.
(2) “Family” has the meaning assigned by Section 71.003, Family Code.

SECTION 3. Section 22.015, Penal Code, is repealed.

SECTION 4. (a) The change in law made by this Act in amending Section 71.022, Penal Code, 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.

(b) The repeal by this Act of Section 22.015, Penal Code, does not apply to an offense committed under that section before the effective date of the repeal. An offense committed before the effective date of the repeal is covered by that section as it existed on the date on which the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense is committed before the effective date of the repeal if any element of the offense occurs before that date.

SECTION 5. This Act takes effect September 1, 2009.

Passed by the House on April 24, 2009: Yeas 139, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 2187 on May 23, 2009: Yeas 140, Nays 1, 1 present, not voting; passed by the Senate, with amendments, on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.
Effective September 1, 2009.

CHAPTER 436
   H.B. No. 2191
   AN ACT
relating to prohibiting contact between an employee of a facility that serves the elderly or disabled persons, whose criminal history has not been verified, and a patient or resident of the facility.

Be it enacted by the Legislature of the State of Texas:
SECTION 1. Section 250.003, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

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(a-i) If a facility employs a person pending a criminal history check, the facility shall ensure that the person has no direct contact with a consumer until the facility obtains the person's criminal history record information and verifies the person's employability under Section 250.006.

SECTION 2. The change in law made by this Act applies only to the initial employment of a person by a facility regulated by Chapter 250, Health and Safety Code, on or after the effective date of this Act. The employment of a person by a facility regulated by Chapter 250, Health and Safety Code, before the effective date of this Act is governed by the law in effect at the time the facility hired the employee, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2009.

Passed by the House on May 4, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 437

H.B. No. 2201

AN ACT

relating to the designation of a structure on U.S. Highway 259 as the Trooper Todd Dylan Holmes Memorial Overpass.

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

SECTION 1. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.080 to read as follows:

Sec. 225.080. TROOPER TODD DYLAN HOLMES MEMORIAL OVERPASS. (a) The structure on U.S. Highway 259 that passes over State Highway 155 in Upshur County is designated as the Trooper Todd Dylan Holmes Memorial Overpass.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the highway number, the designation as the Trooper Todd Dylan Holmes Memorial Overpass, and any other appropriate information; and

(2) erect a marker:

(A) at each end of the structure and at appropriate intermediate sites along the structure, including a site that is visible to a vehicle traveling on State Highway 155 as the vehicle travels under the structure; and

(B) on each side of State Highway 155 at a site that is visible to approaching vehicles.

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.

Passed by the House on April 28, 2009: Yeas 149, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.