

H.B. No. 2552

## AN ACT

relating to measures to address and deter certain criminal or other unlawful activity, including trafficking of persons, sexual offenses, prostitution, and activity that may constitute a public nuisance; increasing criminal penalties; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 17.46(b), Business & Commerce Code, as amended by Chapters 1023 (H.B. 1265) and 1080 (H.B. 2573), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) Except as provided in Subsection (d) of this section, the term "false, misleading, or deceptive acts or practices" includes, but is not limited to, the following acts:

- (1) passing off goods or services as those of another;
- (2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (3) causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another;
- (4) using deceptive representations or designations of geographic origin in connection with goods or services;
- (5) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not;
- (6) representing that goods are original or new if they are deteriorated, reconditioned, reclaimed, used, or secondhand;
- (7) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (8) disparaging the goods, services, or business of another by false or misleading representation of facts;
- (9) advertising goods or services with intent not to sell them as advertised;
- (10) advertising goods or services with intent not to supply a reasonable expectable public demand, unless the advertisements disclosed a limitation of quantity;
- (11) making false or misleading statements of fact concerning the reasons for, existence of, or amount of price reductions;
- (12) representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law;
- (13) knowingly making false or misleading statements of fact concerning the need for parts, replacement, or repair service;
- (14) misrepresenting the authority of a salesman, representative or agent to negotiate the final terms of a consumer transaction;
- (15) basing a charge for the repair of any item in whole or in part on a guaranty or warranty instead of on the value of the actual repairs made or work to be performed on the item without stating separately the charges for the work and the charge for the

warranty or guaranty, if any;

(16) disconnecting, turning back, or resetting the odometer of any motor vehicle so as to reduce the number of miles indicated on the odometer gauge;

(17) advertising of any sale by fraudulently representing that a person is going out of business;

(18) advertising, selling, or distributing a card which purports to be a prescription drug identification card issued under Section 4151.152, Insurance Code, in accordance with rules adopted by the commissioner of insurance, which offers a discount on the purchase of health care goods or services from a third party provider, and which is not evidence of insurance coverage, unless:

(A) the discount is authorized under an agreement between the seller of the card and the provider of those goods and services or the discount or card is offered to members of the seller;

(B) the seller does not represent that the card provides insurance coverage of any kind; and

(C) the discount is not false, misleading, or deceptive;

(19) using or employing a chain referral sales plan in connection with the sale or offer to sell of goods, merchandise, or anything of value, which uses the sales technique, plan, arrangement, or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods and in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form for furnishing to the seller the names of other prospective buyers if receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchases the merchandise or goods;

(20) representing that a guaranty or warranty confers or involves rights or remedies which it does not have or involve, provided, however, that nothing in this subchapter shall be construed to expand the implied warranty of merchantability as defined in Sections 2.314 through 2.318 and Sections 2A.212 through 2A.216 to involve obligations in excess of those which are appropriate to the goods;

(21) promoting a pyramid promotional scheme, as defined by Section 17.461;

(22) representing that work or services have been performed on, or parts replaced in, goods when the work or services were not performed or the parts replaced;

(23) filing suit founded upon a written contractual obligation of and signed by the defendant to pay money arising out of or based on a consumer transaction for goods, services, loans, or extensions of credit intended primarily for personal, family, household, or agricultural use in any county other than in the county in which the defendant resides at the time of the commencement of the action or in the county in which the defendant in fact signed the contract; provided, however, that a violation of this subsection shall not occur where it is shown by the person filing such suit that the person neither knew or had reason to know that the county in which such suit was filed was neither the county in which the defendant resides at the commencement of the suit nor the county in which the defendant in fact signed the contract;

(24) failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed;

(25) using the term "corporation," "incorporated," or

an abbreviation of either of those terms in the name of a business entity that is not incorporated under the laws of this state or another jurisdiction;

(26) selling, offering to sell, or illegally promoting an annuity contract under Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes), with the intent that the annuity contract will be the subject of a salary reduction agreement, as defined by that Act, if the annuity contract is not an eligible qualified investment under that Act or is not registered with the Teacher Retirement System of Texas as required by Section 8A of that Act;

(27) taking advantage of a disaster declared by the governor under Chapter 418, Government Code, by:

(A) selling or leasing fuel, food, medicine, or another necessity at an exorbitant or excessive price; or

(B) demanding an exorbitant or excessive price in connection with the sale or lease of fuel, food, medicine, or another necessity;

(28) using the translation into a foreign language of a title or other word, including "attorney," "lawyer," "licensed," "notary," and "notary public," in any written or electronic material, including an advertisement, a business card, a letterhead, stationery, a website, or an online video, in reference to a person who is not an attorney in order to imply that the person is authorized to practice law in the United States;

~~(29) [(28)]~~ delivering or distributing a solicitation in connection with a good or service that:

(A) represents that the solicitation is sent on behalf of a governmental entity when it is not; or

(B) resembles a governmental notice or form that represents or implies that a criminal penalty may be imposed if the recipient does not remit payment for the good or service;

~~(30) [(29)]~~ delivering or distributing a solicitation in connection with a good or service that resembles a check or other negotiable instrument or invoice, unless the portion of the solicitation that resembles a check or other negotiable instrument or invoice includes the following notice, clearly and conspicuously printed in at least 18-point type:

"SPECIMEN-NON-NEGOTIABLE";

~~(31) [(30)]~~ in the production, sale, distribution, or promotion of a synthetic substance that produces and is intended to produce an effect when consumed or ingested similar to, or in excess of, the effect of a controlled substance or controlled substance analogue, as those terms are defined by Section 481.002, Health and Safety Code:

(A) making a deceptive representation or designation about the synthetic substance; or

(B) causing confusion or misunderstanding as to the effects the synthetic substance causes when consumed or ingested; ~~[or]~~

~~(32) [(31)]~~ a licensed public insurance adjuster directly or indirectly soliciting employment, as defined by Section 38.01, Penal Code, for an attorney, or a licensed public insurance adjuster entering into a contract with an insured for the primary purpose of referring the insured to an attorney without the intent to actually perform the services customarily provided by a licensed public insurance adjuster, provided that this subdivision may not be construed to prohibit a licensed public insurance adjuster from recommending a particular attorney to an insured; or

(33) owning, operating, maintaining, or advertising a massage establishment, as defined by Section 455.001, Occupations Code, that:

(A) is not appropriately licensed under Chapter

455, Occupations Code, or is not in compliance with the applicable licensing and other requirements of that chapter; or  
(B) is not in compliance with an applicable local ordinance relating to the licensing or regulation of massage establishments.

SECTION 2. Section 125.001, Civil Practice and Remedies Code, is amended by adding Subdivisions (1-a) and (4) to read as follows:

(1-a) "Computer network" means the interconnection of two or more computers or computer systems by satellite, microwave, line, or other communication medium with the capability to transmit information between the computers.

(4) "Web address" means a website operating on the Internet.

SECTION 3. Section 125.0015, Civil Practice and Remedies Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A person operating a web address or computer network in connection with an activity described by Subsection (a)(3), (6), (7), (10), (11), (17), (18), (19), (20), (21), or (22) maintains a common nuisance.

(d) Subsection (c) does not apply to:

(1) a provider of remote computing services or electronic communication services to the public;

(2) a provider of an interactive computer service as defined by 47 U.S.C. Section 230;

(3) an Internet service provider;

(4) a search engine operator;

(5) a browsing or hosting company;

(6) an operating system provider; or

(7) a device manufacturer.

(e) This section does not apply to an activity exempted, authorized, or otherwise lawful activity regulated by federal law.

SECTION 4. Subchapter A, Chapter 125, Civil Practice and Remedies Code, is amended by adding Section 125.0017 to read as follows:

Sec. 125.0017. NOTICE OF ARREST FOR CERTAIN ACTIVITIES. If a law enforcement agency makes an arrest related to an activity described by Section 125.0015(a)(6), (7), or (18) that occurs at property leased to a person operating a massage establishment as defined by Section 455.001, Occupations Code, not later than the seventh day after the date of the arrest, the law enforcement agency shall provide written notice by certified mail to each person maintaining the property of the arrest.

SECTION 5. The heading to Section 125.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 125.002. SUIT TO ABATE CERTAIN COMMON NUISANCES [~~NUISANCE~~]; BOND.

SECTION 6. Sections 125.002(a), (g), and (h), Civil Practice and Remedies Code, are amended to read as follows:

(a) A suit to enjoin and abate a common nuisance described by Section 125.0015(a) or (b) may be brought by an individual, by the attorney general, or by a district, county, or city attorney. The suit must be brought in the county in which it is alleged to exist against the person who is maintaining or about to maintain the nuisance. The suit must be brought in the name of the state if brought by the attorney general or a district or county attorney, in the name of the city if brought by a city attorney, or in the name of the individual if brought by a private citizen. Verification of the petition or proof of personal injury by the acts complained of need not be shown. For purposes of this subsection, personal injury may include economic or monetary loss.

(g) In an action brought under this chapter, other than an

action brought under Section 125.0025, the petitioner may file a notice of lis pendens and a certified copy of an order of the court in the office of the county clerk in each county in which the land is located. The notice of lis pendens must conform to the requirements of Section 12.007, Property Code, and constitutes notice as provided by Section 13.004, Property Code. A certified copy of an order of the court filed in the office of the county clerk constitutes notice of the terms of the order and is binding on subsequent purchasers and lienholders.

(h) A person who may bring a suit under Subsection (a) [~~Section 125.0015~~] shall consider, among other factors, whether the property owner, the owner's authorized representative, or the operator or occupant of the business, dwelling, or other place where the criminal acts occurred:

(1) promptly notifies the appropriate governmental entity or the entity's law enforcement agency of the occurrence of criminal acts on the property; and

(2) cooperates with the governmental entity's law enforcement investigation of criminal acts occurring at the property.

SECTION 7. Subchapter A, Chapter 125, Civil Practice and Remedies Code, is amended by adding Section 125.0025 to read as follows:

Sec. 125.0025. SUIT TO DECLARE CERTAIN COMMON NUISANCES.

(a) A suit to declare that a person operating a web address or computer network is maintaining a common nuisance may be brought by an individual, by the attorney general, or by a district, county, or city attorney.

(b) Except as provided by Section 125.003(d), on a finding that a web address or computer network is a common nuisance, the sole remedy available is a judicial finding issued to the attorney general.

(c) The attorney general may:

(1) notify Internet service providers, search engine operators, browsing or hosting companies, or device manufacturers on which applications are hosted of the judicial finding issued to the attorney general under Subsection (b) to determine if the persons notified are able to offer technical assistance to the attorney general in a manner consistent with 47 U.S.C. Section 230; or

(2) post the judicial finding issued to the attorney general under Subsection (b) on the attorney general's Internet website.

SECTION 8. Section 125.004, Civil Practice and Remedies Code, is amended by adding Subsections (a-1), (a-2), (a-3), and (e) and amending Subsection (d) to read as follows:

(a-1) Proof in the form of a person's arrest or the testimony of a law enforcement agent that an activity described by Section 125.0015(a)(6) or (7) is committed at a place licensed as a massage establishment under Chapter 455, Occupations Code, or advertised as offering massage therapy or massage services after notice of an arrest was provided to the defendant in accordance with Section 125.0017 is prima facie evidence that the defendant knowingly tolerated the activity.

(a-2) Proof that an activity described by Section 125.0015(a)(18) is committed at a place maintained by the defendant after notice of an arrest was provided to the defendant in accordance with Section 125.0017 is prima facie evidence that the defendant:

(1) knowingly tolerated the activity; and

(2) did not make a reasonable attempt to abate the activity.

(a-3) For purposes of Subsections (a-1) and (a-2), notice is

considered to be provided to the defendant seven days after the postmark date of the notice provided under Section 125.0017.

(d) Notwithstanding Subsections [~~Subsection~~] (a), (a-1), or (a-2), evidence that the defendant, the defendant's authorized representative, or another person acting at the direction of the defendant or the defendant's authorized representative requested law enforcement or emergency assistance with respect to an activity at the place where the common nuisance is allegedly maintained is not admissible for the purpose of showing the defendant tolerated the activity or failed to make reasonable attempts to abate the activity alleged to constitute the nuisance but may be admitted for other purposes, such as showing that a crime listed in Section 125.0015 occurred. Evidence that the defendant refused to cooperate with law enforcement or emergency services with respect to the activity is admissible. The posting of a sign prohibiting the activity alleged is not conclusive evidence that the owner did not tolerate the activity.

(e) Evidence of a previous suit filed under this chapter that resulted in a judgment against a landowner with respect to an activity described by Section 125.0015 at the landowner's property is admissible in a subsequent suit filed under this chapter to demonstrate that the landowner:

- (1) knowingly tolerated the activity; and
- (2) did not make a reasonable attempt to abate the activity.

SECTION 9. Subchapter C, Chapter 11, Education Code, is amended by adding Section 11.066 to read as follows:

Sec. 11.066. ELIGIBILITY FOR SERVICE BY TRUSTEE CONVICTED OF CERTAIN OFFENSE. A person is ineligible to serve as a member of the board of trustees of a school district if the person has been convicted of an offense under Section 43.02(b), Penal Code.

SECTION 10. Section 411.042(b), Government Code, is amended to read as follows:

- (b) The bureau of identification and records shall:
- (1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;
  - (2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of:
    - (A) offenses in which family violence was involved;
    - (B) offenses under Sections 22.011 and 22.021, Penal Code; and
    - (C) offenses under Sections 20A.02, 43.02(a), 43.02(b), 43.03, and 43.05, Penal Code;
  - (3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;
  - (4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;
  - (5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;
  - (6) collect information concerning the number and

nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, stalking, or trafficking case. Information in the law enforcement information system relating to an active order shall include:

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

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

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under Section 85.007, Family Code, or Article 17.292(e), Code of Criminal Procedure;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Section 85.007, Family Code, or Article 17.292(e), Code of Criminal Procedure;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed;

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

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

(I) the date the order expires;

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

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

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

(A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and

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

SECTION 11. Subchapter A, Chapter 241, Health and Safety Code, is amended by adding Section 241.011 to read as follows:

Sec. 241.011. HUMAN TRAFFICKING SIGNS REQUIRED. An emergency department of a hospital shall display separate signs, in English and Spanish, that comply with Section 245.025 as if the hospital is an abortion facility.

SECTION 12. Chapter 245, Health and Safety Code, is amended by adding Section 245.025 to read as follows:

Sec. 245.025. HUMAN TRAFFICKING SIGNS REQUIRED. (a) An abortion facility shall display separate signs, in English, Spanish, and any additional language as required by Subsection (b), side by side in accordance with this section in each restroom and patient consulting room. The signs must include the following

information:

(1) no person, including an individual's parents, may force any individual to have an abortion;

(2) it is illegal for a person to force an individual to engage in sexual acts;

(3) a woman who needs help may call or text a state or national organization that assists victims of human trafficking and forced abortions; and

(4) the toll-free number of an organization described by Subdivision (3).

(b) Signs required under this section must be in English and Spanish. If an abortion facility is located in a political subdivision required to provide election materials in a language other than English or Spanish under Section 272.011, Election Code, the facility shall display a separate sign in that language.

(c) Signs required under this section must be at least 8-1/2 by 11 inches in size and displayed in a conspicuous manner clearly visible to the public and employees of an abortion facility. The notice must cover at least four-fifths of the sign.

(d) The executive commissioner shall adopt rules as necessary to implement and enforce this section.

SECTION 13. Section 1602.354, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The commission shall require continuing education programs under this chapter to include information on:

(1) activities commonly associated with human trafficking;

(2) recognition of potential victims of human trafficking; and

(3) methods for assisting victims of human trafficking, including how to report human trafficking.

SECTION 14. Subchapter I, Chapter 1602, Occupations Code, is amended by adding Section 1602.408 to read as follows:

Sec. 1602.408. POSTING OF CERTAIN NOTICES REQUIRED. (a) In this section, "licensed facility" means the premises of a place of business that holds a license, certificate, or permit under this chapter.

(b) A licensed facility shall display a sign approved by or acceptable to the commission or the department concerning services and assistance available to victims of human trafficking.

(c) The sign required by this section must be in English, Spanish, and Vietnamese and include a toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

(d) The commission by rule shall establish requirements regarding the posting of signs under this section.

SECTION 15. Section 20A.02(b), Penal Code, is amended to read as follows:

(b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(1) the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8), regardless of whether the actor knows the age of the child at the time the actor commits the offense; ~~or~~

(2) the commission of the offense results in the death of the person who is trafficked; or

(3) the commission of the offense results in the death of an unborn child of the person who is trafficked.

SECTION 16. (a) This section takes effect only if the Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes becomes law.



(b) Section 21.16(g), Penal Code, as added by Chapter 852 (S.B. 1135), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(g) An offense under this section is a state jail felony [~~Class A misdemeanor~~].

(c) Chapter 21, Penal Code, is amended by adding Section 21.18 to read as follows:

Sec. 21.18. SEXUAL COERCION. (a) In this section:

(1) "Intimate visual material" means the visual material described by Section 21.16(b)(1) or (c).

(2) "Sexual conduct" has the meaning assigned by Section 43.25.

(b) A person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit an offense under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02, 21.08, 21.11, 21.12, 21.15, 21.16, 21.17, 22.011, or 22.021 to obtain, in return for not committing the threatened offense or in connection with the threatened offense, any of the following benefits:

(1) intimate visual material;

(2) an act involving sexual conduct causing arousal or gratification; or

(3) a monetary benefit or other benefit of value.

(c) A person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit an offense under Chapter 19 or 20 or Section 20A.02(a)(1), (2), (5), or (6) to obtain, in return for not committing the threatened offense or in connection with the threatened offense, either of the following benefits:

(1) intimate visual material; or

(2) an act involving sexual conduct causing arousal or gratification.

(d) This section applies to a threat regardless of how that threat is communicated, including a threat transmitted through e-mail or an Internet website, social media account, or chat room and a threat made by other electronic or technological means.

(e) An offense under this section is a state jail felony, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted of an offense under this section.

SECTION 17. (a) This section takes effect only if the Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

(b) Section 21.16(g), Penal Code, as added by Chapter 852 (S.B. 1135), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(g) An offense under this section is a state jail felony [~~Class A misdemeanor~~].

(c) Chapter 21, Penal Code, is amended by adding Section 21.18 to read as follows:

Sec. 21.18. SEXUAL COERCION. (a) In this section:

(1) "Intimate visual material" means the visual material described by Section 21.16(b)(1) or (c), as added by Chapter 852 (S.B. 1135), Acts of the 84th Legislature, Regular Session, 2015.

(2) "Sexual conduct" has the meaning assigned by Section 43.25.

(b) A person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit an offense under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02, 21.08, 21.11, 21.12, 21.15, 21.16, as added by Chapter 852 (S.B. 1135), Acts of the 84th Legislature, Regular Session, 2015, 21.16,

as added by Chapter 676 (H.B. 207), Acts of the 84th Legislature, Regular Session, 2015, 22.011, or 22.021 to obtain, in return for not committing the threatened offense or in connection with the threatened offense, any of the following benefits:

- (1) intimate visual material;
- (2) an act involving sexual conduct causing arousal or gratification; or
- (3) a monetary benefit or other benefit of value.

(c) A person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit an offense under Chapter 19 or 20 or Section 20A.02(a)(1), (2), (5), or (6) to obtain, in return for not committing the threatened offense or in connection with the threatened offense, either of the following benefits:

- (1) intimate visual material; or
- (2) an act involving sexual conduct causing arousal or gratification.

(d) This section applies to a threat regardless of how that threat is communicated, including a threat transmitted through e-mail or an Internet website, social media account, or chat room and a threat made by other electronic or technological means.

(e) An offense under this section is a state jail felony, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted of an offense under this section.

SECTION 18. Sections 22.01(b) and (c), Penal Code, are amended to read as follows:

(b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:

(1) a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;

(2) 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:

(A) 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, 21.11, or 25.11 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; or

(B) 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;

(3) a person who contracts with government to perform a service in a facility as defined by Section 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code, or an employee of that person:

(A) while the person or employee is engaged in performing a service within the scope of the contract, if the actor knows the person or employee is authorized by government to provide the service; or

(B) in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract;

(4) a person the actor knows is a security officer while the officer is performing a duty as a security officer; ~~or~~

(5) a person the actor knows is emergency services personnel while the person is providing emergency services; or

(6) a pregnant individual to force the individual to

have an abortion.

(c) An offense under Subsection (a)(2) or (3) is a Class C misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the offense is committed under Subsection (a)(3) against an elderly individual or disabled individual, as those terms are defined by Section 22.04; ~~[or]~~

(2) a Class B misdemeanor if the offense is committed by a person who is not a sports participant against a person the actor knows is a sports participant either:

(A) while the participant is performing duties or responsibilities in the participant's capacity as a sports participant; or

(B) in retaliation for or on account of the participant's performance of a duty or responsibility within the participant's capacity as a sports participant; or

(3) a Class A misdemeanor if the offense is committed against a pregnant individual to force the individual to have an abortion.

SECTION 19. Chapter 93, Property Code, is amended by adding Section 93.013 to read as follows:

Sec. 93.013. CERTAIN UNLAWFUL USES OF PREMISES; TERMINATION OF TENANT'S RIGHT OF POSSESSION. (a) Notwithstanding a provision in a lease to the contrary, a tenant's right of possession terminates and the landlord has a right to recover possession of the leased premises if the tenant is using the premises or allowing the premises to be used for the purposes of prostitution, promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution, as prohibited by the Penal Code, or trafficking of persons as described by Section 20A.02, Penal Code.

(b) A landlord who reasonably believes a tenant is using the leased premises or allowing the leased premises to be used for a purpose described by Subsection (a) may file a forcible detainer suit under Chapter 24 seeking possession of the premises and unpaid rent, including rent for any period of occupancy after the tenant's right of possession terminates.

(c) Notwithstanding Section 24.005 or 91.001 or any other law or a provision in the lease to the contrary, the landlord is not required for purposes of a forcible detainer suit authorized by this section:

(1) to give a notice of proposed eviction or a notice of termination before giving notice to vacate; or

(2) to give the tenant more than three days' notice to vacate before filing the suit.

(d) A pending suit brought by the attorney general or a district, county, or city attorney under Chapter 125, Civil Practice and Remedies Code, alleging that a common nuisance is being maintained on the leased premises with respect to an activity described by Subsection (a) is prima facie evidence that the tenant's right of possession has terminated and the landlord has a right to recover possession of the premises under Subsection (a).

(e) A final, nonappealable determination by a court under Chapter 125, Civil Practice and Remedies Code, that a common nuisance is being maintained on the leased premises with respect to an activity described by Subsection (a) creates an irrebuttable presumption that the tenant's right of possession has terminated and the landlord has a right to recover possession of the premises under Subsection (a).

SECTION 20. Section 17.46(b), Business & Commerce Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 21. Section 125.004, Civil Practice and Remedies Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 22. (a) Not later than December 1, 2017, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Sections 241.011 and 245.025, Health and Safety Code, as added by this Act.

(b) A hospital or an abortion facility is not required to comply with Section 241.011 or 245.025, Health and Safety Code, as added by this Act, before January 1, 2018.

SECTION 23. (a) Not later than March 1, 2018, the Texas Commission of Licensing and Regulation shall adopt rules as necessary to comply with Section 1602.354, Occupations Code, as amended by this Act.

(b) Section 1602.354(c), Occupations Code, as added by this Act, and the rules adopted under Subsection (a) of this section apply only to a continuing education program provided on or after September 1, 2018.

SECTION 24. (a) Not later than January 1, 2018, the Texas Commission of Licensing and Regulation shall adopt rules as necessary to implement Section 1602.408, Occupations Code, as added by this Act.

(b) A licensed facility as defined by Section 1602.408(a), Occupations Code, as added by this Act, shall comply with Section 1602.408, Occupations Code, as added by this Act, not later than February 1, 2018.

SECTION 25. Sections 20A.02 and 22.01, Penal Code, as amended by this Act, apply 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 governed by the law in effect on the date the offense was committed, and that 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 was committed before that date.

SECTION 26. Section 93.013, Property Code, as added by this Act, applies only to a lease entered into or renewed on or after the effective date of this Act. A lease entered into or renewed before the effective date of this Act is governed by the law applicable to the lease immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 27. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 28. This Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2552 was passed by the House on May 12, 2017, by the following vote: Yeas 133, Nays 9, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2552 on May 27, 2017, by the following vote: Yeas 136, Nays 8, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2552 was passed by the Senate, with amendments, on May 22, 2017, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor