



The Supreme Court of Texas

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JAMES D. BLACKLOCK

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June 25, 2025

Chief Justice Tracy E. Christopher
Chair, Supreme Court Advisory Committee
14th Court of Appeals
301 Fannin, Room 245
Houston, Texas 77002

Re: Referral of Rules Issue

Dear Chief Justice Christopher:

In addition to the items referred on June 5, 2025, the Supreme Court asks the Committee to study and make recommendations on the following matters that arise from legislation passed by the 89th Legislature.

Code of Judicial Conduct. SB 293 amends Section 33.001(b) of the Government Code to define more specifically “wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge’s duties,” as that term is used in the Texas Constitution. The Conduct Commission Procedural Rules Task Force should study whether the Court should amend the Code of Judicial Conduct in response and draft any recommended amendments. The Committee should review the Task Force’s recommendations and proposed rules and should conclude its work at the August 29, 2025 meeting.

Confidential Identity in Court Proceedings. SB 441 and SB 2373, by adding Section 98B.008 adds Section 100B.004 to the Civil Practice and Remedies Code, allow a claimant in certain actions to use a confidential identity and require a court to use the confidential identity in all proceedings, including appellate proceedings. The Committee should study whether Texas Rule of Civil Procedure 21c or Texas Rule of Appellate Procedure 9 should be changed or a comment added to reference or restate the statute and draft any recommended amendments. The Committee should be prepared to discuss at the August 29, 2025 meeting.

Texas Rules of Evidence 404 and 405. HB 1778 amends Article 38.37, Section 1 of the Code of Criminal Procedure to expand the case types in which evidence of other crimes, wrongs, or acts committed by the defendant against the victim of the alleged offense must be admitted for its bearing on relevant matters. If the court admits such evidence and on request by either party, HB 1778 requires a limiting instruction. The Committee should study whether Rules of Evidence 404 or 405 should be changed or a comment added to reference or restate the statute and draft any recommended amendments. The Committee should be prepared to discuss at the August 29, 2025 meeting.

As always, the Court is grateful for the Committee's counsel and your leadership.

Sincerely,

A handwritten signature in black ink that reads "Jane N. Bland". The signature is written in a cursive, flowing style.

Jane N. Bland
Justice

Attachments

cc: Hon. Jimmy Blacklock, Chief Justice
Hon. Evan Young, Deputy Liaison, Supreme Court Advisory Committee
Marcy Hogan Greer, Vice-Chair, Supreme Court Advisory Committee
Jackie Daumerie, Rules Attorney

AN ACT

relating to human trafficking, prostitution, and child pornography and to the prosecution of sexual or assaultive offenses or the prosecution of a failure to stop or report those offenses; amending and harmonizing certain statute of limitations provisions; creating a criminal offense; increasing a criminal penalty.

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

ARTICLE 1. HUMAN TRAFFICKING

SECTION 1.01. Section 71.0353(a), Government Code, is amended to read as follows:

(a) As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System, a district court or county court at law shall report the number of cases filed for the following offenses:

(1) trafficking of persons under Section 20A.02 or 20A.03, Penal Code;

(2) prostitution under Section 43.02, Penal Code;

(3) solicitation of prostitution under Section 43.021, Penal Code; ~~and~~

(4) promotion of prostitution under Section 43.03, Penal Code;

(5) online promotion of prostitution under Section 43.031, Penal Code;

(6) aggravated promotion of prostitution under

1 Section 43.04, Penal Code;

2 (7) aggravated online promotion of prostitution under
3 Section 43.041, Penal Code; and

4 (8) compelling prostitution under Section 43.05,
5 Penal Code.

6 SECTION 1.02. Section 402.034(c), Government Code, is
7 amended to read as follows:

8 (c) The council is composed of the following:

9 (1) the governor or the governor's designee;

10 (2) the attorney general or the attorney general's
11 designee;

12 (3) the commissioner of the Department of Family and
13 Protective Services or the commissioner's designee;

14 (4) the public safety director of the Department of
15 Public Safety or the director's designee;

16 (5) one representative from each of the following
17 state agencies, appointed by the chief administrative officer of
18 the respective agency:

19 (A) the Texas Workforce Commission;

20 (B) the Texas Alcoholic Beverage Commission;

21 (C) the Parks and Wildlife Department;

22 (D) the Texas Department of Licensing and
23 Regulation;

24 (E) the Texas Education Agency; ~~and~~

25 (F) the Texas Department of Transportation; and

26 (G) the Office of Court Administration of the
27 Texas Judicial System; and

1 (6) one representative of any other state agency
2 appointed by the chief administrative officer of the agency, if the
3 council determines that a representative from the state agency is a
4 necessary member of the council.

5 SECTION 1.03. Section 402.035(g), Government Code, is
6 amended to read as follows:

7 (g) Not later than December 1 of each even-numbered year,
8 the task force shall submit a report regarding the task force's
9 activities, findings, and recommendations, including:

10 (1) any proposed legislation, to the governor, the
11 lieutenant governor, and the legislature; and

12 (2) an addendum comprised of the findings and
13 recommendations submitted to the task force by the attorney general
14 under Section 402.0353.

15 SECTION 1.04. Section 402.0351(a), Government Code, is
16 amended by amending Subdivision (1) and adding Subdivision (1-a) to
17 read as follows:

18 (1) "Body piercing studio" has the meaning assigned by
19 Section 146.001, Health and Safety Code.

20 (1-a) "Cosmetology facility" means a person who holds
21 a license to operate a facility or school under Chapter 1603 [1602],
22 Occupations Code, where cosmetology is practiced.

23 SECTION 1.05. Section 402.0351(a-1), Government Code, is
24 amended to read as follows:

25 (a-1) Except as provided by Subsection (a-3), a person who
26 operates any of the following entities shall post at the entity the
27 sign prescribed under Subsection (b), or, if applicable, a similar

1 sign or notice as prescribed by other state law:

- 2 (1) an entity permitted or licensed under Chapter 25,
- 3 26, 28, 32, 69, or 71, Alcoholic Beverage Code, other than an entity
- 4 holding a food and beverage certificate;
- 5 (2) a cosmetology facility;
- 6 (3) a hospital;
- 7 (4) a massage establishment;
- 8 (5) a massage school;
- 9 (6) a sexually oriented business;
- 10 (7) a tattoo studio; ~~or~~
- 11 (8) a transportation hub; or
- 12 (9) a body piercing studio.

13 SECTION 1.06. Article 2A.205, Code of Criminal Procedure,
14 is transferred to Subchapter B, Chapter 402, Government
15 Code, redesignated as Section 402.0352, Government Code, and
16 amended to read as follows:

17 Sec. 402.0352 [~~Art. 2A.205~~]. REPORTING OF [~~CERTAIN LAW~~
18 ~~ENFORCEMENT AGENCIES: REPORT CONCERNING~~] HUMAN TRAFFICKING CASES.

19 (a) This section [~~article~~] applies only to:

20 (1) a municipal police department, sheriff's
21 department, or constable's office [~~, county attorney's office,~~
22 ~~district attorney's office, and criminal district attorney's~~
23 ~~office, as applicable,~~] in a county with a population of more than
24 50,000;

25 (2) the Department of Family and Protective Services;

26 (3) the Texas Department of Licensing and Regulation;

27 (4) the Office of Court Administration of the Texas

1 Judicial System;

2 (5) the Texas Department of Criminal Justice;

3 (6) the Texas Juvenile Justice Department;

4 (7) the Texas Alcoholic Beverage Commission; and

5 (8) [~~2~~] the Department of Public Safety.

6 (b) An entity to which this section [~~article~~] applies that
7 investigates or collects data regarding the alleged commission of
8 an offense under Chapter 20A, Penal Code, or the alleged commission
9 of an offense under Chapter 21, 22, or 43, Penal Code, that may
10 involve human trafficking, shall submit to the attorney general [~~a~~
11 ~~report~~] in the manner and form prescribed by the attorney general a
12 report containing the following information:

13 (1) the offense being investigated or for which data
14 is being collected, including the offense code designated by the
15 Department of Public Safety under Article 66.052, Code of Criminal
16 Procedure [~~a brief description of the alleged prohibited conduct~~];

17 (2) regarding each person suspected of committing the
18 offense [~~and each victim of the offense, as applicable~~]:

19 (A) the person's:

20 (i) full name [~~age~~];

21 (ii) gender; [~~and~~]

22 (iii) race or ethnicity, as defined by
23 Article 2B.0051, Code of Criminal Procedure;

24 (iv) country of origin, if the person is not
25 a United States citizen or legal permanent resident;

26 (v) date of birth; and

27 (vi) age at the time of the offense, if

1 available; and

2 (B) the case number associated with the person
3 and the offense [~~and with the person suspected of committing the~~
4 ~~offense~~];

5 (3) the date [~~, time,~~] and location of the alleged
6 offense, including the city and county;

7 (4) [~~the type of human trafficking involved,~~
8 ~~including:~~

9 [~~(A) forced labor or services, as defined by~~
10 ~~Section 20A.01, Penal Code;~~

11 [~~(B) causing the victim by force, fraud, or~~
12 ~~coercion to engage in prohibited conduct involving one or more~~
13 ~~sexual activities, including conduct described by Section~~
14 ~~20A.02(a)(3), Penal Code; or~~

15 [~~(C) causing a child victim by any means to~~
16 ~~engage in, or become the victim of, prohibited conduct involving~~
17 ~~one or more sexual activities, including conduct described by~~
18 ~~Section 20A.02(a)(7), Penal Code;~~

19 [~~(5) if available, information regarding any victims'~~
20 ~~service organization or program to which the victim was referred as~~
21 ~~part of the investigation; and~~

22 [~~(6)~~] the disposition of the investigation, if any,
23 regardless of the manner of disposition; and

24 (5) regarding the victim of the offense:

25 (A) the victim's:

26 (i) age at the time of the offense, if
27 available;

1 (ii) gender;
2 (iii) race or ethnicity, as defined by
3 Article 2B.0051, Code of Criminal Procedure; and

4 (iv) country of origin, if the victim is not
5 a United States citizen or legal permanent resident; and

6 (B) if available, information regarding any
7 victims' service organization or program to which the victim was
8 referred as part of the investigation.

9 (c) An entity described by Subsection (a) that does not have
10 any investigations or offenses required to be reported under this
11 section during a reporting period described by Subsection (c-1)
12 shall submit to the attorney general a notice stating there are no
13 cases to report, in the manner and form prescribed by the attorney
14 general [~~An attorney representing the state who prosecutes the~~
15 ~~alleged commission of an offense under Chapter 20A, Penal Code, or~~
16 ~~the alleged commission of an offense under Chapter 43, Penal Code,~~
17 ~~that may involve human trafficking, shall submit to the attorney~~
18 ~~general the following information:~~

19 [~~(1) the offense being prosecuted, including a brief~~
20 ~~description of the alleged prohibited conduct,~~

21 [~~(2) any other charged offense that is part of the same~~
22 ~~criminal episode out of which the offense described by Subdivision~~
23 ~~(1) arose,~~

24 [~~(3) the information described by Subsections (b)(2),~~
25 ~~(3), (4), and (5), and~~

26 [~~(4) the disposition of the prosecution, regardless of~~
27 ~~the manner of disposition].~~

1 (c-1) An entity described by Subsection (a) shall submit a
2 report under this section at least once every six months.

3 (d) The attorney general may enter into a contract with a
4 university or organization to assist with [~~that provides for the~~
5 ~~university's assistance in~~] the collection and analysis of
6 information received under this section [~~article~~]. The attorney
7 general shall ensure that all sensitive information is properly
8 protected.

9 (e) Information described by Subsections (b)(2)(A)(i) and
10 (v) and (b)(2)(B) is confidential and not subject to disclosure
11 under Chapter 552.

12 (f) In consultation with the entities described by
13 Subsection (a), the attorney general shall adopt rules to
14 administer this section [~~article~~], including rules prescribing:

15 (1) the form and manner of submission of a report or
16 notice required by Subsection (b) or (c); and

17 (2) additional information to include in a report or
18 notice required by Subsection (b) or (c).

19 (g) An entity, other than an entity described by Subsection
20 (a), that has information relating to the alleged commission of an
21 offense under Chapter 20A, Penal Code, or an offense under Chapter
22 21, 22, or 43, Penal Code, that may involve human trafficking, may
23 submit the information to the office of the attorney general.

24 SECTION 1.07. Subchapter B, Chapter 402, Government Code,
25 is amended by adding Section 402.0353 to read as follows:

26 Sec. 402.0353. STATEWIDE HUMAN TRAFFICKING DATA
27 REPOSITORY; ANNUAL REPORT. (a) The office of the attorney general

1 shall establish a statewide human trafficking data repository to
2 collect, organize, and analyze human trafficking information
3 reported to the office under Section 402.0352 in a manner that
4 enables the office, in collaboration with the human trafficking
5 prevention coordinating council established under Section 402.034,
6 to:

7 (1) evaluate the efficacy of state-funded initiatives
8 that aim to reduce the occurrence of human trafficking in this
9 state;

10 (2) make recommendations to appropriate local law
11 enforcement agencies, state agencies, and other entities regarding
12 the implementation of rules, regulations, or policies which may
13 better allow each entity to:

14 (A) combat human trafficking;

15 (B) apprehend and prosecute persons suspected of
16 committing criminal offenses involving human trafficking; and

17 (C) provide necessary services to victims of
18 human trafficking; and

19 (3) make recommendations to improve the efficacy of
20 the human trafficking prevention task force under Section 402.035.

21 (b) Information stored in the data repository established
22 under this section may not contain personal identifying information
23 relating to:

24 (1) a person suspected of committing an offense
25 involving human trafficking;

26 (2) a suspected or known victim of human trafficking;

27 or

1 (3) any other individual identified in the information
2 shared with the office of the attorney general under Section
3 402.0352.

4 (c) For purposes of establishing and maintaining the data
5 repository established under this section, the attorney general may
6 contract with a third party that has experience working with human
7 trafficking data and is:

8 (1) a public or private institution of higher
9 education; or

10 (2) a nonprofit organization.

11 (d) The attorney general shall submit the attorney
12 general's findings and recommendations based on the information
13 collected, organized, and analyzed using the data repository
14 established under this section to the human trafficking prevention
15 task force for inclusion in the report required under Section
16 402.035(g).

17 SECTION 1.08. Chapter 146, Health and Safety Code, is
18 amended by adding Section 146.0075 to read as follows:

19 Sec. 146.0075. REQUIRED HUMAN TRAFFICKING TRAINING. (a)
20 Each employee of a tattoo studio or body piercing studio within the
21 time prescribed by rules adopted by the executive commissioner
22 shall complete a training course approved by the executive
23 commissioner on identifying and assisting victims of human
24 trafficking.

25 (b) The executive commissioner shall approve training
26 courses on human trafficking prevention, including at least one
27 course that is available without charge. The department shall post

1 the list of the approved training courses on the department's
2 Internet website.

3 (c) A tattoo studio or body piercing studio shall post signs
4 relating to human trafficking as required by Section 402.0351,
5 Government Code.

6 SECTION 1.09. Subchapter G, Chapter 1603, Occupations Code,
7 is amended by adding Section 1603.302 to read as follows:

8 Sec. 1603.302. CONTINUING EDUCATION REGARDING HUMAN
9 TRAFFICKING. The commission shall adopt rules requiring a license
10 holder to complete continuing education on identifying and
11 assisting victims of human trafficking.

12 SECTION 1.10. Section 20A.02(a), Penal Code, is amended to
13 read as follows:

14 (a) A person commits an offense if the person knowingly:

15 (1) traffics another person with the intent that the
16 trafficked person engage in forced labor or services;

17 (2) receives a benefit from participating in a venture
18 that involves an activity described by Subdivision (1), including
19 by receiving labor or services the person knows are forced labor or
20 services;

21 (3) traffics another person and, through force, fraud,
22 or coercion, causes the trafficked person to engage in conduct
23 prohibited by:

24 (A) Section 43.02 (Prostitution);

25 (B) Section 43.03 (Promotion of Prostitution);

26 (B-1) Section 43.031 (Online Promotion of
27 Prostitution);

1 (C) Section 43.04 (Aggravated Promotion of
2 Prostitution);

3 (C-1) Section 43.041 (Aggravated Online
4 Promotion of Prostitution); or

5 (D) Section 43.05 (Compelling Prostitution);

6 (4) receives a benefit from participating in a venture
7 that involves an activity described by Subdivision (3) or engages
8 in sexual conduct with a person trafficked in the manner described
9 in Subdivision (3);

10 (5) traffics a child or disabled individual with the
11 intent that the trafficked child or disabled individual engage in
12 forced labor or services, regardless of whether the person knows
13 the age of the child or whether the person knows the victim is
14 disabled;

15 (6) receives a benefit from participating in a venture
16 that involves an activity described by Subdivision (5), including
17 by receiving labor or services the person knows are forced labor or
18 services, regardless of whether the person knows the age of the
19 child or whether the person knows the victim is disabled;

20 (7) traffics a child or disabled individual,
21 regardless of whether the person knows the age of the child or
22 whether the person knows the victim is disabled, and by any means
23 causes the trafficked child or disabled individual to engage in, or
24 become the victim of, conduct prohibited by:

25 (A) Section 21.02 (Continuous Sexual Abuse of
26 Young Child or Disabled Individual);

27 (B) Section 21.11 (Indecency with a Child);

- 1 (C) Section 22.011 (Sexual Assault);
2 (D) Section 22.021 (Aggravated Sexual Assault);
3 (E) Section 43.02 (Prostitution);
4 (E-1) Section 43.021 (Solicitation of
5 Prostitution);
6 (F) Section 43.03 (Promotion of Prostitution);
7 (F-1) Section 43.031 (Online Promotion of
8 Prostitution);
9 (G) Section 43.04 (Aggravated Promotion of
10 Prostitution);
11 (G-1) Section 43.041 (Aggravated Online
12 Promotion of Prostitution);
13 (H) Section 43.05 (Compelling Prostitution);
14 (I) Section 43.25 (Sexual Performance by a
15 Child);
16 (J) Section 43.251 (Employment Harmful to
17 Children); or
18 (K) Section 43.26 (Possession or Promotion of
19 Child Pornography); or
20 (8) receives a benefit from participating in a venture
21 that involves an activity described by Subdivision (7) or engages
22 in sexual conduct with a child or disabled individual trafficked in
23 the manner described in Subdivision (7), regardless of whether the
24 person knows the age of the child or whether the person knows the
25 victim is disabled.

26 SECTION 1.11. Section 20A.02(b), Penal Code, as amended by
27 Chapters 93 (S.B. 1527) and 452 (H.B. 3554), Acts of the 88th

1 Legislature, Regular Session, 2023, is reenacted and amended to
2 read as follows:

3 (b) Except as otherwise provided by this subsection and
4 Subsection (b-1), an offense under this section is a felony of the
5 second degree. An offense under this section is a felony of the
6 first degree if:

7 (1) the applicable conduct constitutes an offense
8 under Subsection (a)(5), (6), (7), or (8) [~~, regardless of whether~~
9 ~~the actor knows the age of the child or whether the actor knows the~~
10 ~~victim is disabled at the time of the offense]~~;

11 (2) the commission of the offense results in serious
12 bodily injury to or the death of the person who is trafficked; [~~or~~]

13 (3) the commission of the offense results in the death
14 of an unborn child of the person who is trafficked; or

15 (4) the actor:

16 (A) used or exhibited a deadly weapon during the
17 commission of the offense; or

18 (B) intentionally, knowingly, or recklessly
19 impeded the normal breathing or circulation of the blood of the
20 trafficked person by applying pressure to the person's throat or
21 neck or by blocking the person's nose or mouth.

22 SECTION 1.12. Section 20A.02(b-1), Penal Code, as amended
23 by Chapters 451 (H.B. 3553) and 452 (H.B. 3554), Acts of the 88th
24 Legislature, Regular Session, 2023, is reenacted and amended to
25 read as follows:

26 (b-1) An offense under this section is a felony of the first
27 degree punishable by imprisonment in the Texas Department of

1 Criminal Justice for life or for a term of not more than 99 years or
2 less than 25 years if it is shown on the trial of the offense that
3 the actor committed any part of the offense [~~in a location that~~
4 ~~was~~]:

5 (1) on the premises of or within 1,000 feet of the
6 premises of:

7 (A) a school or a school bus stop or other area
8 designated by a school as a pick-up or drop-off zone for students;
9 [~~or~~]

10 (B) an institution of higher education or private
11 or independent institution of higher education, as defined by
12 Section 61.003, Education Code;

13 (C) [~~(B)~~] a juvenile detention facility;

14 (D) [~~(C)~~] a post-adjudication secure
15 correctional facility;

16 (E) [~~(D)~~] a shelter or facility operating as a
17 residential treatment center that serves runaway youth, foster
18 children, people who are homeless, or persons subjected to human
19 trafficking, domestic violence, or sexual assault;

20 (F) [~~(E)~~] a community center offering youth
21 services and programs; or

22 (G) [~~(F)~~] a child-care facility, as defined by
23 Section 42.002, Human Resources Code; [~~or~~]

24 (2) on the premises where or within 1,000 feet of the
25 premises where:

26 (A) an official school function was taking place;

27 or

1 (B) an event sponsored or sanctioned by the
2 University Interscholastic League was taking place; or

3 (3) in a school bus or other passenger transportation
4 vehicle of a school.

5 SECTION 1.13. Section 4.01, Chapter 93 (S.B. 1527), Acts of
6 the 88th Legislature, Regular Session, 2023, which amended Article
7 2.305, Code of Criminal Procedure, is repealed.

8 SECTION 1.14. Notwithstanding Article 2A.205, Code of
9 Criminal Procedure, as transferred, redesignated, and amended by
10 this article, an entity that was not required to report under
11 Article 2A.205, Code of Criminal Procedure, as it existed
12 immediately before the effective date of this Act, is not required
13 to submit the initial report required by Article 2A.205, Code of
14 Criminal Procedure, before July 1, 2026.

15 SECTION 1.15. Notwithstanding Section 402.035(g),
16 Government Code, as amended by this article, the human trafficking
17 prevention task force is not required to include in the task force's
18 report the addendum required by that subsection before July 1,
19 2027.

20 SECTION 1.16. The changes in law made by this article to
21 Chapter 20A, Penal Code, apply only to an offense committed on or
22 after September 1, 2025. An offense committed before September 1,
23 2025, is governed by the law in effect on the date the offense was
24 committed, and the former law is continued in effect for that
25 purpose. For purposes of this section, an offense was committed
26 before September 1, 2025, if any element of the offense occurred
27 before that date.

1 SECTION 1.17. As soon as practicable after September 1,
2 2025, the Office of Court Administration of the Texas Judicial
3 System shall appoint a representative as required by Section
4 402.034(c), Government Code, as amended by this article.

5 SECTION 1.18. As soon as practicable after September 1,
6 2025:

7 (1) the executive commissioner of the Health and Human
8 Services Commission shall:

9 (A) approve human trafficking prevention
10 training courses as provided by Section 146.0075(b), Health and
11 Safety Code, as added by this article; and

12 (B) adopt rules necessary to implement Section
13 146.0075, Health and Safety Code, as added by this article; and

14 (2) the Department of State Health Services shall post
15 on its Internet website the list of human trafficking prevention
16 courses approved by the executive commissioner of the Health and
17 Human Services Commission under Section 146.0075(b), Health and
18 Safety Code, as added by this article.

19 SECTION 1.19. As soon as practicable after September 1,
20 2025, the Texas Commission of Licensing and Regulation shall adopt
21 the rules required by Section 1603.302, Occupations Code, as added
22 by this article.

23 SECTION 1.20. An employee of a tattoo studio or body
24 piercing studio is not required to complete a training course as
25 required by Section 146.0075(a), Health and Safety Code, as added
26 by this article, before January 1, 2026.

27 SECTION 1.21. To the extent of any conflict, this article

1 prevails over another Act of the 89th Legislature, Regular Session,
2 2025, relating to nonsubstantive additions to and corrections in
3 enacted codes.

4 ARTICLE 2. PROSTITUTION

5 SECTION 2.01. Section 43.021(b), Penal Code, is amended to
6 read as follows:

7 (b) An offense under Subsection (a) is a state jail felony,
8 except that the offense is:

9 (1) a felony of the third degree if the actor has
10 previously been convicted of an offense under Subsection (a) or
11 under Section 43.02(b), as that law existed before September 1,
12 2021; or

13 (2) a felony of the second degree if the person with
14 respect to whom the actor offers or agrees to engage [~~pay the fee~~
15 ~~for the purpose of engaging~~] in sexual conduct is:

16 (A) younger than 18 years of age, regardless of
17 whether the actor knows the age of the person at the time of the
18 offense;

19 (B) represented to the actor as being younger
20 than 18 years of age; or

21 (C) believed by the actor to be younger than 18
22 years of age.

23 SECTION 2.02. Subchapter A, Chapter 43, Penal Code, is
24 amended by adding Section 43.032 to read as follows:

25 Sec. 43.032. CONTINUOUS PROMOTION OF PROSTITUTION. (a) A
26 person commits an offense if, during a period that is 30 or more
27 days in duration, the person engages two or more times in conduct

1 that constitutes an offense under Section 43.03.

2 (b) If a jury is the trier of fact, members of the jury are
3 not required to agree unanimously on which specific conduct engaged
4 in by the defendant constituted an offense under Section 43.03 or on
5 which exact date the defendant engaged in that conduct. The jury
6 must agree unanimously that the defendant, during a period that is
7 30 or more days in duration, engaged two or more times in conduct
8 that constituted an offense under Section 43.03.

9 (c) If the victim of an offense under Subsection (a) is the
10 same victim as a victim of an offense under Section 43.03, a
11 defendant may not be convicted of the offense under Section 43.03 in
12 the same criminal action as the offense under Subsection (a),
13 unless the offense under Section 43.03:

14 (1) is charged in the alternative;

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

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

19 (d) A defendant may not be charged with more than one count
20 under Subsection (a) if all of the conduct that constitutes an
21 offense under Section 43.03 is alleged to have been committed
22 against the same victim.

23 (e) An offense under this section is a felony of the first
24 degree.

25 SECTION 2.03. Article 17.081, Code of Criminal Procedure,
26 is amended to read as follows:

27 Art. 17.081. ADDITIONAL REQUISITES OF BAIL BOND GIVEN BY

1 CERTAIN DEFENDANTS. In addition to the requirements of Article
2 17.08, a bail bond for a defendant charged with an offense under
3 Section 20A.02, 20A.03, 43.02, 43.03, 43.031, 43.032, 43.04,
4 43.041, or 43.05, Penal Code, must include the address,
5 identification number, and state of issuance as shown on a valid
6 driver's license or identification card for the defendant and any
7 surety, including any agent executing the bail bond on behalf of a
8 corporation acting as surety.

9 SECTION 2.04. Article 17.465(b), Code of Criminal
10 Procedure, is amended to read as follows:

11 (b) A magistrate shall require as a condition of release on
12 bond that a defendant charged with an offense under Section 20A.02,
13 20A.03, 43.03, 43.031, 43.032, 43.04, 43.041, or 43.05, Penal Code,
14 committed against a person 18 years of age or older may not:

15 (1) communicate directly or indirectly with the
16 victim; or

17 (2) go to or near:

18 (A) the residence, place of employment, or
19 business of the victim; or

20 (B) if applicable, a school, day-care facility,
21 or similar facility where a dependent child of the victim is in
22 attendance.

23 SECTION 2.05. Article 42A.054(e), Code of Criminal
24 Procedure, is amended to read as follows:

25 (e) Notwithstanding Subsection (a), with respect to an
26 offense committed by a defendant under Section 43.04 or 43.05,
27 Penal Code, a judge may place the defendant on community

1 supervision as permitted by Article 42A.053 if the judge makes a
2 finding that the defendant committed the offense solely as a victim
3 of an offense under Section 20A.02, 20A.03, 43.03, 43.032, 43.04,
4 or 43.05, Penal Code.

5 SECTION 2.06. Article 56B.003(13), Code of Criminal
6 Procedure, is amended to read as follows:

7 (13) "Trafficking of persons" means any offense that
8 results in a person engaging in forced labor or services, including
9 sexual conduct, and that may be prosecuted under Section 20A.02,
10 20A.03, 43.03, 43.031, 43.032, 43.04, 43.041, 43.05, 43.25, 43.251,
11 or 43.26, Penal Code.

12 SECTION 2.07. Article 58.051(11), Code of Criminal
13 Procedure, is amended to read as follows:

14 (11) "Trafficking of persons" means any conduct that:

15 (A) constitutes an offense under Section 20A.02,
16 20A.03, 43.03, 43.031, 43.032, 43.04, 43.041, 43.05, 43.25, 43.251,
17 or 43.26, Penal Code; and

18 (B) results in a person:

19 (i) engaging in forced labor or services;

20 or

21 (ii) otherwise becoming a victim of the
22 offense.

23 SECTION 2.08. Section 169.002(b), Health and Safety Code,
24 is amended to read as follows:

25 (b) A defendant is eligible to participate in a first
26 offender solicitation of prostitution prevention program
27 established under this chapter only if:

1 (1) the attorney representing the state consents to
2 the defendant's participation in the program; and

3 (2) the court in which the criminal case is pending
4 finds that the defendant has not been previously convicted of:

5 (A) an offense under Section 20A.02, 43.02(b), as
6 that law existed before September 1, 2021, 43.021, 43.03, 43.031,
7 43.032, 43.04, 43.041, or 43.05, Penal Code;

8 (B) an offense listed in Article 42A.054(a), Code
9 of Criminal Procedure; or

10 (C) an offense punishable as a felony under
11 Chapter 481.

12 SECTION 2.09. Section 455.005(c), Occupations Code, is
13 amended to read as follows:

14 (c) A political subdivision may not adopt a regulation of
15 the type described by Subsection (b) that is more restrictive for
16 massage establishments than for other health care establishments,
17 except that a more restrictive regulation of the type described by
18 Subsection (b) may be adopted:

19 (1) as provided by Chapter 243, Local Government Code;
20 or

21 (2) if the regulation relates to the location,
22 ownership, hours of operation, or operation of a massage
23 establishment:

24 (A) where three or more arrests have occurred or
25 citations in lieu of arrest have been issued for an offense under
26 Section 43.02, 43.021, 43.03, 43.032, 43.04, 43.05, or 71.02, Penal
27 Code, that was committed at the massage establishment;

1 (B) where an offense under Chapter 20A, or
2 Section 34.02, 43.02, 43.021, 43.03, 43.032, 43.04, 43.05, or
3 71.02, Penal Code, was committed that resulted in a conviction;

4 (C) that is operating at a location where another
5 massage establishment against which a sanction was imposed for a
6 violation of this chapter previously operated; or

7 (D) that is operating at a location where another
8 massage establishment owned or operated by an individual against
9 whom a sanction was imposed for a violation of this chapter
10 previously operated.

11 SECTION 2.10. Section 455.152, Occupations Code, as amended
12 by Chapters 13 (S.B. 483) and 440 (H.B. 2016), Acts of the 88th
13 Legislature, Regular Session, 2023, is reenacted and amended to
14 read as follows:

15 Sec. 455.152. INELIGIBILITY FOR LICENSE. A person is not
16 eligible for a license as a massage establishment, massage school,
17 massage therapist, or massage therapy instructor if the person is
18 an individual and has been convicted of, entered a plea of nolo
19 contendere or guilty to, or received deferred adjudication for:

20 (1) an offense under Chapter 20A, Penal Code [~~Section~~
21 ~~22.011 or 22.021 Penal Code~~], or Section 43.021, 43.03, 43.031,
22 43.032, 43.04, 43.041, or 43.05, Penal Code; [~~or~~]

23 (2) an offense under federal law or the laws of another
24 state containing elements that are substantially similar to the
25 elements of an offense described by Subdivision (1); or

26 (3) an offense under Section 22.011 or 22.021, Penal
27 Code.

1 SECTION 2.11. Section 455.251(b), Occupations Code, is
2 amended to read as follows:

3 (b) The commission or executive director shall revoke the
4 license of a person licensed as a massage therapist or massage
5 therapy instructor if:

6 (1) the person is convicted of, enters a plea of nolo
7 contendere or guilty to, or receives deferred adjudication for:

8 (A) an offense under Chapter 20A, Penal Code, or
9 Section 43.021, 43.03, 43.031, 43.032, 43.04, 43.041, or 43.05,
10 Penal Code; or

11 (B) an offense under federal law or the laws of
12 another state containing elements that are substantially similar to
13 the elements of an offense described by Paragraph (A); or

14 (2) the commission or executive director determines
15 the person has practiced or administered massage therapy at or for a
16 sexually oriented business.

17 SECTION 2.12. The change in law made by this article to
18 Section 43.021(b), Penal Code, applies only to an offense committed
19 on or after September 1, 2025. An offense committed before
20 September 1, 2025, is governed by the law in effect on the date the
21 offense was committed, and the former law is continued in effect for
22 that purpose. For purposes of this section, an offense was
23 committed before September 1, 2025, if any element of the offense
24 occurred before that date.

25 ARTICLE 3. CHILD PORNOGRAPHY

26 SECTION 3.01. Section 43.26(d), Penal Code, as amended by
27 Chapters 93 (S.B. 1527) and 1041 (S.B. 129), Acts of the 88th

1 Legislature, Regular Session, 2023, is reenacted and amended to
2 read as follows:

3 (d) An offense under Subsection (a) is:

4 (1) a felony of the third degree if the person
5 possesses visual material that contains fewer than 10 [~~100~~] visual
6 depictions of a child as described by Subsection (a)(1);

7 (2) a felony of the second degree if the person
8 possesses visual material that contains 10 [~~100~~] or more visual
9 depictions of a child as described by Subsection (a)(1) but fewer
10 than 50 [~~500~~] such depictions;

11 (3) a felony of the first degree if the person:

12 (A) possesses visual material that contains 50
13 [~~500~~] or more visual depictions of a child as described by
14 Subsection (a)(1); or

15 (B) possesses visual material of conduct
16 constituting an offense under Section 22.011(a)(2); or

17 (4) a felony of the first degree punishable by
18 imprisonment in the Texas Department of Criminal Justice for life
19 or for any term of not more than 99 years or less than 25 years if it
20 is shown on the trial of the offense that, at the time of the
21 offense, the person was:

22 (A) an employee at a child-care facility or a
23 residential child-care facility, as those terms are defined by
24 Section 42.002, Human Resources Code;

25 (B) an employee at a residential treatment
26 facility established under Section 221.056, Human Resources Code;

27 (C) an employee at a shelter or facility that

1 serves youth and that receives state funds; or

2 (D) receiving state funds for the care of a child
3 depicted by the visual material.

4 SECTION 3.02. Section 43.26(g), Penal Code, is amended to
5 read as follows:

6 (g) An offense under Subsection (e) is a felony of the first
7 ~~[second]~~ degree, except that the offense is a felony of the first
8 degree with a minimum term of confinement of 15 years if:

9 (1) the person promotes or possesses with intent to
10 promote:

11 (A) visual material that contains 50 or more
12 visual depictions of a child as described by Subsection (a)(1); or

13 (B) visual material of conduct constituting an
14 offense under Section 22.011(a)(2); and

15 (2) it is shown on the trial of the offense that the
16 person has been previously convicted of an offense under this
17 section ~~[that subsection]~~.

18 SECTION 3.03. The following provisions of the Penal Code
19 are repealed:

20 (1) Section 43.26(d-1), as added by Chapter 93 (S.B.
21 1527), Acts of the 88th Legislature, Regular Session, 2023; and

22 (2) Section 43.26(d-2).

23 SECTION 3.04. The changes in law made by this article to
24 Section 43.26, Penal Code, apply only to an offense committed on or
25 after September 1, 2025. An offense committed before September 1,
26 2025, is governed by the law in effect on the date the offense was
27 committed, and the former law is continued in effect for that

1 purpose. For purposes of this section, an offense was committed
2 before September 1, 2025, if any element of the offense was
3 committed before that date.

4 ARTICLE 4. PROSECUTION OF SEXUAL OR ASSAULTIVE OFFENSES OR
5 PROSECUTION OF FAILURE TO STOP OR REPORT THOSE OFFENSES

6 SECTION 4.01. Article 12.01, Code of Criminal Procedure, as
7 amended by Chapters 93 (S.B. 1527), 118 (H.B. 467), 127 (H.B. 1207),
8 422 (H.B. 1769), 520 (H.B. 3025), 689 (H.B. 1506), 704 (H.B. 2019),
9 709 (H.B. 2190), 768 (H.B. 4595), 830 (H.B. 2187), 885 (H.B. 4635),
10 and 1041 (S.B. 129), Acts of the 88th Legislature, Regular Session,
11 2023, is reenacted and amended to read as follows:

12 Art. 12.01. FELONIES. Except as provided in Articles
13 12.015 and 12.03, felony indictments may be presented within these
14 limits, and not afterward:

15 (1) no limitation:

16 (A) murder and manslaughter;

17 (B) sexual assault under Section 22.011(a)(2),
18 Penal Code, or aggravated sexual assault under Section
19 22.021(a)(1)(B), Penal Code;

20 (C) sexual assault, if:

21 (i) during the investigation of the offense
22 biological matter is collected and the matter:

23 (a) has not yet been subjected to
24 forensic DNA testing; or

25 (b) has been subjected to forensic DNA
26 testing and the testing results show that the matter does not match
27 the victim or any other person whose identity is readily

1 ascertained; or

2 (ii) probable cause exists to believe that
3 the defendant has committed the same or a similar sex offense
4 against five or more victims;

5 (D) continuous sexual abuse of young child or
6 disabled individual under Section 21.02, Penal Code;

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

9 (F) an offense involving leaving the scene of a
10 collision under Section 550.021, Transportation Code, if the
11 collision resulted in the death of a person;

12 (G) trafficking of persons under Section
13 20A.02(a)(7) or (8), Penal Code;

14 (H) continuous trafficking of persons under
15 Section 20A.03, Penal Code;

16 (I) compelling prostitution under Section
17 43.05(a)(2) or (3), Penal Code; ~~[or]~~

18 (J) tampering with physical evidence under
19 Section 37.09(a)(1) or (d)(1), Penal Code, if:

20 (i) the evidence tampered with is a human
21 corpse, as defined by that section; or

22 (ii) the investigation of the offense shows
23 that a reasonable person in the position of the defendant at the
24 time of the commission of the offense would have cause to believe
25 that the evidence tampered with is related to a criminal homicide
26 under Chapter 19, Penal Code;

27 (K) ~~[(J)]~~ interference with child custody under

1 Section 25.03(a)(3), Penal Code;

2 (L) [~~(J)~~] burglary under Section 30.02, Penal
3 Code, if:

4 (i) the offense is punishable under
5 Subsection (d) of that section because the defendant entered a
6 habitation with the intent to commit an offense under Section
7 22.011 or 22.021, Penal Code; and

8 (ii) during the investigation of the
9 offense biological matter is collected and the matter:

10 (a) has not yet been subjected to
11 forensic DNA testing; or

12 (b) has been subjected to forensic DNA
13 testing and the testing results show that the matter does not match
14 the victim or any other person whose identity is readily
15 ascertained;

16 (M) failure to stop or report sexual or
17 assaultive offense against child under Section 38.17, Penal Code;
18 or

19 (N) continuous promotion of prostitution under
20 Section 43.032, Penal Code;

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

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

27 (B) theft by a public servant of government

1 property over which the public servant exercises control in the
2 public servant's official capacity;

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

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

8 (E) sexual assault, except as provided by
9 Subdivision (1) or (9) [~~(8)~~];

10 (F) arson;

11 (G) trafficking of persons under Section
12 20A.02(a)(1), (2), (3), or (4), Penal Code; or

13 (H) compelling prostitution under Section
14 43.05(a)(1), Penal Code;

15 (3) seven years from the date of the commission of the
16 offense:

17 (A) misapplication of fiduciary property or
18 property of a financial institution;

19 (B) fraudulent securing of document execution;

20 (C) a felony violation under Chapter 162, Tax
21 Code;

22 (D) false statement to obtain property or credit
23 under Section 32.32, Penal Code;

24 (E) money laundering;

25 (F) credit card or debit card abuse under Section
26 32.31, Penal Code;

27 (G) fraudulent use or possession of identifying

1 information under Section 32.51, Penal Code;

2 (H) exploitation of a child, elderly individual,
3 or disabled individual under Section 32.53, Penal Code;

4 (I) health care fraud under Section 35A.02, Penal
5 Code;

6 (J) bigamy under Section 25.01, Penal Code,
7 except as provided by Subdivision (7); or

8 (K) possession or promotion of child pornography
9 under Section 43.26, Penal Code;

10 (4) five years from the date of the commission of the
11 offense:

12 (A) theft or robbery;

13 (B) except as provided by Subdivision (5),
14 kidnapping;

15 (C) [~~(B-1)~~] except as provided by Subdivision
16 (1) or (5), burglary;

17 (D) [~~(C)~~] injury to an elderly or disabled
18 individual that is not punishable as a felony of the first degree
19 under Section 22.04, Penal Code;

20 (E) [~~(D)~~] abandoning or endangering an [~~a~~
21 ~~child,~~] elderly [~~individual,~~] or disabled individual;

22 (F) [~~(E)~~] insurance fraud;

23 (G) [~~(F)~~] assault under Section 22.01, Penal
24 Code, if the assault was committed against a person whose
25 relationship to or association with the defendant is described by
26 Section 71.0021(b), 71.003, or 71.005, Family Code;

27 (H) [~~(G)~~] continuous violence against the family

1 under Section 25.11, Penal Code; or

2 (I) [~~(H)~~] aggravated assault under Section
3 22.02, Penal Code;

4 (5) if the investigation of the offense shows that the
5 victim is younger than 17 years of age at the time the offense is
6 committed, 20 years from the 18th birthday of the victim of one of
7 the following offenses:

8 (A) kidnapping under Section 20.03, Penal Code,
9 or aggravated kidnapping under Section 20.04, Penal Code; or

10 (B) subject to Subdivision (1)(L) [~~(1)(J)~~],
11 burglary under Section 30.02, Penal Code, if the offense is
12 punishable under Subsection (d) of that section because the
13 defendant entered a habitation with the intent to commit an offense
14 described by Subdivision (1)(B) or (D) of this article or Paragraph
15 (A) of this subdivision;

16 (6) 20 years from the 18th birthday of the victim of
17 one of the following offenses:

18 (A) trafficking of a child [~~persons~~] under
19 Section 20A.02(a)(5) or (6), Penal Code; or

20 (B) sexual performance by a child under Section
21 43.25, Penal Code;

22 (7) ten years from the 18th birthday of the victim of
23 the offense:

24 (A) injury to a child under Section 22.04, Penal
25 Code;

26 (B) bigamy under Section 25.01, Penal Code, if
27 the investigation of the offense shows that the person, other than

1 the legal spouse of the defendant, whom the defendant marries or
2 purports to marry or with whom the defendant lives under the
3 appearance of being married is younger than 18 years of age at the
4 time the offense is committed; or

5 (C) [~~(D)~~] abandoning or endangering a child;

6 (8) [~~(7)~~] ten years from the date the offense was
7 discovered: trafficking of a disabled individual under Section
8 20A.02(a)(5) or (6), Penal Code;

9 (9) [~~(8)~~] two years from the date the offense was
10 discovered: sexual assault punishable as a state jail felony under
11 Section 22.011(f)(2), Penal Code; or

12 (10) [~~(9)~~] three years from the date of the commission
13 of the offense: all other felonies.

14 SECTION 4.02. Section 2(a), Article 38.072, Code of
15 Criminal Procedure, as amended by Chapters 284 (S.B. 643) and 710
16 (H.B. 2846), Acts of the 81st Legislature, Regular Session, 2009,
17 is reenacted and amended to read as follows:

18 (a) This article applies only to statements that:

19 (1) describe:

20 (A) the alleged offense; or

21 (B) if the statement is offered during the
22 punishment phase of the proceeding, a crime, wrong, or act other
23 than the alleged offense that is:

24 (i) described by Section 1;

25 (ii) allegedly committed by the defendant
26 against the child or person with a disability who is the victim of
27 the offense or against another person who is a child younger than 18

1 [14] years of age or a person with a disability; and

2 (iii) otherwise admissible as evidence
3 under Article 38.37, Rule 404 or 405, Texas Rules of Evidence, or
4 another law or rule of evidence of this state;

5 (2) were made by the child or person with a disability
6 against whom the charged offense or extraneous crime, wrong, or act
7 was allegedly committed; and

8 (3) were made to the first person, 18 years of age or
9 older, other than the defendant, to whom the child or person with a
10 disability made a statement about the offense or extraneous crime,
11 wrong, or act.

12 SECTION 4.03. Section 2, Article 38.072, Code of Criminal
13 Procedure, is amended by adding Subsection (a-1) to read as
14 follows:

15 (a-1) The trial court shall admit more than one statement
16 under this article at a proceeding if each statement:

17 (1) meets the requirements of Subsection (a); and

18 (2) describes different conduct by the defendant.

19 SECTION 4.04. Section 3, Article 38.072, Code of Criminal
20 Procedure, is amended to read as follows:

21 Sec. 3. In this article, "person with a disability" has the
22 same meaning as "disabled individual" as defined by Section 22.04,
23 Penal Code [~~means a person 13 years of age or older who because of~~
24 ~~age or physical or mental disease, disability, or injury is~~
25 ~~substantially unable to protect the person's self from harm or to~~
26 ~~provide food, shelter, or medical care for the person's self]~~.

27 SECTION 4.05. Section 1, Article 38.37, Code of Criminal

1 Procedure, is amended to read as follows:

2 Sec. 1. (a) Subsection (b) applies to a proceeding in the
3 prosecution of a defendant for an offense, or an attempt or
4 conspiracy to commit an offense, under the following provisions of
5 the Penal Code:

6 (1) Section 21.02 (Continuous Sexual Abuse of Young
7 Child or Disabled Individual);

8 (2) Section 21.11 (Indecency with a Child);

9 (3) Section 21.15 (Invasive Visual Recording);

10 (4) Section 21.16 (Unlawful Disclosure or Promotion of
11 Intimate Visual Material);

12 (5) Section 21.165 (Unlawful Production or
13 Distribution of Certain Sexually Explicit Videos);

14 (6) Section 21.18 (Sexual Coercion);

15 (7) Section 21.19 (Unlawful Electronic Transmission
16 of Sexually Explicit Visual Material);

17 (8) [~~if committed against a child under 17 years of~~
18 ~~age;~~

19 [~~(A) Chapter 21 (Sexual Offenses);~~

20 [~~(B) Chapter 22 (Assaultive Offenses); or~~

21 [~~(C)] Section 25.02 (Prohibited Sexual Conduct);~~

22 [~~or~~

23 [~~(2) if committed against a person younger than 18~~
24 ~~years of age;]~~

25 (9) [~~(A)] Section 43.25 (Sexual Performance by a~~
26 ~~Child);~~

27 (10) [~~(B)] Section 20A.02 [20A.02(a)(5), (6), (7), or~~

1 ~~(8)~~] (Trafficking of Persons);

2 (11) [~~(C)~~] Section 20A.03 (Continuous Trafficking of
3 Persons) [~~, if based partly or wholly on conduct that constitutes an~~
4 ~~offense under Section 20A.02(a)(5), (6), (7), or (8)~~]; [~~or~~]

5 (12) [~~(D)~~] Section 43.05 [~~43.05(a)(2)~~] (Compelling
6 Prostitution); or

7 (13) if committed against a child younger than 18
8 years of age:

9 (A) Chapter 21 (Sexual Offenses); or

10 (B) Chapter 22 (Assaultive Offenses).

11 (b) Notwithstanding Rules 404 and 405, Texas Rules of
12 Evidence, evidence of other crimes, wrongs, or acts committed by
13 the defendant against the [~~child who is the~~] victim of the alleged
14 offense shall be admitted for its bearing on relevant matters,
15 including:

16 (1) the state of mind of the defendant and the victim
17 [~~child~~]; and

18 (2) the previous and subsequent relationship between
19 the defendant and the victim [~~child~~].

20 (c) If a court admits evidence under this section and on
21 request by either party, the court shall provide to the jury a
22 limiting instruction regarding the purposes for which the evidence
23 may be used. The court shall provide the limiting instruction:

24 (1) orally at the time the evidence is admitted; and

25 (2) in writing on conclusion of the presentation of
26 evidence in the case, at the time written instructions are provided
27 to the jury.

1 SECTION 4.06. Section 38.17, Penal Code, is amended to read
2 as follows:

3 Sec. 38.17. FAILURE TO STOP OR REPORT [~~ACCRAVATED~~] SEXUAL
4 OR ASSAULTIVE OFFENSE AGAINST [ASSAULT OF] CHILD. (a) A person[~~—~~
5 ~~other than a person who has a relationship with a child described by~~
6 ~~Section 22.04(b),~~] commits an offense if:

7 (1) the actor observes the commission or attempted
8 commission of an offense [~~prohibited by Section 21.02 or~~
9 ~~22.021(a)(2)(B)~~] under circumstances in which a reasonable person
10 would believe that an offense of a sexual or assaultive nature was
11 being committed or was about to be committed against a [~~the~~] child;

12 (2) the actor fails to assist the child or immediately
13 report the commission of the offense to a peace officer or law
14 enforcement agency; and

15 (3) the actor could assist the child or immediately
16 report the commission of the offense without placing the actor in
17 danger of suffering serious bodily injury or death.

18 (b) An offense under this section is a felony of the third
19 degree [~~Class A misdemeanor~~].

20 (c) If conduct that constitutes an offense under this
21 section also constitutes an offense under any other law, the actor
22 may be prosecuted under this section, the other law, or both.

23 SECTION 4.07. The change in law made by this article to
24 Article 12.01, Code of Criminal Procedure, does not apply to the
25 prosecution of an offense under Section 38.17, Penal Code, if the
26 prosecution of that offense becomes barred by limitation before
27 September 1, 2025. The prosecution of that offense remains barred

1 as if this article had not taken effect.

2 SECTION 4.08. The changes in law made by this article to
3 Chapter 38, Code of Criminal Procedure, apply to a criminal
4 proceeding that commences on or after September 1, 2025. A criminal
5 proceeding that commences before September 1, 2025, is governed by
6 the law in effect on the date the proceeding commenced, and the
7 former law is continued in effect for that purpose.

8 SECTION 4.09. The change in law made by this article to
9 Section 38.17, Penal Code, applies only to an offense committed on
10 or after September 1, 2025. An offense committed before September
11 1, 2025, is governed by the law in effect on the date the offense was
12 committed, and the former law is continued in effect for that
13 purpose. For purposes of this section, an offense was committed
14 before September 1, 2025, if any element of the offense occurred
15 before that date.

16 ARTICLE 5. EFFECTIVE DATE

17 SECTION 5.01. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I certify that H.B. No. 1778 was passed by the House on May 6, 2025, by the following vote: Yeas 148, Nays 1, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1778 was passed by the Senate on May 16, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to the discipline of judges by the State Commission on Judicial Conduct, notice of certain reprimands, judicial compensation and related retirement benefits, and the reporting of certain judicial transparency information; authorizing an administrative penalty.

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

SECTION 1. Section 22.302(a), Government Code, is amended to read as follows:

(a) At the discretion of its chief justice or presiding judge, the supreme court, the court of criminal appeals, or a court of appeals may order that oral argument be presented through the use of teleconferencing technology. The ~~[court and the]~~ parties or their attorneys may participate in oral argument from any location through the use of teleconferencing technology. Unless exigent circumstances require otherwise, the court shall participate in oral argument presented through teleconferencing technology from a courtroom or other facility provided to the court by this state.

SECTION 2. Subchapter D, Chapter 23, Government Code, is amended by adding Section 23.303 to read as follows:

Sec. 23.303. PROCEDURES RELATED TO MOTIONS FOR SUMMARY JUDGMENT; ANNUAL REPORT. (a) The business court, a district court, or a statutory county court shall, with respect to a motion for summary judgment:

1 (1) hear oral argument on the motion or consider the
2 motion without oral argument not later than the 45th day after the
3 date the response to the motion was filed; and

4 (2) file with the clerk of the court and provide to the
5 parties a written ruling on the motion not later than the 90th day
6 after the date the motion was argued or considered.

7 (b) If a motion for summary judgment is considered by a
8 court described by Subsection (a) without oral argument, the court
9 shall record in the docket the date the motion was considered
10 without argument.

11 (c) A clerk of a court described by Subsection (a) shall
12 report the court's compliance with the times prescribed by this
13 section to the Office of Court Administration of the Texas Judicial
14 System not less than once per quarter using the procedure the office
15 prescribes for the submission of reports under this subsection.

16 (d) The Office of Court Administration of the Texas Judicial
17 System shall prepare an annual report regarding compliance of
18 courts and clerks with the requirements of this section during the
19 preceding state fiscal year. Not later than December 31 of each
20 year, the office shall submit the report prepared under this
21 section to the governor, lieutenant governor, and speaker of the
22 house of representatives and make the report publicly available.

23 (e) Notwithstanding Section 22.004, Subsection (a) or (b)
24 may not be modified or repealed by supreme court rule.

25 SECTION 3. Section 33.001(a), Government Code, is amended
26 by amending Subdivisions (8) and (9) and adding Subdivision (8-a)
27 to read as follows:

1 (8) "Judge" means a justice, judge, master,
2 magistrate, justice of the peace, or retired or former judge as
3 described by Section 1-a, Article V, Texas Constitution, or other
4 person who performs the functions of the justice, judge, master,
5 magistrate, justice of the peace, or retired or former judge.

6 (8-a) "Official misconduct" has the meaning assigned
7 by Article 3.04, Code of Criminal Procedure.

8 (9) "Review tribunal" means a panel of seven justices
9 of the courts of appeal selected [~~by lot~~] by the chief justice of
10 the supreme court to review a recommendation of the commission for
11 the removal or retirement of a judge under Section 1-a(9), Article
12 V, Texas Constitution.

13 SECTION 4. Section 33.001(b), Government Code, is amended
14 to read as follows:

15 (b) For purposes of Section 1-a, Article V, Texas
16 Constitution, "wilful or persistent conduct that is clearly
17 inconsistent with the proper performance of a judge's duties"
18 includes:

19 (1) wilful, persistent, and unjustifiable failure to
20 timely execute the business of the court, considering the quantity
21 and complexity of the business, including failure to meet
22 deadlines, performance measures or standards, or clearance rate
23 requirements set by statute, administrative rule, or binding court
24 order;

25 (2) wilful violation of a provision of the Texas penal
26 statutes or the Code of Judicial Conduct;

27 (3) persistent or wilful violation of the rules

1 promulgated by the supreme court;

2 (4) incompetence in the performance of the duties of
3 the office;

4 (5) failure to cooperate with the commission; [~~or~~]

5 (6) violation of any provision of a voluntary
6 agreement to resign from judicial office in lieu of disciplinary
7 action by the commission;

8 (7) persistent or wilful violation of Article 17.15,
9 Code of Criminal Procedure; or

10 (8) persistent or wilful violation of Section
11 22.302(a).

12 SECTION 5. Section 33.0211, Government Code, is amended by
13 amending Subsection (a) and adding Subsection (a-1) to read as
14 follows:

15 (a) The commission shall maintain a file on each written
16 complaint filed with the commission. The file must include:

17 (1) the name of the person who filed the complaint;

18 (2) the date the complaint is received by the
19 commission;

20 (3) the subject matter of the complaint;

21 (4) additional documentation supporting the complaint
22 submitted under Subsection (a-1);

23 (5) the name of each person contacted in relation to
24 the complaint;

25 (6) [~~(5)~~] a summary of the results of the review or
26 investigation of the complaint; and

27 (7) [~~(6)~~] an explanation of the reason the file was

1 closed, if the commission closed the file without taking action
2 other than to investigate the complaint.

3 (a-1) Not later than the 45th day after the date a person
4 files a complaint with the commission, the person may submit to the
5 commission additional documentation to support the complaint.

6 SECTION 6. Subchapter B, Chapter 33, Government Code, is
7 amended by adding Sections 33.02111 and 33.02115 to read as
8 follows:

9 Sec. 33.02111. STATUTE OF LIMITATIONS. (a) Except as
10 provided by Subsection (b), the commission may not investigate and
11 shall dismiss a complaint filed on or after the seventh anniversary
12 of the date:

13 (1) the alleged misconduct occurred; or
14 (2) the complainant knew, or with the exercise of
15 reasonable diligence should have known, of the alleged misconduct.

16 (b) The commission may investigate and not dismiss a
17 complaint described by Subsection (a) if the commission determines
18 good cause exists for investigating the complaint.

19 Sec. 33.02115. FALSE COMPLAINT; ADMINISTRATIVE PENALTY.
20 (a) The commission may impose administrative sanctions, including
21 an administrative penalty under Subsection (b), against a person
22 who knowingly files a false complaint with the commission under
23 this subchapter.

24 (b) The commission may impose on a person described by
25 Subsection (a) an administrative penalty in the amount of:

26 (1) not more than \$500 for the first false complaint;
27 (2) not more than \$2,500 for the second false

1 complaint; and

2 (3) not less than \$5,000 but not more than \$10,000 for
3 each false complaint filed subsequent to the second.

4 (c) An order imposing an administrative penalty or other
5 sanction under this section is a public record. The commission
6 shall publish notice of the penalty or other sanction on the
7 commission's Internet website.

8 SECTION 7. Section 33.0212, Government Code, is amended to
9 read as follows:

10 Sec. 33.0212. REPORT AND RECOMMENDATIONS ON FILED
11 COMPLAINTS. (a) As soon as practicable after a complaint is filed
12 with the commission, commission staff shall conduct a preliminary
13 investigation of the filed complaint and draft recommendations for
14 commission action.

15 (a-1) If, after completing a preliminary investigation
16 under Subsection (a), commission staff determines that given the
17 content of a complaint a full investigation is necessary before the
18 next commission meeting, commission staff may commence the
19 investigation. Not less than seven business days after the date
20 commission staff commences a full investigation under this
21 subsection, the staff shall provide written notice of the full
22 investigation to the judge who is the subject of the complaint.
23 Notice provided under this subsection shall comply with the
24 requirements of Section 33.022(c)(1)(B).

25 (a-2) Not later than the 10th day before a scheduled
26 commission meeting [~~120th day after the date a complaint is filed~~
27 ~~with the commission~~], commission staff shall prepare and file with

1 each member of the commission a report detailing:

2 (1) each complaint for which a preliminary
3 investigation has been conducted under Subsection (a) but for which
4 the investigation report has not been finalized under Subsection
5 (b);

6 (2) the results of the preliminary investigation of
7 the complaint, including whether commission staff commenced a full
8 investigation under Subsection (a-1); and

9 (3) the commission staff's recommendations for
10 commission action regarding the complaint, including any
11 recommendation for further investigation or termination of the
12 investigation and dismissal of the complaint.

13 (b) Not later than the 120th [~~90th~~] day following the date
14 of the first commission meeting at which a complaint is included in
15 the report filed with the commission under Subsection (a-2) [~~staff~~
16 ~~files with the commission the report required by Subsection (a)]~~,
17 the commission shall finalize the investigation report and
18 determine any action to be taken regarding the complaint,
19 including:

20 (1) a public sanction;

21 (2) a private sanction;

22 (3) a suspension;

23 (4) an order of education;

24 (5) an acceptance of resignation in lieu of
25 discipline;

26 (6) a dismissal; or

27 (7) an initiation of formal proceedings.

1 (b-1) After the commission meeting at which an
2 investigation report is finalized and an action is determined under
3 Subsection (b), the commission shall provide to the judge who is the
4 subject of a complaint:

5 (1) written notice of the action to be taken regarding
6 the complaint not more than:

7 (A) five business days after the commission
8 meeting if the commission determines no further action will be
9 taken on the complaint; or

10 (B) seven business days after the commission
11 meeting if the commission determines to take any further action on
12 the complaint, including by pursuing further investigation; and

13 (2) as the commission determines appropriate,
14 published notice of the action to be taken by posting the notice on
15 the commission's Internet website not less than five business days
16 after notice is provided under Subdivision (1).

17 (c) If, because of extenuating circumstances, the
18 commission [staff] is unable to finalize an investigation report
19 and determine the action to be taken regarding a complaint under
20 Subsection (b) [~~provide an investigation report and recommendation~~
21 ~~to the commission]~~ before the 120th day following the date of the
22 first [the complaint was filed with the] commission meeting at
23 which a complaint is included in the report filed with the
24 commission under Subsection (a-2), the commission may order an
25 extension [the staff shall notify the commission and propose the
26 number of days required for the commission and commission staff to
27 complete the investigation report and recommendations and finalize

1 ~~the complaint. The staff may request an extension]~~ of not more than
2 240 ~~[270]~~ days from the date of the first ~~[the complaint was filed~~
3 ~~with the]~~ commission meeting at which a complaint is included in the
4 report filed with the commission under Subsection (a-2). ~~[The~~
5 ~~commission shall finalize the complaint not later than the 270th~~
6 ~~day following the date the complaint was filed with the~~
7 ~~commission.]~~

8 (c-1) If a complaint against a judge alleges multiple
9 instances of misconduct or the commission determines multiple
10 complaints have been submitted against the judge, the commission
11 may order an additional extension of not more than 90 days after the
12 date the extension under Subsection (c) expires.

13 (c-2) Each member of the commission shall certify an
14 investigation report finalized in accordance with this section by
15 signing the report. The signature required under this subsection
16 may be electronic.

17 ~~(d) [The executive director may request that the~~
18 ~~chairperson grant an additional 120 days to the time provided under~~
19 ~~Subsection (c) for the commission and commission staff to complete~~
20 ~~the investigation report and recommendations and finalize the~~
21 ~~complaint.~~

22 ~~[(e)]~~ If the commission orders an extension of time under
23 Subsection (c) or (c-1) ~~[chairperson grants additional time under~~
24 ~~Subsection (d)]~~, the commission must timely inform the following
25 [legislature] of the extension:

- 26 (1) the governor;
27 (2) the lieutenant governor;

1 (3) the speaker of the house of representatives;

2 (4) the presiding officer of each legislative standing
3 committee with primary jurisdiction over the judiciary;

4 (5) the chief justice of the supreme court;

5 (6) the Office of Court Administration of the Texas
6 Judicial System; and

7 (7) the presiding judge of the administrative judicial
8 region in which is located the court the judge who is the subject of
9 the complaint serves.

10 (e) The commission may not disclose to a person informed
11 under Subsection (d) [the legislature] any confidential
12 information regarding the complaint.

13 SECTION 8. Section 33.0213, Government Code, is amended to
14 read as follows:

15 Sec. 33.0213. NOTIFICATION OF LAW ENFORCEMENT AGENCY
16 INVESTIGATION. On notice by any law enforcement agency
17 investigating an action for which a complaint has been filed with
18 the commission, the commission:

19 (1) may place the commission's complaint file on hold
20 and decline any further investigation that would jeopardize the law
21 enforcement agency's investigation; or

22 (2) shall [~~. The commission may~~] continue an
23 investigation that would not jeopardize a law enforcement
24 investigation regarding the conduct subject to the complaint and
25 may issue a censure or sanction based on the complaint.

26 SECTION 9. Section 33.022, Government Code, is amended by
27 amending Subsections (b) and (c) and adding Subsections (b-1) and

1 (b-2) to read as follows:

2 (b) If, after conducting a preliminary investigation under
3 this section, ~~[the]~~ commission staff determine ~~[determines]~~ that an
4 allegation or appearance of misconduct or disability is unfounded
5 or frivolous, ~~[the]~~ commission staff shall recommend the commission
6 ~~[shall]~~ terminate the investigation and dismiss the complaint.

7 (b-1) If, after conducting a preliminary investigation
8 under this section, commission staff determine administrative
9 deficiencies in the complaint preclude further investigation,
10 commission staff may terminate the investigation and dismiss the
11 complaint without action by the commission.

12 (b-2) If a complaint is dismissed under Subsection (b) or
13 (b-1), the commission shall notify the judge in writing of the
14 dismissal not more than five business days after the dismissal
15 date.

16 (c) If, after conducting a preliminary investigation under
17 this section, the commission does not determine that an allegation
18 or appearance of misconduct or disability is unfounded or
19 frivolous, the commission:

20 (1) shall:

21 (A) conduct a full investigation of the
22 circumstances surrounding the allegation or appearance of
23 misconduct or disability; and

24 (B) not more than seven business days after the
25 commission staff commences a full investigation under this
26 subsection, notify the judge in writing of:

27 (i) the commencement of the investigation;

1 [~~and~~]

2 (ii) the nature of the allegation or
3 appearance of misconduct or disability being investigated; and

4 (iii) the judge's right to attend each
5 commission meeting at which the complaint is included in the report
6 filed with commission members under Section 33.0212(a-2); and

7 (2) may:

8 (A) order the judge to:

9 (i) submit a written response to the
10 allegation or appearance of misconduct or disability; or

11 (ii) appear informally before the
12 commission;

13 (B) order the deposition of any person; or

14 (C) request the complainant to appear informally
15 before the commission.

16 SECTION 10. Section 33.023, Government Code, is amended to
17 read as follows:

18 Sec. 33.023. SUBSTANCE ABUSE; PHYSICAL OR MENTAL INCAPACITY
19 OF JUDGE; SUSPENSION. (a) For each filed complaint alleging
20 substance abuse by, or the physical or mental incapacity of, a judge
21 and questioning the judge's ability to perform the judge's official
22 duties, the commission shall conduct a preliminary investigation of
23 the complaint and present the results of the preliminary
24 investigation to each member of the commission not later than the
25 30th day after the date the complaint is filed.

26 (b) If, after reviewing the results of the preliminary
27 investigation, the commission determines the judge's alleged

1 substance abuse or physical or mental incapacity brings into
2 question the judge's ability to perform the judge's official
3 duties, the commission shall provide the judge written notice of
4 the complaint and subpoena the judge to appear before the
5 commission at the commission's next regularly scheduled meeting.

6 (c) If, following the judge's appearance before the
7 commission at the next regularly scheduled meeting, the commission
8 decides to require the judge to submit to a physical or mental
9 examination, the commission shall:

10 (1) suspend the judge from office with pay for a period
11 not to exceed 90 days;

12 (2) provide the judge written notice of the
13 suspension;

14 (3) [~~In any investigation or proceeding that involves~~
15 ~~the physical or mental incapacity of a judge, the commission may]~~
16 order the judge to submit to a physical or mental examination by one
17 or more qualified physicians or a mental examination by one or more
18 qualified psychologists selected and paid for by the commission;
19 and

20 (4) provide~~[-~~

21 [~~(b) The commission shall give]~~ the judge written notice of
22 the examination not later than 10 days before the date of the
23 examination.

24 (d) The notice provided under Subsection (c)(4) must
25 include the physician's name and the date, time, and place of the
26 examination.

27 (e) [~~(e)]~~ Each examining physician shall file a written

1 report of the examination with the commission and the report shall
2 be received as evidence without further formality. On request of
3 the judge or the judge's attorney, the commission shall give the
4 judge a copy of the report. The physician's oral or deposition
5 testimony concerning the report may be required by the commission
6 or by written demand of the judge.

7 (f) If, after receiving the written report of an examining
8 physician or the physician's deposition testimony concerning the
9 report, the commission determines the judge is unable to perform
10 the judge's official duties because of substance abuse or physical
11 or mental incapacity, the commission shall:

12 (1) recommend to the supreme court suspension of the
13 judge from office; or

14 (2) enter into an indefinite voluntary agreement with
15 the judge for suspension of the judge with pay until the commission
16 determines the judge is physically and mentally competent to resume
17 the judge's official duties.

18 (g) [~~(d)~~ If a judge refuses to submit to a physical or
19 mental examination ordered by the commission under this section,
20 the commission may petition a district court for an order
21 compelling the judge to submit to the physical or mental
22 examination and recommend to the supreme court suspension of the
23 judge from office.

24 SECTION 11. Section 33.034, Government Code, is amended by
25 amending Subsection (a) and adding Subsection (j) to read as
26 follows:

27 (a) A judge who receives from the commission a sanction or

1 censure issued by the commission under Section 1-a(8), Article V,
2 Texas Constitution, may request [~~or any other type of sanction is~~
3 ~~entitled to~~] a review of the commission's decision as provided by
4 this section. This section does not apply to a decision by the
5 commission to institute formal proceedings.

6 (j) If the commission issues a public reprimand of a judge
7 based on the judge's persistent or wilful violation of Article
8 17.15, Code of Criminal Procedure, the commission shall send notice
9 of the reprimand to:

- 10 (1) the governor;
- 11 (2) the lieutenant governor;
- 12 (3) the speaker of the house of representatives;
- 13 (4) the presiding officer of each legislative standing
14 committee with primary jurisdiction over the judiciary;
- 15 (5) the chief justice of the supreme court;
- 16 (6) the Office of Court Administration of the Texas
17 Judicial System;
- 18 (7) the presiding judge of the administrative judicial
19 region in which is located the court the reprimanded judge serves;
20 and
- 21 (8) each judge of a constitutional county court in the
22 geographic region in which the reprimanded judge serves.

23 SECTION 12. Section 33.037, Government Code, is amended to
24 read as follows:

25 Sec. 33.037. SUSPENSION FROM OFFICE [~~PENDING APPEAL~~]. (a)
26 If a judge who is convicted of a felony or a misdemeanor involving
27 official misconduct appeals the conviction, the commission shall

1 suspend the judge from office without pay pending final disposition
2 of the appeal.

3 (b) Not later than the 21st day after the date the
4 commission initiates formal proceedings against a judge based on
5 the judge's persistent or wilful violation of Article 17.15, Code
6 of Criminal Procedure, the commission shall recommend to the
7 supreme court that the judge be suspended from office pursuant to
8 Section 1-a, Article V, Texas Constitution.

9 SECTION 13. Subchapter B, Chapter 33, Government Code, is
10 amended by adding Section 33.041 to read as follows:

11 Sec. 33.041. JUDICIAL DIRECTORY; NOTICE. (a) The Office of
12 Court Administration of the Texas Judicial System shall:

13 (1) establish a judicial directory that contains the
14 contact information, including the e-mail address, for each judge
15 in this state; and

16 (2) provide the commission with access to the
17 directory for the purpose of providing to a judge written notice
18 required by this subchapter.

19 (b) Written notice required by this subchapter may be
20 provided to a judge by e-mail.

21 SECTION 14. Subchapter C, Chapter 72, Government Code, is
22 amended by adding Section 72.0396 to read as follows:

23 Sec. 72.0396. JUDICIAL TRANSPARENCY INFORMATION. (a) Each
24 district court judge shall submit to the presiding judge of the
25 administrative judicial region in which the judge's court sits not
26 later than July 20 or January 20, as applicable, information for the
27 preceding six-month period in which the judge attests to:

1 (1) the number of hours the judge presided over the
2 judge's court at the courthouse or another court facility; and

3 (2) the number of hours the judge performed judicial
4 duties other than those described by Subdivision (1), including the
5 number of hours the judge:

6 (A) performed case-related duties;

7 (B) performed administrative tasks; and

8 (C) completed continuing education.

9 (b) The presiding judge of each administrative judicial
10 region shall submit the information submitted under Subsection (a)
11 to the office in the manner prescribed by the supreme court.

12 (c) The office shall provide administrative support for the
13 submission and collection of information under Subsection (a),
14 including providing a system for electronic submission of the
15 information.

16 (d) Not later than December 1 of each year, the office shall
17 prepare and submit to the governor, the lieutenant governor, the
18 speaker of the house of representatives, and each presiding officer
19 of a legislative standing committee with primary jurisdiction over
20 the judiciary a written report compiling the information submitted
21 under Subsection (b).

22 (e) The supreme court shall adopt rules establishing
23 guidelines and providing instructions regarding the submission of
24 information under Subsection (a), including rules:

25 (1) establishing a penalty for the submission of false
26 information under that subsection; and

27 (2) providing guidance on the form and manner of

1 submitting information under that subsection.

2 SECTION 15. Section 73.003(e), Government Code, is amended
3 to read as follows:

4 (e) At the discretion of its chief justice, a court to which
5 a case is transferred may hear oral argument through the use of
6 teleconferencing technology as provided by Section 22.302. [~~The
7 court and the parties or their attorneys may participate in oral
8 argument from any location through the use of teleconferencing
9 technology.~~] The actual and necessary expenses of the court in
10 hearing an oral argument through the use of teleconferencing
11 technology shall be paid by the state from funds appropriated for
12 the transfer of case, as specified in Subsection (d).

13 SECTION 16. Section 74.055(c), Government Code, is amended
14 to read as follows:

15 (c) To be eligible to be named on the list, a retired or
16 former judge must:

17 (1) have served as an active judge for at least 96
18 months in a district, statutory probate, statutory county, or
19 appellate court;

20 (2) have developed substantial experience in the
21 judge's area of specialty;

22 (3) not have been removed from office;

23 (4) certify under oath to the presiding judge, on a
24 form prescribed by the state board of regional judges, that:

25 (A) the judge has never been publicly reprimanded
26 or censured by the State Commission on Judicial Conduct, excluding
27 any reprimand or censure reviewed and rescinded by a special court

1 of review under Section 33.034;

2 (B) the judge has not received more than one of
3 any other type of public sanction, excluding any sanction reviewed
4 and rescinded by a special court of review under Section 33.034; and

5 (C) [~~(B)~~] the judge:

6 (i) did not resign or retire from office
7 after the State Commission on Judicial Conduct notified the judge
8 of the commencement of a full investigation into an allegation or
9 appearance of misconduct or disability of the judge as provided in
10 Section 33.022 and before the final disposition of that
11 investigation; or

12 (ii) if the judge did resign from office
13 under circumstances described by Subparagraph (i), was not publicly
14 reprimanded or censured as a result of the investigation;

15 (5) annually demonstrate that the judge has completed
16 in the past state fiscal year the educational requirements for
17 active district, statutory probate, and statutory county court
18 judges; and

19 (6) certify to the presiding judge a willingness not
20 to appear and plead as an attorney in any court in this state for a
21 period of two years.

22 SECTION 17. Section 659.012, Government Code, is amended by
23 amending Subsections (a) and (d) and adding Subsections (b-2) and
24 (d-1) to read as follows:

25 (a) Notwithstanding Section 659.011 and subject to
26 Subsections (b) and (b-1):

27 (1) a judge of a district court or a division of the

1 business court is entitled to an annual base salary from the state
2 as set by the General Appropriations Act in an amount equal to at
3 least \$175,000 [~~\$140,000~~], except that the combined base salary of
4 a district judge or judge of a division of the business court from
5 all state and county sources, including compensation for any
6 extrajudicial services performed on behalf of the county, may not
7 exceed the amount that is \$5,000 less than the maximum combined base
8 salary from all state and county sources for a justice of a court of
9 appeals other than a chief justice as determined under this
10 subsection;

11 (2) except as provided by Subdivision (3), a justice
12 of a court of appeals [~~other than the chief justice~~] is entitled to
13 an annual base salary from the state in the amount equal to 110
14 percent of the state base salary of a district judge as set by the
15 General Appropriations Act, except that the combined base salary of
16 a justice of the court of appeals [~~other than the chief justice~~]
17 from all state and county sources, including compensation for any
18 extrajudicial services performed on behalf of the county, may not
19 exceed the amount that is \$5,000 less than the base salary for a
20 justice of the supreme court as determined under this subsection;

21 (3) a justice of the Court of Appeals for the Fifteenth
22 Court of Appeals District [~~other than the chief justice~~] is
23 entitled to an annual base salary from the state in the amount equal
24 to \$5,000 less than 120 percent of the state base salary of a
25 district judge as set by the General Appropriations Act;

26 (4) a justice of the supreme court [~~other than the~~
27 ~~chief justice~~] or a judge of the court of criminal appeals [~~other~~

1 ~~than the presiding judge]~~ is entitled to an annual base salary from
2 the state in the amount equal to 120 percent of the state base
3 salary of a district judge as set by the General Appropriations Act;
4 and

5 (5) the chief justice or presiding judge of an
6 appellate court is entitled to additional compensation [~~an annual~~
7 ~~base salary~~] from the state in the amount equal to seven percent of
8 [~~\$2,500 more than~~] the state base salary provided for the other
9 justices or judges of the court[, ~~except that the combined base~~
10 ~~salary of the chief justice of a court of appeals from all state and~~
11 ~~county sources may not exceed the amount equal to \$2,500 less than~~
12 ~~the base salary for a justice of the supreme court as determined~~
13 ~~under this subsection].~~

14 (b-2) Notwithstanding any other provision of this section,
15 the additional compensation from the state paid to a chief justice
16 or presiding judge of an appellate court in accordance with
17 Subsection (a)(5) is not included as part of the judge's or
18 justice's combined base salary from all state and county sources
19 for purposes of determining whether the judge's or justice's salary
20 exceeds the limitation.

21 (d) Notwithstanding any other provision in this section or
22 other law, [~~in a county with more than five district courts,~~] a
23 district judge who serves as a local administrative district judge
24 under Section 74.091 is entitled to an annual base salary from the
25 state in the amount provided under Subsection (a) or (b) and an
26 additional annual [~~in the~~] amount from the state equal to:

27 (1) in a county with three or four district courts,

1 three percent of the annual base [~~\$5,000 more than the maximum~~]
2 salary for a judge of a district court [~~from the state to which the~~
3 ~~judge is otherwise entitled~~] under Subsection (a);

4 (2) in a county with more than four but fewer than 10
5 district courts, five percent of the annual base salary for a judge
6 of a district court under Subsection (a); or

7 (3) in a county with 10 or more district courts, seven
8 percent of the annual base salary for a judge of a district court
9 under Subsection (a) [~~or (b)~~].

10 (d-1) Notwithstanding any other provision in this section
11 or other law, a judge of a division of the business court who serves
12 as administrative presiding judge under Section 25A.009 is entitled
13 to an annual base salary from the state in the amount provided under
14 Subsection (a) or (b) and an additional annual amount equal to the
15 amount provided under Subsection (d)(3).

16 SECTION 18. Section 665.052(b), Government Code, is amended
17 to read as follows:

18 (b) In this section, "incompetency" means:

19 (1) gross ignorance of official duties;

20 (2) gross carelessness in the discharge of official
21 duties; [~~or~~]

22 (3) inability or unfitness to discharge promptly and
23 properly official duties because of a serious physical or mental
24 defect that did not exist at the time of the officer's election; or

25 (4) persistent or wilful violation of Article 17.15,
26 Code of Criminal Procedure.

27 SECTION 19. Section 814.103, Government Code, is amended by

1 amending Subsections (a), (a-1), and (b) and adding Subsections
2 (a-2) and (a-3) to read as follows:

3 (a) Except as provided by Subsection (a-1) or (b) and
4 subject to Subsection (a-2), the standard service retirement
5 annuity for service credited in the elected class of membership is
6 an amount equal to the number of years of service credit in that
7 class, times 2.3 percent of \$175,000 [~~the state base salary,~~
8 ~~excluding longevity pay payable under Section 659.0445 and as~~
9 ~~adjusted from time to time, being paid to a district judge as set by~~
10 ~~the General Appropriations Act in accordance with Section~~
11 ~~659.012(a)~~].

12 (a-1) Except as provided by Subsection (b), the standard
13 service retirement annuity for service credited in the elected
14 class of membership for a member of the class under Section
15 812.002(a)(3) whose effective date of retirement is on or after
16 September 1, 2019, is an amount equal to the number of years of
17 service credit in that class, times 2.3 percent of the state salary,
18 excluding longevity pay payable under Section 659.0445 [~~and as~~
19 ~~adjusted from time to time~~], being paid in accordance with Section
20 659.012 to a district judge who has the same number of years of
21 contributing service credit as the member on the member's last day
22 of service as a district or criminal district attorney, as
23 applicable.

24 (a-2) Beginning August 31, 2030, and every fifth
25 anniversary of that date, the Texas Ethics Commission shall
26 consider an equitable increase in the dollar amount on which the
27 standard service retirement annuity is based under Subsection (a)

1 and increase the dollar amount as the commission considers
2 appropriate. When determining an equitable increase in the dollar
3 amount, the Texas Ethics Commission may consider any increase in
4 compensation for elected officials and officers for salaries
5 included in the General Appropriations Act.

6 (a-3) The Texas Ethics Commission shall develop, adopt, and
7 make public a methodology for adjusting the dollar amount on which
8 the standard service retirement annuity is computed under
9 Subsection (a) not later than September 1, 2026, and apply the
10 methodology for each equitable adjustment under Subsection (a-2).

11 (b) The standard service retirement annuity for service
12 credited in the elected class may not exceed at any time 100 percent
13 of, as applicable:

14 (1) the dollar amount on which the annuity is based
15 under Subsection (a), subject to adjustment under Subsection (a-2);
16 or

17 (2) the state salary of a district judge on which the
18 annuity is based under Subsection [~~(a) or~~] (a-1) [~~, as applicable~~].

19 SECTION 20. Section 820.053(c), Government Code, is amended
20 to read as follows:

21 (c) For purposes of this section, a member of the elected
22 class of membership under Section 812.002(a)(2) shall have the
23 member's accumulated account balance computed as if the
24 contributions to the account were based on the dollar amount on
25 which the standard service retirement annuity is based under
26 Section 814.103(a), subject to adjustment under Section
27 814.103(a-2) [~~the state base salary, excluding longevity pay~~

1 ~~payable under Section 659.0445, being paid a district judge as set~~
2 ~~by the General Appropriations Act in accordance with Sections~~
3 ~~659.012(a)].~~

4 SECTION 21. Section 834.102, Government Code, is amended by
5 adding Subsections (e) and (f) to read as follows:

6 (e) Notwithstanding Subsection (a) or (d) or any other law:

7 (1) any increase in the state base salary being paid to
8 a district judge as set by the General Appropriations Act in
9 accordance with Section 659.012 by the 89th Legislature, Regular
10 Session, 2025, does not apply to a service retirement annuity
11 computed under this section of a retiree or beneficiary if the
12 retiree on whose service the annuity is based retired before
13 September 1, 2025; and

14 (2) the amount of the state base salary being paid to a
15 district judge as set by Chapter 1170 (H.B. 1), Acts of the 88th
16 Legislature, Regular Session, 2023 (the General Appropriations
17 Act), for the fiscal year ending August 31, 2025, in accordance with
18 Section 659.012 continues to apply to the annuities described by
19 Subdivision (1) until the effective date of legislation the 90th
20 Legislature or a later legislature enacts that increases the state
21 base salary paid to a district judge as set by the General
22 Appropriations Act in accordance with Section 659.012.

23 (f) On the effective date of legislation the 90th
24 Legislature or a later legislature enacts that increases the state
25 base salary paid to a district judge, as described by Subsection
26 (e), this subsection and Subsection (e) expire.

27 SECTION 22. Section 837.102(a), Government Code, is amended

1 to read as follows:

2 (a) A retiree who resumes service as a judicial officer
3 other than by assignment described in Section 837.101 may not
4 rejoin or receive credit in the retirement system for the resumed
5 service, except [~~unless an election is made~~] as provided by Section
6 837.103.

7 SECTION 23. Section 837.103, Government Code, is amended by
8 amending Subsections (b) and (c) and adding Subsections (b-1),
9 (b-2), (c-1), and (c-2) to read as follows:

10 (b) Notwithstanding Sections 837.001(c) and 837.002(2) and
11 subject to the requirements of this section [~~Subsection (d)~~], a
12 retiree who resumes full-time service as a judicial officer other
13 than by assignment described in Section 837.101 [~~described by~~
14 ~~Section 837.102(a)~~] may elect to rejoin the retirement system as a
15 member [~~and receive service credit in the system for resuming~~
16 ~~service as a judicial officer~~] if, before taking the oath of office,
17 the retiree has been separated from judicial service for at least
18 six full consecutive months.

19 (b-1) The retiree shall provide notice of an [~~the~~] election
20 to rejoin the retirement system under this section:

21 (1) not later than the 60th day after the date the
22 retiree takes the oath of office; and

23 (2) in the form and manner prescribed by the system.

24 (b-2) A person who rejoins the retirement system under this
25 section shall resume making member contributions at the rate of 9.5
26 percent of the person's state compensation.

27 (c) For a person who rejoins the retirement system [~~makes an~~

1 ~~election]~~ under this section and completes at least 24 months of
2 resumed judicial service, on the person's subsequent retirement
3 from resumed service [~~the resumption of annuity payments that have~~
4 ~~been suspended under Section 837.102~~], the retirement system shall
5 recompute the annuity selected at the time of the person's original
6 retirement to reflect:

7 (1) the highest annual state salary earned by the
8 person while holding a judicial office included within the
9 membership of the retirement system; and

10 (2) [~~to include~~] the [person's] additional service
11 credit established during the person's period of resumed service
12 [~~membership under this section~~].

13 (c-1) For a person who rejoins the retirement system under
14 this section but who does not complete at least 24 months of resumed
15 service, on the person's subsequent retirement from resumed
16 service, the retirement system shall:

17 (1) resume annuity payments suspended under Section
18 837.102; and

19 (2) issue the person a refund of the person's
20 accumulated member contributions made during the person's period of
21 resumed service.

22 (c-2) If, at the time of the person's original retirement, a
23 [~~the~~] person described by Subsection (c) or (c-1) selected an
24 optional retirement annuity payable under Section 839.103(a)(3) or
25 (4), the retirement system shall reduce the number of months of
26 payments by the number of months for which the annuity was paid
27 before the person resumed service.

1 SECTION 24. Section 840.1025(b), Government Code, is
2 amended to read as follows:

3 (b) A member who elects to make contributions under
4 Subsection (a) shall contribute 9.5 [~~six~~] percent of the member's
5 state compensation for each payroll period in the manner provided
6 by Sections 840.102(b)-(f).

7 SECTION 25. Section 840.1027(b), Government Code, is
8 amended to read as follows:

9 (b) A member who elects to make contributions under
10 Subsection (a) shall contribute 9.5 [~~six~~] percent of the member's
11 state compensation for each payroll period in the manner provided
12 by Sections 840.102(b)-(f).

13 SECTION 26. Section 837.103(e), Government Code, is
14 repealed.

15 SECTION 27. Section 23.303, Government Code, as added by
16 this Act, applies only to a motion for summary judgment filed on or
17 after the effective date of this Act. A motion for summary judgment
18 filed before the effective date of this Act is governed by the law
19 in effect on the date the motion was filed, and that law is
20 continued in effect for that purpose.

21 SECTION 28. Not later than March 1, 2026, the Texas Supreme
22 Court and the Texas Court of Criminal Appeals shall adopt rules
23 necessary to implement Section 22.302(a), Government Code, as
24 amended by this Act, and Section 23.303, Government Code, as added
25 by this Act.

26 SECTION 29. As soon as practicable after September 1, 2025,
27 the State Commission on Judicial Conduct shall adopt rules to

1 implement Section 33.001(b), Government Code, as amended by this
2 Act.

3 SECTION 30. Sections 33.001(b) and 665.052(b), Government
4 Code, as amended by this Act, apply only to an allegation of
5 judicial misconduct received by the State Commission on Judicial
6 Conduct on or after September 1, 2025, regardless of whether the
7 conduct or act that is the subject of the allegation occurred or was
8 committed before, on, or after September 1, 2025.

9 SECTION 31. Section 33.02111, Government Code, as added by
10 this Act, and Section 33.023, Government Code, as amended by this
11 Act, apply only to a complaint filed with the State Commission on
12 Judicial Conduct on or after September 1, 2025.

13 SECTION 32. As soon as practicable after the effective date
14 of this Act, the Office of Court Administration of the Texas
15 Judicial System shall:

16 (1) prescribe procedures as required by Section
17 23.303(c), Government Code, as added by this Act; and

18 (2) establish the judicial directory required by
19 Section 33.041, Government Code, as added by this Act.

20 SECTION 33. As soon as practicable after September 1, 2025,
21 the Texas Supreme Court shall adopt rules for purposes of Section
22 72.0396, Government Code, as added by this Act.

23 SECTION 34. A former or retired judge on a list maintained
24 by a presiding judge under Section 74.055(a), Government Code, who
25 is ineligible to be named on the list under Section 74.055(c),
26 Government Code, as amended by this Act, shall be struck from the
27 list on September 1, 2025, and may not be assigned to any court on or

1 after September 1, 2025.

2 SECTION 35. (a) Except as provided by Subsection (c) of
3 this section, Sections 837.102 and 837.103, Government Code, as
4 amended by this Act, apply only to:

5 (1) a former retiree of the Judicial Retirement System
6 of Texas Plan Two who, on the effective date of this Act, holds a
7 judicial office and has resumed membership in the retirement
8 system; or

9 (2) a retiree who, on or after the effective date of
10 this Act, resumes service as a judicial officer holding a judicial
11 office included in the membership of the retirement system.

12 (b) A person described by Subsection (a)(1) of this section
13 may purchase service credit for resumed judicial service performed
14 before the effective date of this Act, including service performed
15 before June 18, 2023, by depositing with the Judicial Retirement
16 System of Texas Plan Two, for each month of service credit, member
17 contributions calculated by multiplying 9.5 percent by the person's
18 monthly judicial state salary on the effective date of this Act.
19 Not later than September 1, 2027, the person must purchase service
20 credit under this subsection and make the required deposits.

21 (c) Section 837.103(b-1)(1), Government Code, as added by
22 this Act, applies only to an election to rejoin the Judicial
23 Retirement System of Texas Plan Two under Section 837.103,
24 Government Code, made on or after the effective date of this Act.

25 SECTION 36. Section 30 of this Act takes effect immediately
26 if this Act receives a vote of two-thirds of all the members elected
27 to each house, as provided by Section 39, Article III, Texas

1 Constitution. If this Act does not receive the vote necessary for
2 immediate effect, Section 30 of this Act has no effect.

3 SECTION 37. Except as otherwise provided by this Act, this
4 Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 293 passed the Senate on March 12, 2025, by the following vote: Yeas 30, Nays 1; May 30, 2025, Senate concurred in part and refused to concur in part in House amendments; June 1, 2025, Senate requested appointment of Conference Committee; June 1, 2025, House granted request of the Senate; June 2, 2025, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 293 passed the House, with amendments, on May 27, 2025, by the following vote: Yeas 128, Nays 4, one present not voting; June 1, 2025, House granted request of the Senate for appointment of Conference Committee; June 2, 2025, House adopted Conference Committee Report by the following vote: Yeas 114, Nays 26, four present not voting.

Chief Clerk of the House

Approved:

Date

Governor

AN ACT

relating to criminal and civil liability related to sexually explicit media and artificial intimate visual material; creating a criminal offense; increasing a criminal penalty.

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

SECTION 1. The heading to Section 21.165, Penal Code, is amended to read as follows:

Sec. 21.165. UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN SEXUALLY EXPLICIT MEDIA [~~VIDEOS~~].

SECTION 2. Section 21.165(a), Penal Code, is amended by amending Subdivision (1) and adding Subdivision (3) to read as follows:

(1) "Deep fake media [~~video~~]" means a visual depiction [~~a video,~~] created or altered through [~~with~~] the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including by adapting, modifying, manipulating, or altering an authentic visual depiction manually or through an automated process [~~intent to deceive~~], that appears to a reasonable person to depict a real person, indistinguishable from an authentic visual depiction of the real person, performing an action that did not occur in reality.

(3) "Visual depiction" means a photograph, motion picture film, videotape, digital image or video, or other visual recording.

1 SECTION 3. Section 21.165, Penal Code, is amended by
2 amending Subsections (b) and (c) and adding Subsections (b-1),
3 (b-2), (c-1), (c-2), (c-3), (c-4), (c-5), and (e) to read as
4 follows:

5 (b) A person commits an offense if, without the effective
6 consent of the person appearing to be depicted, the person
7 knowingly produces or distributes by electronic means ~~[a]~~ deep fake
8 media ~~[video]~~ that appears to depict the person:

9 (1) with visible computer-generated intimate parts or
10 with the visible intimate parts of another human being as the
11 intimate parts of the person; or

12 (2) engaging in sexual conduct in which the person did
13 not engage ~~[with the person's intimate parts exposed or engaged in~~
14 sexual conduct].

15 (b-1) A person commits an offense if the person
16 intentionally threatens to produce or distribute deep fake media
17 with the intent to coerce, extort, harass, or intimidate another
18 person.

19 (b-2) Consent required by Subsection (b) is valid only if
20 the person appearing to be depicted knowingly and voluntarily
21 signed a written agreement that was drafted in plain language. The
22 agreement must include:

23 (1) a general description of the deep fake media; and

24 (2) if applicable, the audiovisual work into which the
25 deep fake media will be incorporated.

26 (c) An offense under Subsection (b) ~~[this section]~~ is a
27 Class A misdemeanor, except that the offense is a felony of the

1 third degree if it is shown on the trial of the offense that:

2 (1) the actor has been previously convicted of an
3 offense under this section; or

4 (2) the person appearing to be depicted is younger
5 than 18 years of age.

6 (c-1) An offense under Subsection (b-1) is a Class B
7 misdemeanor, except that the offense is a Class A misdemeanor if it
8 is shown on the trial of the offense that:

9 (1) the actor has been previously convicted of an
10 offense under this section; or

11 (2) the actor threatened to produce or distribute deep
12 fake media appearing to depict a person younger than 18 years of
13 age.

14 (c-2) It is not a defense to prosecution under this section
15 that the deep fake media:

16 (1) contains a disclaimer stating that the media was
17 unauthorized or that the person appearing to be depicted did not
18 participate in the creation or development of the deep fake media;
19 or

20 (2) indicates, through a label or otherwise, that the
21 depiction is not authentic.

22 (c-3) It is an affirmative defense to prosecution under this
23 section that the production or distribution of the deep fake media
24 occurs in the course of:

25 (1) lawful and common practices of law enforcement;

26 (2) reporting unlawful activity; or

27 (3) a legal proceeding, if the production or

1 distribution is permitted or required by law.

2 (c-4) It is an affirmative defense to prosecution under
3 Subsection (b) that the actor:

4 (1) is an Internet service provider, cloud service
5 provider, cybersecurity service provider, communication service
6 provider, or telecommunications network that transmits data; and

7 (2) acted solely in a technical, automatic, or
8 intermediate nature.

9 (c-5) It is an affirmative defense to prosecution under
10 Subsection (b) that the actor:

11 (1) is a provider or developer of a publicly
12 accessible artificial intelligence application or software that
13 was used in the creation of the deep fake media;

14 (2) included a prohibition against the creation of
15 deep fake media prohibited by this section in the actor's terms and
16 conditions or user policies that are required to be acknowledged by
17 a user before the user is granted access to the artificial
18 intelligence application or software; and

19 (3) took affirmative steps to prevent the creation of
20 deep fake media prohibited by this section through technological
21 tools, such as:

22 (A) training the artificial intelligence
23 application or software to identify deep fake media prohibited by
24 this section;

25 (B) providing effective reporting tools for deep
26 fake media prohibited by this section;

27 (C) filtering deep fake media prohibited by this

1 section created by the artificial intelligence application or
2 software before the media is shown to a user; and

3 (D) filtering deep fake media prohibited by this
4 section from the artificial intelligence application or
5 software data set before the data set is used to train the
6 application or software.

7 (e) The court shall order a defendant convicted of an
8 offense under this section to make restitution to the victim of the
9 offense for any psychological, financial, or reputational harm
10 incurred by the victim as a result of the offense.

11 SECTION 4. The heading to Chapter 98B, Civil Practice and
12 Remedies Code, is amended to read as follows:

13 CHAPTER 98B. UNLAWFUL PRODUCTION, SOLICITATION, DISCLOSURE, OR
14 PROMOTION OF INTIMATE VISUAL MATERIAL

15 SECTION 5. Section 98B.001, Civil Practice and Remedies
16 Code, is amended by amending Subdivision (1) and adding
17 Subdivisions (1-a), (1-b), (3), and (4) to read as follows:

18 (1) "Artificial intimate visual material" means
19 computer-generated intimate visual material that was produced,
20 adapted, or modified using an artificial intelligence application
21 or other computer software in which the person is recognizable as an
22 actual person by a person's face, likeness, voice, or other
23 distinguishing characteristic, such as a unique birthmark or other
24 recognizable feature which, when viewed by a reasonable person, is
25 indistinguishable from the person depicted.

26 (1-a) "Consent" means affirmative, conscious, and
27 voluntary agreement, made by a person freely and without coercion,

1 fraud, or misrepresentation.

2 (1-b) "Intimate parts," "promote," "sexual conduct,"
3 and "visual material" have the meanings assigned by Section 21.16,
4 Penal Code.

5 (3) "Nudification application" means an artificial
6 intelligence application that is primarily designed and marketed
7 for the purpose of producing artificial intimate visual material.

8 (4) "Social media platform" has the meaning assigned
9 by Section 120.001, Business & Commerce Code.

10 SECTION 6. Chapter 98B, Civil Practice and Remedies Code,
11 is amended by adding Sections 98B.0021, 98B.0022, 98B.008, and
12 98B.009 to read as follows:

13 Sec. 98B.0021. LIABILITY FOR UNLAWFUL PRODUCTION,
14 SOLICITATION, DISCLOSURE, OR PROMOTION OF CERTAIN ARTIFICIAL
15 INTIMATE VISUAL MATERIAL. A defendant is liable, as provided by
16 this chapter, to a person depicted in artificial intimate visual
17 material for damages arising from the production, solicitation,
18 disclosure, or promotion of the material if:

19 (1) the defendant produces, solicits, discloses, or
20 promotes the artificial intimate visual material without the
21 effective consent of the depicted person and with the intent to harm
22 that person;

23 (2) the production, solicitation, disclosure, or
24 promotion of the artificial intimate visual material causes harm to
25 the depicted person; and

26 (3) the production, solicitation, disclosure, or
27 promotion of the artificial intimate visual material reveals the

1 identity of the depicted person in any manner, including through
2 any accompanying or subsequent information or material related to
3 the artificial intimate visual material.

4 Sec. 98B.0022. LIABILITY OF OWNERS OF INTERNET WEBSITES AND
5 ARTIFICIAL INTELLIGENCE APPLICATIONS AND PAYMENT PROCESSORS. (a)

6 A person who owns an Internet website or application, including a
7 social media platform, and who recklessly facilitates the
8 production or disclosure of artificial intimate visual material in
9 exchange for payment, who owns a publicly accessible nudification
10 application from which the material is produced, or who recklessly
11 processes or facilitates payment for the production or disclosure
12 of the material through the website or application, is liable, as
13 provided by this chapter, to a person depicted in the material for
14 damages arising from the production or disclosure of the material
15 if the person knows or recklessly disregards that the depicted
16 person did not consent to the production or disclosure of the
17 material.

18 (b) A person who owns an Internet website or application,
19 including a social media platform, on which artificial intimate
20 visual material is disclosed is liable, as provided by this
21 chapter, to the person depicted in the material for damages arising
22 from the disclosure of the material if the person depicted requests
23 the website or application to remove the material and the person who
24 owns the website or application fails to remove the material within
25 72 hours of receiving the request and make reasonable efforts to
26 identify and remove any known identical copies of such material.

27 (c) A person who owns an Internet website or application,

1 including a social media platform, shall make available on the
2 website or application an easily accessible system that allows a
3 person to submit a request for the removal of artificial intimate
4 visual material.

5 (d) A person who owns an Internet website or application,
6 including a social media platform, shall make available on the
7 website or application a clear and conspicuous notice, which may be
8 provided through a clear and conspicuous link to another web page or
9 disclosure, of the removal process established under Subsection
10 (c), that:

11 (1) is written in plain language that is easy to read;
12 and

13 (2) provides information regarding the
14 responsibilities of the person who owns the website or application
15 under this section, including a description of how a person can
16 submit a request for the removal of artificial intimate visual
17 material and how to track the status of the request.

18 (e) A violation of Subsection (b), (c), or (d) is a
19 deceptive trade practice actionable under Subchapter E, Chapter 17,
20 Business & Commerce Code.

21 (f) The attorney general may investigate and bring an action
22 for injunctive relief against a person who repeatedly violates
23 Subsection (b), (c), or (d). If the attorney general prevails in
24 the action, the attorney general may recover costs and attorney's
25 fees.

26 Sec. 98B.008. CONFIDENTIAL IDENTITY IN CERTAIN
27 ACTIONS. (a) In this section, "confidential identity" means:

1 (1) the use of a pseudonym; and

2 (2) the absence of any other identifying information,
3 including address, telephone number, and social security number.

4 (b) Except as otherwise provided by this section, in a suit
5 brought under this chapter, the court shall:

6 (1) make it known to the claimant as early as possible
7 in the proceedings of the suit that the claimant may use a
8 confidential identity in relation to the suit;

9 (2) allow a claimant to use a confidential identity in
10 all petitions, filings, and other documents presented to the court;

11 (3) use the confidential identity in all of the court's
12 proceedings and records relating to the suit, including any
13 appellate proceedings; and

14 (4) maintain the records relating to the suit in a
15 manner that protects the confidentiality of the claimant.

16 (c) In a suit brought under this chapter, only the following
17 persons are entitled to know the true identifying information about
18 the claimant:

19 (1) the judge;

20 (2) a party to the suit;

21 (3) the attorney representing a party to the suit; and

22 (4) a person authorized by a written order of a court
23 specific to that person.

24 (d) The court shall order that a person entitled to know the
25 true identifying information under Subsection (c) may not divulge
26 that information to anyone without a written order of the court. A
27 court shall hold a person who violates the order in contempt.

1 (e) Notwithstanding Section 22.004, Government Code, the
2 supreme court may not amend or adopt rules in conflict with this
3 section.

4 (f) A claimant is not required to use a confidential
5 identity as provided by this section.

6 Sec. 98B.009. STATUTE OF LIMITATIONS. A person must bring
7 suit under this chapter not later than 10 years after the later of
8 the date on which:

9 (1) the person depicted in the intimate visual
10 material that is the basis for the suit reasonably discovers the
11 intimate visual material; or

12 (2) the person depicted in the intimate visual
13 material that is the basis for the suit turns 18 years of age.

14 SECTION 7. Chapter 98B, Civil Practice and Remedies Code,
15 as amended by this Act, applies only to a cause of action that
16 accrues on or after the effective date of this Act.

17 SECTION 8. Section 21.165, Penal Code, as amended by this
18 Act, applies only to an offense committed on or after the effective
19 date of this Act. An offense committed before the effective date of
20 this Act is governed by the law in effect on the date the offense was
21 committed, and the former law is continued in effect for that
22 purpose. For purposes of this section, an offense was committed
23 before the effective date of this Act if any element of the offense
24 occurred before that date.

25 SECTION 9. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 441 passed the Senate on March 18, 2025, by the following vote: Yeas 30, Nays 0; May 28, 2025, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2025, House granted request of the Senate; May 31, 2025, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 441 passed the House, with amendments, on May 27, 2025, by the following vote: Yeas 104, Nays 36, one present not voting; May 30, 2025, House granted request of the Senate for appointment of Conference Committee; May 31, 2025, House adopted Conference Committee Report by the following vote: Yeas 90, Nays 33, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

AN ACT

relating to financial exploitation or financial abuse using artificially generated media or phishing communications; providing a civil penalty; creating a criminal offense.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 100B to read as follows:

CHAPTER 100B. LIABILITY FOR FINANCIAL EXPLOITATION

Sec. 100B.001. DEFINITIONS. In this chapter:

(1) "Artificial intelligence" means a machine-based system that can, for a given set of explicit or implicit objectives, make predictions, recommendations, or decisions that influence real or virtual environments.

(2) "Artificially generated media" means an image, an audio file, a video file, a radio broadcast, written text, or other media created or modified using artificial intelligence or other computer software with the intent to deceive.

(3) "Financial exploitation" has the meaning assigned by Section 281.001, Finance Code.

(4) "Phishing communication" means an attempt to deceive or manipulate a person into providing personal, financial, or identifying information through e-mail, electronic communication, or other digital means.

Sec. 100B.002. CAUSE OF ACTION FOR DISSEMINATION OF CERTAIN

1 COMMUNICATIONS FOR FINANCIAL EXPLOITATION. (a) A person is liable
2 for damages resulting from a knowing or intentional dissemination
3 of artificially generated media or a phishing communication for the
4 purpose of financial exploitation.

5 (b) A court shall award a claimant who prevails in an action
6 brought under this section:

7 (1) actual damages, including damages for mental
8 anguish and the defendant's profits attributable to the
9 dissemination of the artificially generated media or phishing
10 communication; and

11 (2) court costs and reasonable attorney's fees
12 incurred in bringing the action.

13 (c) A court in which an action is brought under this
14 section, on a motion of a claimant, may issue a temporary
15 restraining order or a temporary or permanent injunction to
16 restrain and prevent the further dissemination of artificially
17 generated media or a phishing communication to the claimant.

18 (d) This section may not be construed to impose liability,
19 for content provided by another person, on:

20 (1) the provider of an interactive computer service,
21 as defined by 47 U.S.C. Section 230(f);

22 (2) a telecommunications service, as defined by 47
23 U.S.C. Section 153; or

24 (3) a radio or television station licensed by the
25 Federal Communications Commission.

26 Sec. 100B.003. CIVIL PENALTY FOR DISSEMINATION OF CERTAIN
27 COMMUNICATIONS FOR FINANCIAL EXPLOITATION. (a) A person who

1 knowingly or intentionally disseminates artificially generated
2 media or a phishing communication for purposes of financial
3 exploitation is subject to a civil penalty not to exceed \$1,000 per
4 day the media or communication is disseminated. The attorney
5 general may bring an action to collect the civil penalty.

6 (b) An action brought by the attorney general under this
7 section shall be filed in a district court:

8 (1) in Travis County; or

9 (2) in any county in which all or part of the events or
10 omissions giving rise to the action occurred.

11 (c) This section may not be construed to impose liability,
12 for content provided by another person, on:

13 (1) the provider of an interactive computer service,
14 as defined by 47 U.S.C. Section 230(f);

15 (2) a telecommunications service, as defined by 47
16 U.S.C. Section 153; or

17 (3) a radio or television station licensed by the
18 Federal Communications Commission.

19 Sec. 100B.004. CONFIDENTIAL IDENTITY IN ACTION FOR
20 DISSEMINATION OF CERTAIN COMMUNICATIONS. (a) In this section,
21 "confidential identity" means:

22 (1) the use of a pseudonym; and

23 (2) the absence of any other identifying information,
24 including address, telephone number, and social security number.

25 (b) In an action brought under Section 100B.002 or 100B.003,
26 the court shall:

27 (1) notify the person who is the subject of the action

1 as early as possible in the action that the person may use a
2 confidential identity in relation to the action;

3 (2) allow a person who is the subject of the action to
4 use a confidential identity in all petitions, filings, and other
5 documents presented to the court;

6 (3) use the person's confidential identity in all of
7 the court's proceedings and records relating to the action,
8 including any appellate proceedings; and

9 (4) maintain the records relating to the action in a
10 manner that protects the person's confidentiality.

11 (c) In an action brought under Section 100B.002 or 100B.003,
12 only the following persons are entitled to know the true
13 identifying information about the person who is the subject of the
14 action:

15 (1) the court;

16 (2) a party to the action;

17 (3) an attorney representing a party to the action;

18 and

19 (4) a person authorized by a written order of the court
20 specific to that person.

21 (d) The court shall order that a person entitled to know the
22 true identifying information under Subsection (c) may not divulge
23 that information to anyone without a written order of the court.
24 The court shall hold a person who violates the order in contempt.

25 (e) Notwithstanding Section 22.004, Government Code, the
26 supreme court may not amend or adopt rules in conflict with this
27 section.

1 (f) A person is not required to use a confidential identity
2 as provided by this section.

3 SECTION 2. Subchapter D, Chapter 32, Penal Code, is amended
4 by adding Section 32.56 to read as follows:

5 Sec. 32.56. FINANCIAL ABUSE USING ARTIFICIALLY GENERATED
6 MEDIA OR PHISHING. (a) In this section:

7 (1) "Artificially generated media" has the meaning
8 assigned by Section 100B.001, Civil Practice and Remedies Code.

9 (2) "Financial abuse" has the meaning assigned by
10 Section 32.55.

11 (b) A person commits an offense if the person knowingly
12 engages in financial abuse:

13 (1) through the use of artificially generated media
14 disseminated to another person; or

15 (2) by deceiving or manipulating another person into
16 providing personal, financial, or identifying information through
17 e-mail, electronic communication, or other digital means.

18 (c) An offense under this section is:

19 (1) a Class B misdemeanor if the value of the property
20 taken, appropriated, obtained, retained, or used is less than \$100;

21 (2) a Class A misdemeanor if the value of the property
22 taken, appropriated, obtained, retained, or used is \$100 or more
23 but less than \$750;

24 (3) a state jail felony if the value of the property
25 taken, appropriated, obtained, retained, or used is \$750 or more
26 but less than \$2,500;

27 (4) a felony of the third degree if the value of the

1 property taken, appropriated, obtained, retained, or used is \$2,500
2 or more but less than \$30,000;

3 (5) a felony of the second degree if the value of the
4 property taken, appropriated, obtained, retained, or used is
5 \$30,000 or more but less than \$150,000; and

6 (6) a felony of the first degree if the value of the
7 property taken, appropriated, obtained, retained, or used is
8 \$150,000 or more.

9 (d) This section does not apply, for content provided by
10 another person, to:

11 (1) the provider of an interactive computer service,
12 as defined by 47 U.S.C. Section 230(f);

13 (2) a telecommunications service, as defined by 47
14 U.S.C. Section 153; or

15 (3) a radio or television station licensed by the
16 Federal Communications Commission.

17 SECTION 3. Section 100B.002, Civil Practice and Remedies
18 Code, as added by this Act, applies only to a cause of action that
19 accrues on or after the effective date of this Act.

20 SECTION 4. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2373 passed the Senate on May 8, 2025, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 31, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 2373 passed the House, with amendment, on May 28, 2025, by the following vote: Yeas 138, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor