

2025 Post-Legislative
Conference

**LEGISLATION
AFFECTING HUMAN
TRAFFICKING, SEX
OFFENSES & VICTIMS,
PENAL CODE, DRUG &
ALCOHOL OFFENSES, &
PROCEDURES**



TEXAS
JUVENILE JUSTICE
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES



Penal Code

SB 1610: Offenses Committed by Certain Persons



2025 Post-Legislative Conference
89th Legislative Session (Regular)



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TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Offenses Committed by Actors Under Civil Commitment Against Certain Persons

Indecent Assault

Class A misdemeanor → 3rd degree felony

Indecent Exposure

Class B misdemeanor → 3rd degree felony

Aggravated Assault

2nd degree felony → 1st degree felony



Harassment by Persons in Certain Facilities; Harassment of Public Servant

- Now with intent to assault, harass, annoy, alarm, abuse, torment, or embarrass
- Bodily fluids expanded to encompass other fluids or liquids
- **NOT** a defense that actor warned of intent to commit the offense



Assault, Aggravated Assault, & Harassment by Persons in Certain Facilities

Presumption of Knowledge Established: a person who committed assault against a TCCO officer, employee, contractor, or contractor's employee would be presumed to have known the person's status if the person was wearing a uniform or badge indicating that status.



Obstruction or Retaliation

Expands the definition of **Public Servant** within Penal Code §36.06 to include “a person who contracts with the state to perform a service in a civil commitment facility or an employee of that person.”



Penal Code

SB 482: Certain Offenses against Utility Workers



2025 Post-Legislative Conference
89th Legislative Session (Regular)



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Offenses Committed Against Utility Workers

Assault (§22.01(b)(10))

Class A misdemeanor → **3rd degree felony**

Harassment (§22.02(b)(2)(F))

Class B misdemeanor → **Class A misdemeanor**

Definition of **utility** is refined to include electric utilities, telecommunications providers, cable or video service providers, gas utilities, pipelines used for transporting or selling oil, gas, or related products, and electric cooperatives or municipally owned utilities.



Interference with Public Duties: Utility Workers

- Offense is committed if acting with **criminal negligence**, an individual interrupts, disrupts, impedes, or otherwise interferes with a utility employee or agent performing their duties.
- **Class B misdemeanor**, generally
- **Class A misdemeanor**, if offense occurs in an area where an authorized party has declared a state of disaster or where an emergency evacuation order is in effect



Penal Code

Trafficking of Persons



2025 Post-Legislative Conference
89th Legislative Session (Regular)



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TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Trafficking of Persons

(HB 1778, SB 955, SB 1212, & HB 2761)

- **HB 1778** amends the offense of trafficking of persons by clarifying that the actor does not need to know the victim's age or disability status when the conduct involves a child or a disabled individual.
- **HB 2761** clarifies that it is not a valid defense under Subsections 20A.02(a)(7) or (a)(8) to assert that the trafficked child or disabled individual lacked the mental capacity to engage in the conduct or did not complete the act of prostitution. The bill adds the same specification for prosecution under §20A.03 (continuous trafficking of persons).



Trafficking of Persons

(HB 1778, SB 955, SB 1212, & HB 2761)

- **HB 1778** extends the locations in which an offense under this section would be considered a first degree felony to include on the premises of or within 1,000 feet of the premises of a school bus stop or other area designated by a school as a pick-up or drop-off location for students and in a school bus or other school transportation vehicle.
- **SB 955** enhances punishment when actors target certain vulnerable persons for trafficking. It is now a first degree felony, punishable by a life sentence or a term of not more than 99 or less than 25 years if the person recruits, entices, or obtains the victim or trafficked individual while they are confined in a correctional facility.
- **SB 1212** makes **ALL** human trafficking offenses first degree felonies, regardless of the circumstances.



Penal Code

Sexual Offenses



2025 Post-Legislative Conference
89th Legislative Session (Regular)



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Invasive Visual Recording

- Committed when, without the other person's effective consent and with the intent to invade the other person's privacy, the individual:
 - records, broadcasts, or transmits a visual image of another person's intimate area where the other person has a **reasonable expectation that the intimate area is not subject to public view**,
 - records, broadcasts, or transmits a visual image of another in a bathroom or changing room, or
 - Knowing the character and content, promotes any such visual image.



Invasive Visual Recording

- Committed when, without the other person's effective consent and with the intent to invade the other person's privacy, the individual:
 - records, broadcasts, or transmits a visual image of another person's intimate area where the other person has a **reasonable expectation of privacy**,
- ...
- Defines "Place in which a person has a reasonable expectation of privacy"
- Requires an individual convicted or adjudicated of such an offense to register under the sex offender registration program.



Unlawful Production or Distribution of Certain Sexually Explicit Media

- Committed when an individual knowingly produces or distributes deep fake media depicting a person's exposed intimate parts or sexual conduct without their effective consent.
- Consent established only if the depicted individual has knowingly and voluntarily executed a written agreement, drafted in plain language, which includes a general description of the deep fake media and, where applicable, the broader audiovisual work in which it will appear.
- Clarifies offense applies when computer-generated or another person's intimate parts are superimposed onto the depicted individual.
- **Class A misdemeanor**, generally
- **3rd degree felony**, with previous conviction or depicted individual is under 18 years of age



Unlawful Production or Distribution of Certain Sexually Explicit Media

- NEW offense: An individual intentionally threatens to produce or distribute deep fake media with the intent to coerce, extort, harass, or intimidate the other individual
- **Class B misdemeanor**, generally
- **Class A misdemeanor**, with previous conviction or depicted individual is under 18 years of age
- Court must order a Δ convicted to pay restitution



Unlawful Production or Distribution of Certain Sexually Explicit Media

NOT a defense that the deep fake media includes:

- A disclaimer of authorization,
- A statement that the depicted individual did not participate in its creation, or
- An indication the content is not genuine.



Unlawful Production or Distribution of Certain Sexually Explicit Media

Affirmative Defenses

- Production or Distribution occurs during:
 - lawful and common law enforcement practices,
 - reporting of unlawful activity,
 - a legal proceeding (when permitted or required by law),
- Actor serves as an Internet, cloud, cybersecurity, or communication services provider or telecommunications network which transmits data and acted only in a technical, automatic, or intermediate nature
- Actor is a developer or provider of an AI application or software, accessible by the public
 - affirmative defense available when:
 - creation of unlawful deep fake content is explicitly prohibited in user agreements,
 - the users must acknowledge this agreement before granted access, and
 - developer or provider has implemented proactive technological safeguards.



Sexual Assault: Consent

Summer Willis Act

Offense is committed without the victim's effective consent when the actor knows, or reasonably should know, that the victim is impaired or intoxicated—no matter the substance—to the extent the victim is incapable of providing consent.





Continuances: Certain Survivors

- When ruling on a motion for continuance, courts must consider the impact on the **victim**. Under HB 47, the definition of "victim" is expanded to include victims of assault or sexual assault who are younger 17 years of age, or whose cases involve family violence as defined by Texas Family Code § 71.0041.
- Court must state the reason for granting or denying the continuance on the record.



Certain Survivor's Rights



- Victims of sexual assault, stalking, or trafficking—or their guardians are entitled to receive information regarding the payment for a forensic medical examination & for any prescribed continuing medical care related to the sexual assault & provided to the victim during the 30-day period following the examination.
- During initial contact with victim, **law enforcement** must provide the information above among many other things, in writing.
- Within 10 days following a return of an indictment or information, **prosecuting attorney** must provide this information among many other things, in writing.
- **Information form** must now include the names and contact information of legal aid services providers statewide.



Related Updates: Health Care Professionals



- Sexual Assault Nurse Examiner (SANE) certification is valid for 3 years instead of 2 years
- ER physicians and physician assistants must complete two hours of CME covering trauma-informed care, survivor rights, forensic evidence collection, and relevant state laws.



Indecent Assault

- **Class A misdemeanor**, generally
- **State jail felony** when:
 - the actor has been previously convicted of the same offense, or
 - offense committed by a health care or mental health services provider and the act is committed during the course of providing treatment and is beyond the scope of accepted practices for the treatment.
- **3rd degree felony**, when the actor has previous state jail felony conviction under this section (as a health care or mental health services provider)
- **NEW 2nd degree felony**, when committed against disabled or elderly persons



Penal Code

Assaultive Offenses



2025 Post-Legislative Conference
89th Legislative Session (Regular)



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Aggravated Assault: Road Rage Incidents



2025 Post-Legislative Conference
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Penal Code §22.02(b)(3)
9/1/2025 SB 3031



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Aggravated Assault: Road Rage Incidents

1st degree felony offense committed when a person, while inside of or directly en route to or from a motor vehicle, knowingly discharges a firearm at or in the direction of a habitation, building, or vehicle; is reckless as to whether the habitation, building, or vehicle is occupied & in discharging the firearm:

- Causes ~~[serious]~~ bodily injury to any person or damage to any property; or
- Places any person in fear of imminent serious bodily injury.



Penal Code

Drug Related Offenses



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Abandoning or Endangering A Child, Elderly Individual, or Disabled Individual

- Current Presumption: A person places a child, elderly individual, or disabled individual in imminent danger of death, bodily injury, or physical or mental impairment when the person engages in certain conduct involving methamphetamine around these individuals.
- Expanded Presumption: any controlled substance listed in Penalty Group 1-B which includes fentanyl



Penal Code

Offenses Against the Family



2025 Post-Legislative Conference
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Violation and Repeated Violations of Certain Court Orders or Conditions of Bond

- Applies to certain family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking cases
- **Class A misdemeanor**, generally
- **State jail felony**, when Δ is in possession of a deadly weapon
- **2nd degree felony**, with previous state jail felony conviction under §25.072



Penal Code

Offenses Against Property



2025 Post-Legislative Conference
89th Legislative Session (Regular)



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TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

JUGGING

NEW OFFENSE

An individual, with the intent to commit theft of another person's money, knowingly travels from a commercial business or financial institution on the same route as another person without *substantially deviating* from that route, and is in possession of 2 or more criminal instruments.



JUGGING

An offense when someone, with the intent to commit theft of another person's money, knowingly travels from a commercial business or financial institution on the same route as another person without *substantially deviating* from that route, & is in possession of 2 or more criminal instruments.

State jail felony, generally

3rd degree felony, if the person also commits an offense under §30.04 (burglary of a vehicle)

1st degree felony, if the person also commits an offense under §29.02 (robbery)



Organized Retail Theft (ORT)

- Acts in concert with 1 or more individuals to unlawfully appropriate retail merchandise, money, or other property from a merchant, with the intent to deprive the merchant of the property;
- Commits 2 or more unlawful appropriations of retail merchandise, money, or other property from a merchant within 180 days, with the intent to deprive the merchant of the property;
- Knowingly benefits someone else's actions that meet the description in (1) or (2);
- Knowingly acts with 1 or more individuals to overwhelm the security response of a merchant or peace officer, for the purpose of committing an offense under (1) or (2), or to avoid detection or apprehension for such an offense.



ORT, continued

NOT a defense that:

- Another individual who acted in concert with the Δ has not been charged, convicted, apprehended, or identified;
- The offense was committed as a result of deception or a strategy employed by law enforcement, including the use of an undercover officer or operative;
- Law enforcement provided the Δ with a facility or opportunity to commit the offense; or
- The Δ was solicited to commit the offense by a peace officer, where the solicitation would likely induce a person predisposed to commit the offense, but not one who was not predisposed.



ORT: Classifications

- **MB**, if total value of property involved is $< \$100$
- **MA**, if total value of property involved is $> \$100$ but $< \$750$
- **SJF**, if total value of property involved is $> \$750$ but $< \$2.5k$
- **F3**, if total value of property involved is $> \$2.5k$ but $< \$30k$
- **F2**, if total value of property involved is $> \$30k$ but $< \$150k$
- **F1**, if total value of property involved is $> \$150k$



ORT: Property Value

- Sales price or rental price as stated, posted, or advertised by the merchant, including sales tax, at the time of the offense
- Fair market value of the property or service at the time and place of the offense
- If unable to determine fair market value, the cost of replacing the property within a reasonable time after the theft
- An unaltered price tag or marking on retail merchandise identifying the price is considered prima facie evidence of the value of the retail merchandise.



ORT: Proving the Elements

- A price tag or other marking which identifies or is unique to a merchant is prima facie evidence of the merchant's ownership of the items.
- A person is presumed to have acted with the intent to deprive a merchant of retail merchandise if the person altered or removed a label, universal product code, price tag, or retail theft defector, or transferred retail merchandise from the original packaging into other packaging.



Penal Code

Fraud Offenses



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TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Forgery: Reclassification

Offense committed when a person forges a writing with intent to defraud or harm another.

- **State jail felony**, generally
- **3rd degree felony**, if writing is or purports to be a will, deed, mortgage, credit card, check, etc.
- **2nd degree felony**, if writing is or purports to be postage or revenue stamps, government record listed in §37.01(2)(c), other instrument issued by any division of state or local government, etc.



Forgery: Reclassification, cont'd

If shown at trial the actor engaged in conduct to obtain or attempt to obtain a service or property:

- **Class B misdemeanor**, if value < \$100
- **Class A misdemeanor**, if value > \$100 but < \$750
- **State jail felony**, if value > \$750 but < \$2,500
- **3rd degree felony**, if value > \$2,500 but < \$30,000
- **2nd degree felony**, if value > \$30,000 but < \$150,000
- **1st degree felony**, if value > \$150,000



Stealing or Receiving Stolen Check or Similar Sight Order

Offense committed when a person steals an unsigned check or similar sight order or, with knowledge that an unsigned check or similar sight order has been stolen, receives the check or sight order with intent to use it, to sell it, or to transfer it to a person other than the person from whom the check or sight order was stolen.

Class A misdemeanor → **State jail felony**





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Penal Code 32.56(b)
9/1/2025 SB 1809



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TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Fraudulent Use, Possession, or Tampering With Gift Card, Gift Card Packaging, or Gift Card Data or Redemption Information (Gift Card Misuse)

Offense committed when, *with intent to harm or defraud*, a person:

- acquires or retains a gift card, a digital imprint, or redemption information without consent from the cardholder, card issuer, or gift card seller;
- alters or tampers with a gift card or gift card packaging;
- possesses, transports, uses, or attempts to use a gift card, a digital imprint, or redemption information to obtain goods, services, or anything of value with knowledge that the gift card is a counterfeit gift card or that the gift card, digital imprint, or redemption information has been obtained in violation of subdivision (1); or
- transports an unactivated gift card into a retail location that sells gift cards and places or attempts to place the gift card on a gift card rack, kiosk, or other display in a manner that would entice the public to purchase the gift card.



Gift Card Misuse: Definitions

- Gift Card: card, code, or device that is issued to a consumer on a prepaid basis in a specified amount and redeemable upon presentation for the purchase of goods or services and that is either activated or inactivated.
- Counterfeit Gift Card
 - A gift card that purports to have been issued by an issuer that did not issue the card;
 - A gift card has been altered to contain a digital imprint other than that which was placed on the card by the issuer;
 - A gift card contains a digital imprint with account or other info differing from that which is printed or embossed on the card by the issuer; or
 - A gift card has been altered to change the account or other information, including an image or code, from that which was printed or embossed on the card by the issuer.
- Gift Card Redemption Information: Unique information that allows access to the funds on a gift card.
- Digital Imprint: digital data placed on a gift card's magnetic strip or chip.



Gift Card Misuse: Presumption

- When one is found in possession of 3 or more gift cards, counterfeit gift cards, and digital imprints, or redemption information obtained from gift cards, a rebuttable presumption exists that the actor possesses each item without consent.
- Presumption does not apply to a business or other commercial entity or a governmental agency that is engaged in lawful business activity or governmental function.



Gift Card Misuse: Classifications

- **State jail felony**, if actor engaged in conduct defined with respect to less than 5 items
- **3rd degree felony**, if actor engaged in conduct defined with respect to more than 5 but less than 10 items
- **2nd degree felony**, if actor engaged in conduct defined with respect to more than 10 but less than 50 items
- **1st degree felony**, if actor engaged in conduct defined with respect to more than 50 items



Financial Abuse Using Artificially Generated Media or Phishing

- Another new offense under §32.56
- A person commits an offense if the person knowingly engages in financial abuse:
 - through the use of artificially generated media disseminated to another person; or
 - by deceiving or manipulating another person into providing personal, financial, or identifying information through e-mail, electronic communication, or other digital means.



Financial Abuse Using Artificially Generated Media or Phishing

- **Class B misdemeanor**, if value < \$100
- **Class A misdemeanor**, if value > \$100 but < \$750
- **State jail felony**, if value > \$750 but < \$2,500
- **3rd degree felony**, if value > \$2,500 but < \$30,000
- **2nd degree felony**, if value > \$30,000 but < \$150,000
- **1st degree felony**, if value > \$150,000



Financial Abuse Using Artificially Generated Media or Phishing: Civil Liability

- Liable for damages which result from the knowing or intentional distribution of artificially generated media or a phishing communication used to financially exploit another.
- Court must award the claimant **actual damages**—including those for mental anguish and any profits gained by the Δ as a result of the conduct—along with court costs and reasonable attorney's fees incurred in bringing the claim.
- Claimant entitled to a TRO or an injunction
- Right to proceed under a confidential identity & violators shall be held in contempt



Penal Code

Offenses Against Public Administration



2025 Post-Legislative Conference
89th Legislative Session (Regular)



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JUVENILE JUSTICE
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Prohibited Substances & Items in Correctional or Civil Commitment Facility

- **3rd degree felony**, generally
- **2nd degree felony**, if person is employed by the correctional facility
- **1st degree felony** punishable by 15 to 99 years or life in prison and a fine of up to \$250,000, if person employed by the correctional facility & ingestion, inhalation, injection, or other administration of the controlled substance or dangerous drug involved results in the death of a person in the custody



Misuse of Official Information

3rd degree felony, generally

If commission of the offense results in a net pecuniary gain to the actor, the offense is:

- **3rd degree felony**, if net gain is less than \$150,000
- **2nd degree felony**, if net gain is more than \$150,000 but less than \$300,000
- **1st degree felony**, if net gain is more than \$300,000



Penal Code

Offenses Against Public Order and Decency



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DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Cruelty to Nonlivestock Animals

A person commits the offense of animal cruelty if they intentionally, knowingly, recklessly, or with **criminal negligence** torture, cruelly kill, or cause serious bodily injury to an animal, administer poison to an animal without the owner's consent, resulting in serious injury or death, fail to provide necessary food, water, care, or shelter, abandon an animal in their custody, transport or confine an animal in a cruel manner, cause bodily injury to an animal without the owner's consent, cause a nonlivestock animal to fight another animal, use an animal as a lure in dog racing or coursing, or seriously overwork an animal.

Defense to prosecution for alleged **criminal negligence** when the conduct occurred during the actual discharge of the actor's duties while employed as a Veterinarian or Veterinarian Assistant



Solicitation of Prostitution

- Currently **2nd degree felony** when the actor offers or agrees to pay a fee to engage in sexual conduct with a person who is, or who the actor believes to be under 18 years of age
- Will no longer be required to show the actor offered or agreed to pay a fee
- Only required to show the actor agreed to engage in sexual conduct with a person who is, or who the actor believes to be younger than 18 years of age



Continuous Promotion of Prostitution

- NEW 1st degree felony offense
- Committed when a person engages in conduct that constitutes an offense under §43.03 (promotion of prostitution) 2 or more times over the period of 30 or more days
 - Offense committed under §43.03 when a person other than the one receiving compensation for personally rendered services, knowingly receives money or other property pursuant to an agreement to participate in the proceeds of prostitution or solicits another to engage in sexual conduct with another person for compensation.



Continuous Promotion of Prostitution

Jury Trial

- Jurors are not required to agree on the specific date and time the conduct occurred or the specific conduct which constitutes the offenses under §43.03
- If Δ is alleged to have committed multiple offenses against a single victim, the Δ may not be charged with more than one count under §43.032



Compelling Prostitution

- Applies to §43.05(a)(2) & §43.05(a)(3)–offense committed when a person knowingly causes a child younger than 18 years of age or disabled individual, respectively, to commit prostitution
- **Δ cannot** claim that the child or individual lacked the mental capacity to understand the act or that the act was not completed.



Promotion or Possession of Child-Like Sex Doll

- NEW felony offenses
- **2nd degree felony** offense to knowingly promote a child-like sex doll
- **3rd degree felony** offense to knowingly possess, with the intent to promote, a child-like sex doll
- **State jail felony** offense to knowingly possess a child-like sex doll



Promotion or Possession of Child-Like Sex Doll

- **Presumption:** intent to promote is presumed when a person is found in possession of 2 or more dolls
- **Affirmative defense** to prosecution under this section when the actor possesses for a bona fide law enforcement purpose



Possession, Promotion, or Production of Certain Visual Material Appearing to Depict Child

A person commits an offense when they:

- Knowingly possess, access with intent to view, or promote obscene visual material that appears to depict a child under 18 engaging in sexual conduct—regardless of whether the image is real, animated, or AI-generated; or
- Use an image of a real child under 18 to train an AI model to produce material that constitutes child pornography under Texas Penal Code §43.26.



Possession, Promotion, or Production of Certain Visual Material Appearing to Depict Child

- **State jail felony**, generally
- **3rd degree felony**, if previous conviction under this Section, §43.23 (obscenity), §43.26 (possession of child pornography), §43.261 (electronic transmission of certain visual material depicting a minor), or §43.262 (possession or promotion of lewd visual material depicting a child)
- **2nd degree felony**, if 2 or more previous convictions under the same sections
- Judge has discretion to order the sentences to run **concurrently or consecutively** when a person commits multiple offenses under this section during the same criminal episode



Affirmative Defenses Replaced

- §43.24: Sale, Distribution, or Display of Harmful Material to Minor
 - Affirmative defense to prosecution under this section that the sale, distribution, or exhibition was by a person having scientific, educational, governmental, or other similar justification
- §43.25: Sexual Performance by a Child
 - Affirmative defense to prosecution under this section that the conduct was for a bona fide educational, medical, psychological, psychiatric, judicial, law enforcement, or legislative purpose

SB 412: Affirmative defense to prosecution under both sections that at the time of the offense the actor was a judicial or law enforcement officer discharging the officer's official duties.





Possession or Promotion of Child Pornography

- Offense committed under Subsection (a) when a person knowingly or intentionally possess or access visual material that depicts a child under 18 years of age engaging in sexual conduct, including victims of certain trafficking offenses; and is aware that the material depicts a child.
 - Tiered offense levels based on number of visual depictions
 - **1st degree felony**, if visually depicts sexual assault of a child
- Offense committed under Subsection (e) when a person knowingly or intentionally promotes or possesses with intent to promote such material; and is aware that the material depicts a child under 18 years of age.
 - **2nd degree felony**, generally
 - **1st degree felony**, w/ previous conviction



Possession or Promotion of Child Pornography

HB 1778 reclassifies offense levels under both subsections

Subsection (a)

- **3rd degree felony**, if less than 10 depictions
- **2nd degree felony**, if more than 10 but less than 50 depictions
- **1st degree felony**, if more than 50 depictions or shows sexual assault of a child
- **1st degree felony** punishable by imprisonment for life or for any term of not more than 99 years or less than 25 years, if the actor is employed by a child-care facility, residential child-care facility, residential treatment facility, shelter or facility that serves youth and receives state funds or the actor is receiving state funds for the care of the child depicted



Possession or Promotion of Child Pornography

HB 1778 reclassifies offense levels under both subsections

Subsection (e)

- **1st degree felony**, generally
- **1st degree felony** w/ a minimum term of confinement of 15 years, if more but less than 50 depictions or material depicts sexual assault of a child **AND** previous conviction under this section



Possession or Promotion of Child Pornography

SB 1621 expands the conduct which may constitute an offense under this section.

Subsection (a) → subsections (a-1) and (a-2)

Subsection (e) → subsections (e-1) and (e-2)



Possession or Promotion of Child Pornography

Subsection (a-1)

A person commits an offense when the person intentionally or knowingly **possesses or accesses w/ intent to view**, visual material that contains a visual depiction of a child engaging in sexual conduct, including a depiction of a child trafficking victim engaging in sexual conduct & the person knows **or should have known** that the depiction is of a child younger than 18 years of age at the time the image of the child was made.



Possession or Promotion of Child Pornography

Subsection (e)

A person commits an offense when the person intentionally or knowingly **promotes or possesses with intent to promote**, visual material that contains a visual depiction of a child engaging in sexual conduct, including a depiction of a child trafficking victim engaging in sexual conduct & the person knows **or should have known** that the depiction is of a child younger than 18 years of age at the time the image of the child was made.



Possession or Promotion of Child Pornography

Subsection (a-2)

A person commits an offense when the person intentionally or knowingly **possesses or accesses w/ intent to view**, visual material that contains a visual depiction of a **computer-generated child** engaging in sexual conduct, **AND** either the person knows **or should have known** that the depiction is of a child younger than 18 years of age at the time the image of the child was made **OR** believes that the depiction is of an actual child younger than 18 years of age at the time the image of the child was made.



Possession or Promotion of Child Pornography

Subsection (e-1)

A person commits an offense when the person intentionally or knowingly **promotes or possesses w/ intent to promote**, visual material that contains a visual depiction of a **computer-generated child** engaging in sexual conduct, AND either the person knows **or should have known** that the depiction is of a child younger than 18 years of age at the time the image of the child was made OR believes that the depiction is of an actual child younger than 18 years of age at the time the image of the child was made.



Possession or Promotion of Child Pornography

SB 1621 NEW definitions

- **Depiction of a Child:** An image showing a person under 18, or a recognizable image of a real child (e.g., face, birthmark) used to create or modify visual material, including AI-generated content.
- **Depiction of a Computer-Generated Child:** An AI- or software-created image that appears to be a child under 18 and is virtually indistinguishable from a real child.
- **School Library:** A library within a public or private primary or secondary school.
- **Visual Material:** Any physical or digital media (e.g., film, photo, disk, file) that displays images, including those transmitted electronically.



Possession or Promotion of Child Pornography

SB 1621 also reclassifies offense levels under both subsections



SB 1621 Reclassifications	Possesses or Accesses w/ Intent to View		Promotes or Possesses w/ Intent to Promote	
	(a-1) (actual child)	(a-2) (computer-generated child)	(e) (actual child)	(e-1) (computer-generated child)
Generally	F3	SJF	F2	F3
Previous Conviction	F2	F3	F1	F2
2 or More Previous Convictions	F1	F2		
< 10 Visual Depictions				
> 10 But < 50 Visual Depictions	F2	F3	F1	F2
50 Or More Visual Depictions	F1	F2	F1 ²	F2 ³
Shows Sexual Assault Of A Child	F1	-	F1 ²	
Individual Employed By Child-Care Facility, Residential Child-Care Facility, Residential Treatment Facility, or a Shelter or Facility That Serves Youth & Receives State Funds	F1 ¹	F2 ³		
Individual Receiving State Funds for the Care of Child Depicted	F1 ¹			
Individual Displayed the Visual Material or Caused the Material to be Displayed in a School Library	F1 ¹	F2 ³		
Visual Material Contains 1 or More Depictions of a Child Younger Than 10 Years of Age	Next higher category of offense ⁴	Next higher category of offense ⁴	F1	F2

1. Punishable by imprisonment for life or for any term of not more than 99 years or less than 25 years
2. 1st degree felony, w/ minimum confinement of 15 years
3. 2nd degree felony, w/ minimum term of confinement increased to 10 years
4. If already a 1st degree, minimum term of confinement increased to 15 years

AI Application or Other Computer Software

SB 1621 also expands the scope of visual material covered under §§43.261 (electronic transmission of certain visual material depicting a minor) and 43.262 (possession or promotion of lewd visual material depicting a child) to include depictions of minors created using AI or other computer software that, to a reasonable person, are virtually indistinguishable from actual minors



Penal Code

Weapons & Related Offenses



2025 Post-Legislative Conference
89th Legislative Session (Regular)



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TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Use of Less Lethal Force Weapon

- Applies only to correctional officers and peace officers engaged in the discharge of their official duties
- Permits the use of a less-lethal force weapon when the officer reasonably believes such force is necessary and the use is substantially consistent with their training
- Less Lethal Force Weapon includes:
 - Any weapon, device, or munition that is designed, made, or adapted to expel a projectile or multiple projectiles against a target to temporarily incapacitate the target while minimizing the risk of SBI or death



Use of Less Lethal Force Weapon

Less Lethal Force Weapon includes:

- Any weapon, device, or munition that is designed, made, or adapted to expel a projectile or multiple projectiles against a target to temporarily incapacitate the target while minimizing the risk of SBI or death,
- Chemical dispensing device,
- Device used to strike a person, or
- Stun gun (device designed to propel darts or other projectiles attached to wires that, on contact, will deliver an electrical pulse capable of incapacitating a person).



Prohibited Weapons: Short Barrel Firearms

- **Decriminalizes** intentional or knowing possession, manufacture, transport, repair, or sell of Short Barrel Firearms
- Removes the any references to Short Barrel Firearms in §46.01, §46.05



Penal Code

Offenses Against Public Health, Safety, and Morals



2025 Post-Legislative Conference
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Driving While Intoxicated

If DWI committed within a **school crossing zone** → **state jail felony**



Intoxication Manslaughter

2nd degree felony, generally

NEW enhancement: when actor causes the death of more than 1 person during the same criminal transaction → **1st degree felony**



Protective Orders



2025 Post-Legislative Conference
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TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Protective Orders: Burglary Victims

HB 2596 allows certain victims of **burglary** to apply for protective orders, expanding protections similar to those available for victims of sexual assault, stalking, and trafficking.

Eligibility Criteria: Protective orders may be requested if the burglary offense meets either of the following conditions:

- Burglary committed in a habitation (§30.02(c)(2))
- Burglary committed in a habitation with intent to commit a felony other than theft (§30.02(d))

Who May Apply-if the victim is under 18 years of age:

- Victim's parent or guardian, or another adult acting on the victim's behalf
- Attorney representing the victim
- Attorney representing the state, if the Δ is convicted or placed on DA community supervision



Protective Orders: Family Violence

Now, courts **MUST** exclude certain information from a protective order when requested.

Specifically, the mailing address & county of residence, upon applicant's request & protected person's mailing address, county of residence, place of employment or business, and a protected child's school or child-care facility, upon a request from the protected person or an adult member of the protected person's family or household.

A protected person updating their address or phone number may also request that the updated information be excluded, regardless of whether the original information was excluded.



Emergency Protective Orders

SB 2196 Changes

- Order effective upon issuance
- Order remains in effect up to the 91st day but not less than 31 days after date of issuance, in most cases
- Order remains in effect up to the 92nd day but not less than 61 days after date of issuance, if the family violence (assault) involves the use or exhibition of a deadly weapon



Protective Orders: Conflicts

- Protective Order issued under Subtitle B, Title 4 of the Tex. Family Code must include the following language:

"DURING THE TIME IN WHICH THIS ORDER IS VALID AND SUBJECT TO TRANSFER, THE ORDER PREVAILS OVER ANY OTHER ORDER RENDERED IN A SUIT FOR DISSOLUTION OF A MARRIAGE OR A SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP TO THE EXTENT OF ANY CONFLICT BETWEEN THE ORDERS."

- If any provision in such protective order conflicts with a provision in an order issued in a divorce or child custody proceeding, the protective order provisions take precedence.

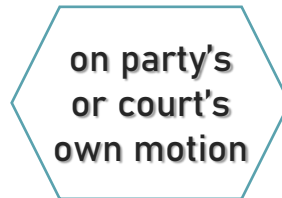


Protective Orders: Motion to Transfer

FV Protective Order Requested & Issued by Original (OG) Court



Divorce or Child Custody Suit Initiated



Court Must Transfer Protective Order to OG Court

if the court finds the transfer will not negatively impact the protected person's safety



Protective Orders: Motion to Transfer

- Motion to transfer must include a signed certificate of service and be served to all parties.
- Opposing parties must respond by the first Monday after the 20th day following service.
- Response must include a sworn statement explaining how the transfer could endanger the protected person.
- If a response is filed, notice of the hearing must be served to all parties at least 10 days in advance.



Protective Orders: Motion to Transfer

Each protected person must be given the opportunity to submit a statement regarding the impact of a potential transfer on the person's safety.

Each statement must be considered by the court in making its decision.

The sworn statement must be filed concurrently with or before the Motion to Transfer if the protected person is the one filing the motion.

The sworn statement must be filed concurrently with or before the response to the Motion to Transfer if the protected person is not the one filing the motion.

Order to transfer protective order must include a finding that the transfer will not negatively affect the safety of any protected persons.





Anti-Red Flag Act

- NEW Chapter 7C
- Stops all governmental entities in the state from recognizing or enforcing Extreme Risk Protective Orders (ERPOs or red flag orders) against an individual in Texas unless explicitly authorized by Texas law (Does NOT apply to protective order issued under the Family Code or Code of Criminal Procedure or similar laws in other states)
- **Extreme Risk Protective Order**: a written order, warrant, or executive directive issued by a court, magistrate, or other judicial officer, not related to a criminal charge, and intended to reduce the risk of firearm-related deaths or injuries by prohibiting a person from possessing firearms or requiring them to surrender one.





Anti-Red Flag Act

- **NEW State Jail Felony** offense committed when a person serves or enforces or attempts to serve or enforce an ERPO against a person in this state, unless the order was issued under the Texas law.
- Prohibits implementation or enforcement of certain federal laws that infringe on a person's right of due process, keeping and bearing arms, or free speech protected by the US or Texas Constitution
- Prohibits acceptance of federal grants for such implementation or enforcement



Code of Criminal Procedure

Crime Victims' Compensation



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Trafficking or Prostitution Survivors: Mandatory Restitution

Courts must order Δs convicted of trafficking or prostitution-related offenses to pay restitution covering the full cost of tattoo removal if the tattoo was applied through force, fraud, or coercion.

Victims of trafficking may also be eligible for up to \$3,000 in compensation for tattoo removal under the Crime Victims' Compensation Program.



Emergency Award

- AG may issue an emergency award for anticipated pecuniary losses when it appears likely that a final award will be granted, & if immediate economic relief is not provided, the individual would suffer undue hardship.
- Generally, an emergency award may not exceed \$1,500 & must be deducted from the final award or repaid to the extent it exceeds the final award.
- These limits do not apply when the compensation application is submitted by a relative of a deceased victim & the claim arises from criminally injurious conduct that occurred during a proclaimed state of emergency.



Code of Criminal Procedure

Sex Offender Registry



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Failure to Comply with Registration Requirements

SJF, F3, or F2 offense committed when a person fails to comply with sex offender registration requirements.

Punishment enhanced to the next highest **degree of felony**, if previous conviction or person fraudulently used identifying information (§32.51)

HB 2407

Punishment enhanced to the next highest **category of offense**, if previous conviction or person fraudulently used identifying information (§32.51)



Prohibited Employment

Applies to individuals w/ a reportable conviction or adjudication where a judge made an affirmative finding that the victim or intended victim was younger than 14 years of age at the time of the offense

Cannot, for compensation, provide passenger transportation services which now includes **digitally prearranged rides**

Transportation network **MUST** conduct a search on the DPS sex offender public website before allowing an individual to log in as a driver on the company's digital network.



Code of Criminal Procedure

Statute of Limitations



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SOL: Reporting Abuse or Neglect

- Texas Family Code § 261.109(a-1): offense committed when a professional, as defined by § 261.101(b), knowingly fails to report child abuse or neglect as required.
- **Class A misdemeanor**, generally
 - SOL → **3 years** from the date the offense is discovered
- **State jail felony**, if professional intentionally concealed the abuse or neglect
 - SOL → **4 years** from the date the offense is discovered



Other SOL Updates

- HB 1778 removes any SOL for prosecution under:
 - Penal Code § 38.17: Failure to Stop or Report Sexual or Assaultive Offense Against a Child, &
 - Penal Code § 43.032: Continuous Promotion of Prostitution
- SB 2798 designates the SOL for prosecution under Chapter 32 (Fraud) as 7 years, except forgery (§ 32.21) which remains at 10 years



Any questions



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