

**House Bill 8**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

ARTICLE 1. CREATION OF OFFENSE AND  
PROSECUTION AND PUNISHMENT OF OFFENSE

SECTION 1.01. This Act shall be known as the Jessica Lunsford Act.

No equivalent provision.

SECTION 1.02. Chapter 21, Penal Code, is amended by adding Section 21.02 as follows:

(a) In this section, "child" means a person younger than 14 years of age.

(b) Provides that a person commits an offense if, during

SENATE VERSION

ARTICLE 1. CREATION, PROSECUTION, AND  
PUNISHMENT OF OFFENSES

Same as House version.

SECTION 1.02. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.021 to read as follows:  
Art. 2.021. DUTIES OF ATTORNEY GENERAL. The attorney general may offer to a county or district attorney the assistance of the attorney general's office in the prosecution of an offense described by Article 60.051(g). On request of a county or district attorney, the attorney general shall assist in the prosecution of an offense described by Article 60.51(g). For purposes of this article, assistance includes investigative, technical, and litigation assistance of the attorney general's office.

SECTION 1.20. Same as House version except as follows:

(a) In this section, "child" has the meaning assigned by Section 22.011(c). (i.e., a person who is younger than 17 years of age who is not the spouse of the actor)

(b) Substantially the same as House version except uses

CONFERENCE

Same as Senate version.

Same as House version.

Same as Senate version except makes the attorney general's offer of assistance, and the requirement to assist, if requested, in the prosecution of the offense contingent on the victim of an offense described by Article 60.051(g) being younger than 17 years of age at the time of the offense.

SECTION 1.17. Same as Senate version except as follows:

(a) Same as Senate version.

(b) Same as Senate version.

House Bill 8  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

a certain period, the person commits an offense listed in Subsection (c) more than once or commits more than one offense listed in Subsection (c) under certain circumstances.

(c) Lists offenses that constitute an element of the offense described by Subsection (b). List includes indecency with a child under Section 21.11(a)(1).

(d) Sets out requirements for findings of the jury.

(e) Provides that, with reference to an offense listed under Subsection (c) the victim of which is the same victim as a victim of the offense alleged under Subsection (b), *the offense may not be prosecuted* in the same criminal action except in certain circumstances.

(f) Prohibits a defendant from being charged under Subsection (b) under certain circumstances.

(g) It is an affirmative defense to prosecution under this section that the actor:

(1) was not more than five years older than:

SENATE VERSION

the term "act of sexual abuse" rather than "offense listed in Subsection (c)."

(c) Lists penal code violations that, for purposes of this section, constitute an "act of sexual abuse." List is same as House version except does not include indecency with a child.

(d) Substantially the same as House version. Makes conforming changes.

(e) Provides that, with reference to an offense listed under Subsection (c) the victim of which is the same victim as a victim of the offense alleged under Subsection (b), *a defendant may not be convicted* in the same criminal action except in certain circumstances. Adds to the exceptions the circumstance that the offense is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (b).

(f) Same as House version except makes a conforming change.

No equivalent provision.

CONFERENCE

(c) Same as Senate version, except replaces "defendant" with "actor" in Subsection (c)(1) and adds a new Subsection (c)(2) to include indecency with a child under Section 21.11(a)(1) if the actor commits the offense in a manner other than by touching, including touching through clothing, the breast of a child.

(d) Same as Senate version.

(e) Same as Senate version.

(f) Same as Senate version.

(g) Same as House version except in Subdivisions (2) and (3) substitutes "acts of sexual abuse" for "offenses" and omits the references to Subsection (b), and in

House Bill 8  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

(A) the victim of the offense, if the offense is alleged to have been committed against only one victim; or  
(B) the youngest victim of the offense, if the offense is alleged to have been committed against more than one victim;  
(2) did not use duress, force, or a threat against a victim at the time of the commission of any of the offenses alleged as an element of the offense under Subsection (b); and  
(3) at the time of the commission of any of the offenses alleged as an element of the offense under Subsection (b);  
(A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender;  
or  
(B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section or a section of this code described by Subsection (c).

(h) Except as provided by Subsection (i), an offense under this section is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 25 years.

No equivalent provision.

No equivalent provision.

80R20152 TLE-D

SENATE VERSION

Subdivision (3) substitutes "an act of sexual abuse described by Subsection (c)" for "a section of this code described by Subsection (c)."

CONFERENCE

(g) Same as House version except does not include the exception for Subsection (i).

(h) Same as Senate version.

SECTION 1.18. Section 12.42(c), Penal Code, is amended as follows:

SECTION 1.15. Same as Senate version except as follows:

(c)(1)-(2) Adds an offense under Section 21.11(a)(1),

(c)(1)-(2) Same as Senate version except Subsection

HOUSE VERSION

(i) If it is shown on the trial of an offense under this section that the defendant has once before been convicted of an offense under this section, on conviction the defendant shall be punished for a capital felony.

SENATE VERSION

Penal Code (Indecency with a child by contact), to the list of offenses for which a person convicted must be punished by life in prison. Makes conforming and clarifying changes.

(3) Notwithstanding Subdivision (1) or (2), a defendant shall be punished for a capital felony if it is shown on the trial of an offense under Section 22.021 otherwise punishable under Subsection (f) of that section that the defendant has previously been finally convicted of:

(A) an offense under Section 22.021 that was committed against a victim described by Section 22.021(f)(1) or was committed against a victim described by Section 22.021(f)(2) and in a manner described by Section 22.021(f)(2); or

(B) an offense that was committed under the laws of another state that:

(i) contains elements that are substantially similar to the elements of an offense under Section 22.021; and  
(ii) was committed against a victim described by Section 22.021(f)(1) or was committed against a victim described by Section 22.021(f)(2) and in a manner substantially similar to a manner described by Section 22.021(f)(2).

(4) Notwithstanding Subdivision (1) or (2), a defendant shall be punished by imprisonment in the Texas Department of Criminal Justice for life without parole if it is shown on the trial of an offense under Section 21.02 that the defendant has previously been finally convicted of:

(A) an offense under Section 21.02; or

CONFERENCE

(c)(2)(B)(iii) adds a previous conviction for an offense under Section 21.02, Penal Code (Continuous sexual abuse of young child or children) as a condition requiring a life sentence upon a subsequent conviction.

(3)-(4) Same as Senate version except changes the statute citation in Subdivisions (3)(A) and (B) to specify the manner in which the offense was committed as that described by Section 22.021(a)(2)(A) rather than Section 22.021(f)(2).

House Bill 8  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(B) an offense that was committed under the laws of another state and that contains elements that are substantially similar to the elements of an offense under Section 21.02.

SECTION 1.03. Chapter 37, Code of Criminal Procedure, is amended by adding Article 37.072, relating to the procedure in a repeat sex offender capital case. Provisions refer to Section 21.02(i), Penal Code, and Section 21.02, Penal Code.

SECTION 1.04. Same as House version except refers instead to *Section 12.42(c)(3)*, Penal Code, and *Section 22.021*, Penal Code, respectively, and makes a clarifying change.

Same as Senate version.

SECTION 1.04. Article 12.01, Code of Criminal Procedure, is amended to revise the felony indictment statutes of limitations for certain offenses. Among other provisions, Subdivision (5) provides that, *except as provided by Subdivision (1)*, if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, the statute of limitations is 20 years from the 18th birthday of the victim of certain offenses. Subdivision (6) provides that, except as provided by Subdivision (1), for continuous sexual abuse of young child or children under Section 21.02, Penal Code, the statute of limitations is 20 years from the 18th birthday of the victim of the offense, if the offense is alleged to have been committed against only one victim; or the youngest victim of the offense, if the offense is alleged to have been committed against more than one victim.

SECTION 1.03. Substantially the same as House version except Subdivision (5) does not refer to an exception provided by Subdivision (1) and there is no provision equivalent to Subdivision (6).

Same as Senate version.

**House Bill 8**  
Conference Committee Report  
Section-by-Section Analysis

CONFERENCE

SENATE VERSION

HOUSE VERSION

Same as House version.

No equivalent provision.

SECTION 1.05. Section 508.145, Government Code, is amended by adding Subsection (c-1) as follows:  
(c-1) An inmate serving a sentence for an offense under Section 21.02, Penal Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than 25 calendar years.

No equivalent provision.

SECTION 1.05. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.06 to provide that the report described by Section 411.052, Government Code, and data used to compile the report are not admissible as evidence in a criminal trial.

Same as House version.

No equivalent provision.

SECTION 1.06. Section 3g(a), Article 42.12, Code of Criminal Procedure, is amended to add to the list of offenses for which a defendant who is adjudged guilty is not eligible for judge ordered community supervision an offense under Section 43.25, Penal Code (Sexual performance by a child), if the victim of the offense is younger than 14 years of age at the time the offense is committed.

SECTION 1.05. Same as Senate version except deletes the reference to the age of the victim of an offense at the time of the offense.

No equivalent provision.

SECTION 1.07. Section 4(d), Article 42.12, Code of Criminal Procedure, is amended to add to the list of circumstances under which a defendant is not eligible for

SECTION 1.06. Same as Senate version except in Subdivision (5) omits the conviction for an offense listed in Section 3g(a)(1)(T), sexual performance by a child,

House Bill 8  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 2.18. Section 5(d), Article 42.12, Code of Criminal Procedure, is amended to add to the list of circumstances in which the judge may not grant deferred adjudication a case in which the defendant is charged with an offense under Section 21.02, Penal Code.

No equivalent provision.

SENATE VERSION

community supervision under this section cases in which the defendant: (5) is convicted of an offense listed in Section 3g(a)(1)(C), (E), (H), or (I), if the victim of the offense was younger than 14 years of age at the time the offense was committed; or (6) is convicted of an offense listed in Section 3g(a)(1)(D), if the victim of the offense was younger than 14 years of age at the time the offense was committed and the actor committed the offense with the intent to violate or abuse the victim sexually.

SECTION 1.08. Same as House version except also adds an offense under Section 22.021, Penal Code, that is punishable under Subsection (f) of that section or under Section 12.42(c)(3), Penal Code.

SECTION 1.09. Article 60.051, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) In addition to the information described by Subsections (a)-(f), information in the computerized criminal history system must include the age of the victim of the offense if the defendant was arrested for or charged with an offense under:

- (1) Section 21.02 (Continuous sexual abuse of young child or children), Penal Code;
- (2) Section 21.11 (Indecency with a child), Penal Code;
- (3) Section 22.011 (Sexual assault) or 22.021 (Aggravated sexual assault), Penal Code;

CONFERENCE

and adds Subdivision (7) to render a defendant convicted of an offense listed in Section 3g(a)(1)(I), without regard to the age of the victim at the time of the offense, ineligible for community supervision.

SECTION 1.07. Same as Senate version.

SECTION 1.08. Same as Senate version.

House Bill 8  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (4) Section 43.25 (Sexual performance by a child), Penal Code;
- (5) Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant committed the offense with intent to violate or abuse the victim sexually; or
- (6) Section 30.02 (Burglary), Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with intent to commit an offense described by Subdivision (2), (3), or (5).

No equivalent provision.

SECTION 1.10. Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.052 to require the Department of Public Safety to submit to certain leaders a report summarizing the arrests, prosecutions, and final dispositions concerning all offenses described by Article 60.051(g), Code of Criminal Procedure, the victims of which are younger than 14 years of age at the time the offenses were committed. The report must indicate each circumstance in which the offense for which a defendant was arrested was different from the offense with which the defendant was charged.

Same as House version.

No equivalent provision.

SECTION 1.11. Subchapter C, Chapter 499, Government Code, is amended by adding Section 499.054 to read as follows:  
Sec. 499.054. SEX OFFENDER TREATMENT PROGRAM. (a) In this section, "sex offender treatment program" means a comprehensive treatment program

SECTION 1.09. Same as Senate version except makes a conforming change in Subsection (b) to cite *Section 21.02(h)* rather than *Section 21.02(g)*.

House Bill 8  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

that:

(1) psychologically evaluates inmates who are serving a sentence for an offense described by Section 12.42(c)(2).

Penal Code:

(2) addresses the motivation and psychosocial education of inmates described by Subdivision (1); and

(3) provides relapse prevention training for inmates described by Subdivision (1), including interruption of cognitive and behavioral patterns that have led the inmate to commit criminal offenses.

(b) The department shall establish a sex offender treatment program to treat inmates who are serving sentences for offenses punishable under Section 21.02(g) or 22.021(f), Penal Code. The department shall require an inmate described by this subsection to participate in and complete the sex offender treatment program before being released from the department.

(c) The department may establish a sex offender treatment program to treat inmates other than those inmates described by Subsection (b).

No equivalent provision.

SECTION 1.12. Sections 508.145(a) and (d), Government Code, are amended to make an inmate serving a sentence for an offense under Section 21.02, Penal Code, or serving a sentence for an offense under Section 22.021, Penal Code, that is punishable under Subsection (f) of that section ineligible for release on parole, and to make a conforming change.

SECTION 1.10. Same as Senate version.

SECTION 1.06. Section 508.149(a), Government Code,

SECTION 1.13. Same as House version except also

SECTION 1.11. Similar to Senate version except adds

House Bill 8  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

which provides that an inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of certain offenses, is amended to add to the list of offenses.

No equivalent provision.

SENATE VERSION

adds to the list of offenses a first or second degree felony under Section 43.25, Penal Code, the victim of which was younger than 14 years of age at the time the offense was committed.

SECTION 1.14. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.149 to read as follows:

Sec. 552.149. EXCEPTION: DATA USED TO COMPILE CERTAIN REPORTS. The data used to compile the report described by Section 411.052, including the name or identity of a victim of an offense about which information is included in the report, is confidential and not subject to disclosure under this chapter, unless another provision of this chapter specifically requires the disclosure of the data.

No equivalent provision.

SECTION 1.15. Section 841.082, Health and Safety Code, is amended by adding Subsection (b) to read as follows:

- (b) A tracking service to which a person is required to submit under Subsection (a)(5) must:
- (1) track the person's location in real time;
  - (2) be able to provide a real-time report of the person's location to the case manager at the case manager's request; and
  - (3) periodically provide a cumulative report of the person's location to the case manager.

CONFERENCE

the offense under Section 43.25, Penal Code, without reference to either the degree of severity or the age of the victim at the time of the offense.

Same as House version.

SECTION 1.12. Same as Senate version.

House Bill 8  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

SECTION 1.16. Subchapter E, Chapter 841, Health and Safety Code, is amended by adding Section 841.084 to read as follows:

Sec. 841.084. COST OF TRACKING SERVICE.  
Notwithstanding Section 841.146(c), a civilly committed person who is not indigent is responsible for the cost of the tracking service required by Section 841.082 and monthly shall pay to the council the amount that the council determines will be necessary to defray the cost of operating the service with respect to the person during the subsequent month. The council immediately shall transfer the money to the appropriate service provider.

No equivalent provision.

SECTION 1.17. Section 12.42(b), Penal Code, is amended to make a conforming change.

No equivalent provision.

SECTION 1.19. Section 12.42(d), Penal Code, is amended to make a conforming change.

No equivalent provision.

SECTION 1.21. Section 22.021, Penal Code, is amended by adding Subsection (f) to read as follows:  
(f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:  
(1) the victim of the offense is younger than six years of age at the time the offense is committed; or  
(2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor:  
(A) commits the offense in a manner described by Subsection (a)(2)(A); or  
(B) administers or provides a controlled substance, other

CONFERENCE

SECTION 1.13. Same as Senate version.

SECTION 1.14. Same as Senate version.

SECTION 1.16. Same as Senate version.

SECTION 1.18. Same as Senate version except omits Paragraph (B).

**House Bill 8**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

than a controlled substance described by Subsection (a)(2)(A)(vi), or alcohol to the victim of the offense with the intent of facilitating the commission of the offense.

No equivalent provision.

SECTION 1.22. Section 38.05, Penal Code, is amended by amending Subsection (c) and adding Subsection (d) to clarify that it is a third degree felony to hinder the apprehension or prosecution of a person arrested for, charged with, or convicted of an offense under Section 62.102, Code of Criminal Procedure.

SECTION 1.19. Same as Senate version.

No equivalent provision.

SECTION 1.23. Sections 43.25(c) and (e), Penal Code, are amended to enhance the penalties for certain felony offenses if the victim is younger than 14 years of age at the time the offense is committed. The enhancements are from a second to a first degree felony and from a third to a second degree felony, depending on the offense.

SECTION 1.20. Same as Senate version.

No equivalent provision.

ARTICLE 2. PRIORITIZATION OF CASES INVOLVING THE PROSECUTION OF CERTAIN OFFENSES

Same as Senate version.

No equivalent provision.

SECTION 2.01. Subchapter A, Chapter 24, Government Code, is amended by adding Section 24.023 to read as follows:

SECTION 2.01. Section 23.101(a), Government Code, is amended to add hearings and trials regarding offenses under Section 21.02, Penal Code, Section 43.25, Penal Code, and Article 62.001(6)(C) or (D), Code of Criminal Procedure, to the list of proceedings that must be given preference by the trial courts.

Sec. 24.023. PRIORITIZATION OF CASES INVOLVING CERTAIN SEXUAL OFFENSES. (a) In supervising the expeditious movement of caseloads

**House Bill 8**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

under Section 74.092, the local administrative district judge or, if applicable, the presiding judge of a division responsible for trying criminal cases shall ensure that priority is given to cases involving the prosecution of sexually violent offenses, the victims of which are children.

(b) For purposes of this section:

(1) "Child" means a person who is younger than 14 years of age.

(2) "Sexually violent offense" means an offense that is described by Article 62.001(6)(A), (B), or (C), Code of Criminal Procedure.

No equivalent provision.

Same as House version.

SECTION 2.02. Subchapter A, Chapter 25, Government Code, is amended by adding Section 25.0019 to read as follows:

Sec. 25.0019. PRIORITIZATION OF CASES INVOLVING CERTAIN SEXUAL OFFENSES. (a) In supervising the expeditious movement of caseloads under Section 74.092, the local administrative statutory county court judge shall ensure that priority is given to cases involving the prosecution of sexually violent offenses, the victims of which are children.

(b) For purposes of this section:

(1) "Child" means a person who is younger than 14 years of age.

(2) "Sexually violent offense" means an offense that is described by Article 62.001(6)(A), (B), or (C), Code of Criminal Procedure.

House Bill 8  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

ARTICLE 2. CONFORMING AMENDMENTS

SECTIONS 2.01-2.14.

SECTION 2.15. Section 4, Article 37.07, Code of Criminal Procedure, is amended by amending Subsections (a) and (b) and adding Subsection (e) as follows:

(a) In the penalty phase of the trial of a felony case in which the punishment is to be assessed by the jury rather than the court, if the offense of which the jury has found the defendant guilty is listed in Section 3g(a)(1), Article 42.12, of this code or if the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, of this code, unless the defendant has been convicted of an offense under Section 21.02, Penal Code, or a capital felony, the court shall charge the jury in writing as follows....

(b) In the penalty phase of the trial of a felony case in which the punishment is to be assessed by the jury rather than the court, if the offense is punishable as a felony of the first degree, if a prior conviction has been alleged for enhancement of punishment as provided by Section 12.42(b), (c), or (d), Penal Code, or if the offense is a felony not designated as a capital felony or a felony of the first, second, or third degree and the maximum term of imprisonment that may be imposed for the offense is longer than 60 years, unless the offense of which the jury

SENATE VERSION

ARTICLE 3. Same as House version.

SECTIONS 3.01-3.14. Same as House version.

SECTION 3.15. Sections 4(a) and (b), Article 37.07, Code of Criminal Procedure, are amended to read as follows:

(a) Same as House version except to make the subsection also not applicable to a defendant who has been convicted of an offense under Section 22.021, Penal Code, that is punishable under Subsection (f) of that section.

(b) Same as House version except specifies Subsection 12.42(c)(1) or (2) rather than all of (c) and refers to an offense that is punishable under Section 21.02(g).

CONFERENCE

Same as House version.

SECTIONS 3.01-3.14. Same as House version.

Same as Senate version except as follows:

(a) Same as Senate version.

(b) Same as Senate version except makes a conforming change to cite Section 21.02(h) rather than Section 21.02(g).

HOUSE VERSION

has found the defendant guilty is an offense under Section 21.02, Penal Code, or is listed in Section 3g(a)(1), Article 42.12, of this code or the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, of this code, the court shall charge the jury in writing as follows...

(e) In the penalty phase of the trial of an offense under Section 21.02, Penal Code, other than an offense punishable under Subsection (i) of that section, in which the punishment is to be assessed by the jury rather than the court, if the jury finds the defendant guilty, the court shall charge the jury in writing as follows:

"Under the law applicable in this case, it is possible that the length of time for which the defendant will be imprisoned might be reduced by the award of parole.

"Under the law applicable in this case, the defendant will not become eligible for parole until the actual time served, without consideration of good conduct time, equals one-half of the sentence imposed or 30 years, whichever is less. If the defendant is sentenced to a term of less than 50 years, the defendant must serve at least 25 years before the defendant is eligible for parole. Eligibility for parole does not guarantee that parole will be granted.

"It cannot accurately be predicted how the parole law might be applied to this defendant, because the application of that law will depend on decisions made by parole authorities.

"You may consider the existence of the parole law.

SENATE VERSION

CONFERENCE

No equivalent provision.

Same as Senate version.

House Bill 8  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

However, you are not to consider the manner in which the parole law may be applied to this particular defendant."

SECTIONS 2.16-2.17.

SECTION 2.19. Article 44.251, Code of Criminal Procedure, is amended by amending Subsections (a) and (c) and adding Subsection (d). Subsection (d) requires the court of criminal appeals to reform a sentence of death imposed under *Section 21.02(i)*, Penal Code, to a sentence of imprisonment in the Texas Department of Criminal Justice for life without parole if the United States Supreme Court finds that the imposition of the death penalty under *Section 21.02(i)*, Penal Code, violates the United States Constitution and issues an order that is not inconsistent with this article.

SECTION 2.20. Article 44.29, Code of Criminal Procedure, is amended by adding Subsection (d), relating to procedures if a court sets aside or invalidates the sentence of a defendant convicted of an offense punishable as a capital felony under *Section 21.02(i)*, Penal Code, and sentenced to death on the basis of any error affecting punishment only.

SECTIONS 2.21-2.25.

SECTION 2.26. Section 25.0341(a), Education Code, as

SENATE VERSION

SECTIONS 3.16-3.17. Same as House version.

SECTION 3.18. Same as the House version except in Subsection (d) refers to a death sentence imposed under *Section 12.42(c)(3)*, Penal Code, rather than under *Section 21.02(i)*.

SECTION 3.19. Same as the House version except refers to a capital felony under *Section 12.42(c)(3)*, Penal Code.

SECTIONS 3.20-3.24. Same as House version.

SECTION 3.25. Same as the House version except also

CONFERENCE

SECTIONS 3.16-3.17. Same as House version.

Same as Senate version.

Same as Senate version.

SECTIONS 3.20-3.24. Same as House version.

SECTION 3.25. Same as House version.

House Bill 8  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

added by Chapter 997, Acts of the 79th Legislature, Regular Session, 2005, is amended to include a conviction for the continuous sexual abuse of young child or children under Section 21.02, Penal Code, as a circumstance for the transfer of a student.

SECTIONS 2.27-2.29.

SECTION 2.30. Section 156.104, Family Code, is amended to provide that the conviction of a conservator for an offense under Section 21.02, Penal Code, is a material and substantial change of circumstances sufficient to justify a temporary order and modification of certain court orders.

SECTIONS 2.31-2.50.

SECTION 2.51. Amends Section 19.03(a), Penal Code, to provide that a person commits the offense of capital murder if the person commits murder as defined under Section 19.02(b)(1) and the person intentionally commits the murder in the course of committing or attempting to commit continuous sexual abuse of young child or children.

SECTION 2.52.

SECTION 2.53. Article 26.13, Code of Criminal Procedure, is amended by adding Subsection (j) to read as follows:

SENATE VERSION

adds a deferred adjudication under Section 21.02, Penal Code, as a circumstance.

SECTIONS 3.26-3.28. Same as House version.

SECTION 3.29. Same as House version except also adds a deferred adjudication under Section 21.02, Penal Code, as a material and substantial change of circumstances.

SECTIONS 3.30-3.49. Same as House version.

No equivalent provision.

SECTION 3.50. Same as House version.

No equivalent provision.

CONFERENCE

SECTIONS 3.26-3.28. Same as House version.

SECTION 3.29. Same as House version except in Subsection (a) further adds two convictions of a conservator as a material and substantial change of circumstances.

SECTIONS 3.30-3.49. Same as House version.

Same as Senate version.

SECTION 3.50. Same as House version.

Same as Senate version.

HOUSE VERSION

SENATE VERSION

CONFERENCE

(j) No plea of guilty or plea of nolo contendere may be accepted by the court if the plea is entered with respect to a sexually violent offense and contains any provision that authorizes the destruction of evidence that has previously been subjected to a forensic analysis. For purposes of this subsection, "sexually violent offense" has the meaning assigned by Section 1.07, Penal Code.

SECTION 2.54. Article 26.13(j), Code of Criminal Procedure, as added by this Act, applies to a plea entered on or after the effective date of this Act, regardless of when the offense that is the subject of the plea was committed.

SECTION 2.55. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.351 to read as follows:

Art. 38.351. CERTAIN DEFENDANTS ENTITLED TO FORENSIC ANALYSIS. (a) A defendant charged with an offense punishable as a capital felony under Section 21.02(i), Penal Code, may request and is entitled to a forensic analysis of any available biological matter collected during the investigation of the offense.  
(b) The state shall pay the cost of any forensic analysis requested and performed under this article.

SECTION 2.56. Chapter 39, Penal Code, is amended by adding Section 39.07 to read as follows:  
Sec. 39.07. FAILURE TO REPORT CONTINUOUS SEXUAL ABUSE OF YOUNG CHILD OR

No equivalent provision.

No equivalent provision.

Same as Senate version.

Same as Senate version.

No equivalent provision.

Same as Senate version.

House Bill 8  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

CHILDREN. (a) A person commits an offense if the person:  
(1) is:  
(A) an officer or employee of the state, of any agency or other entity of the state, or any political subdivision of the state; or  
(B) a person contracting with a person described by Paragraph (A); and  
(2) knows of the commission of an offense under Section 21.02, Penal Code, committed by a person described by Subdivision (1) and fails to report the commission of that offense to an appropriate law enforcement authority.  
(b) An offense under this section is a felony of the second degree.  
(c) Notwithstanding Section 15.02(d), a conspiracy to commit an offense under this section is a felony of the second degree.

ARTICLE 3. TRANSITION; EFFECTIVE DATE

SECTION 3.01. Transition provision.

No equivalent provision.

ARTICLE 4. Same as House version.

SECTION 4.01. Same as House version except the provision in Subsection (b) refers to the change in law made by this Act to Chapter 841, Health and Safety Code, rather than the change in law made to Section 841.002, Health and Safety Code.

SECTION 4.02. Notwithstanding Section 22.109, Government Code, the Texas Court of Criminal Appeals

ARTICLE 4. Same as House version.

SECTION 4.01. Same as House version except the provision in Subsection (b) refers to the change in law made by this Act specifically by the addition of Section 841.084, Health and Safety Code, rather than to the change in law made to Chapter 841, Health and Safety Code.

Same as House version.

**House Bill 8**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

may not amend or adopt rules in conflict with Article 38.06, Code of Criminal Procedure, as added by this Act.

SECTION 3.02. This Act takes effect September 1, 2007.

SECTION 4.02. Same as House version.

SECTION 4.03. Same as House version.