

BILL ANALYSIS

Senate Research Center

H.B. 226
By: Krause et al. (Hughes)
Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that having a large number of offenses in codes other than the Penal Code has rendered some aspects of criminal law in Texas unwieldy and unjust, with penalties seemingly disproportionate to the severity of the crime. H.B. 226 seeks to address this issue by establishing a commission to study certain laws outside of the Penal Code and revising penalty structures for certain offenses that are currently compiled outside the Penal Code.

H.B. 226 creates a nine-member commission to study and review all Texas penal laws other than criminal offenses under the Penal Code, under the Texas Controlled Substances Act, or related to the operation of a motor vehicle. The bill requires the commission to evaluate those laws, to make recommendations to the legislature regarding the repeal or amendment of laws that are identified as being unnecessary, unclear, duplicative, overly broad, or otherwise insufficient to serve the intended purpose of the law, and to evaluate the recommendations made by the commission created to study and review certain penal laws by the 84th Legislature. The bill provides for the commission's composition, member appointments, and operations. The bill requires the commission, not later than November 1, 2020, to report its findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, the Supreme Court of Texas, the Texas Court of Criminal Appeals, and the standing legislative committees with primary jurisdiction over criminal justice and to include in the recommendations any specific statutes that the commission recommends repealing or amending. The commission and the bill's provisions relating to the commission expire on December 31, 2020. The bill establishes the purpose of its provisions.

H.B. 226 transfers from the Business & Commerce Code to the Penal Code provisions relating to a pyramid promotional scheme and provisions relating to identity theft by an electronic device.

H.B. 226 transfers from the Government Code to the Penal Code provisions establishing the offenses of sedition and sabotage and amends those provisions to remove the specified fine and confinement punishments for the offenses and to make those offenses second degree felonies.

H.B. 226 amends the Government Code to remove the county jail confinement punishment for a thrashing pecans offense.

H.B. 226 amends the Local Government Code to change the penalty for violating a courthouse parking lot rule in certain counties from a misdemeanor punishable by a fine of not less than \$1 nor more than \$20 to a Class C misdemeanor.

H.B. 226 amends the Natural Resources Code to change the penalty for unauthorized herding and line-riding from a fine of not less than \$100 nor more than \$1,000 and confinement in the county jail for not less than three months nor more than two years to a Class C misdemeanor. The bill changes the penalty for a violation of statutory provisions relating to the control of oil property from a felony punishable by imprisonment in the Texas Department of Criminal Justice for a term of not less than two nor more than four years to a third degree felony. The bill decreases the penalty for criminal offenses relating to certain oil tanker vehicle cargo documents from a third degree felony to a Class A misdemeanor.

H.B. 226 amends the Occupations Code to remove the specification that a person commits a separate offense for each day a person violates the prohibition against practicing or offering to

practice dentistry or dental surgery or representing that the person practices dentistry without a license. The bill decreases the penalty for a violation of statutory provisions requiring registration of a dental laboratory and relating to filling a prescription to prepare or repair a dental prosthetic appliance from a third degree felony to a Class A misdemeanor and enhances the penalty for a subsequent conviction of those applicable offenses to a third degree felony. The bill decreases from a state jail felony to a Class A misdemeanor the penalty for the unlawful appointment, employment, or retention of individuals with certain convictions as a peace officer or reserve law enforcement officer, public security officer, telecommunicator, or county jailer.

H.B. 226 repeals the statutory provision establishing a Class B misdemeanor penalty for committing a frivolous claim offense relating to auctioneers and adds a provision that instead subjects a person who engages in conduct constituting that offense to a civil penalty. The bill changes the penalty for certain violations relating to the notification of and excessive charging of hotel lodging rates from a misdemeanor punishable by a fine of not less than \$25 or more than \$100, confinement in jail for a term not to exceed 30 days, or both the fine and confinement to a misdemeanor punishable by a maximum fine of \$100. The bill repeals provisions: specifying that each day a person practices acupuncture in Texas without a license constitutes a separate offense; establishing criminal penalties for certain conduct relating to the sale of secondhand business machines; creating a recordkeeping offense in relation to theaters; creating an offense relating to a theater's discrimination against reputable productions; and creating an offense for overcharging for parking a vehicle in a parking facility in connection with a special event in a specified amount.

H.B. 226 amends the Parks and Wildlife Code to revise the penalties for the following offenses by establishing penalties ranging from a Class C Parks and Wildlife Code misdemeanor to a Parks and Wildlife Code state jail felony.

H.B. 226 amends the Penal Code to include as conduct constituting a capital murder offense the conduct set out in a Government Code provision, which is repealed by the bill, that constitutes capital sabotage. The bill includes as conduct constituting a third degree felony tampering with a governmental record offense the conduct set out in an Education Code provision, which is repealed by the bill, that constitutes interference with operation of a foundation school program.

H.B. 226 amends the Tax Code to decrease from a third degree felony to a Class A misdemeanor the penalty for the following offenses: an offense relating to previously used or old cigarette tax design stamps, an offense relating to the transportation of tobacco products with respect to the associated tax, and an offense for possession of tobacco products on which a tax of more than \$50 is required to be paid. The bill enhances the penalty for a subsequent conviction of those applicable offenses to a third degree felony. The bill decreases from a Class A misdemeanor to a Class C misdemeanor the penalty for the offense of possessing tobacco products on which a tax of \$50 or less is required to be paid and enhances the penalty for a subsequent conviction of such an offense to a Class A misdemeanor.

H.B. 226 amends the Utilities Code to decrease from a third degree felony to a Class A misdemeanor the penalty for a person who wilfully and knowingly violates the Public Utility Regulatory Act and for a person who knowingly violates the Gas Utility Regulatory Act.

H.B. 226 amends the Business & Commerce Code, Code of Criminal Procedure, and Government Code to make conforming changes.

H.B. 226 repeals the following:

- Alcoholic Beverage Code provisions prohibiting the possession or display of certain indecent graphic material on premises licensed under that code;
- Business & Commerce Code provisions establishing criminal penalties for certain deceptive trade practices, for the unlawful sale of plastic bulk merchandise containers, and for the prohibited use of crime victim or motor vehicle accident information;
- Labor Code provisions establishing offenses relating to restrictions on the length of hoe handles;

- Revised Statutes provisions relating to free pass transportation law, reduced transportation rates for officers, an offense for discrimination against a person seeking employment on account of participation in a strike, and an offense for peddling certain printed matter; and
- Vernon's Texas Civil Statutes provisions relating to penalties for conducting certain activities near a certain superconducting super collider facility.

H.B. 226 repeals the following provisions:

- Section 101.64, Alcoholic Beverage Code;
- Sections 17.30, 17.31, and 204.005, Business & Commerce Code;
- Chapter 504, Business & Commerce Code;
- the heading to Chapter 522, Business & Commerce Code;
- Section 44.051, Education Code;
- the heading to Subchapter B, Chapter 557, Government Code;
- Sections 557.012 and 557.013, Government Code;
- Sections 52.021 and 52.022, Labor Code;
- Sections 205.401(b), 1802.302, 1805.103, 2155.002(d), 2156.004, 2156.005, and 2158.003, Occupations Code;
- Sections 32.053(b) and 32.057(d), Parks and Wildlife Code;
- Articles 4005a, 4006a, 4006b, 4015d, 4015e, 5196b, and 9010, Revised Statutes;
- Chapter 281 (H.B. 2680), Acts of the 73rd Legislature, Regular Session, 1993 (Article 4413(47e-1), Vernon's Texas Civil Statutes).

H.B. 226 takes effect September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While H.B. 226 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include the repeal of Finance Code provisions establishing offenses relating to slander, libel, and defamation of certain financial institutions and businesses.

H.B. 226 amends current law relating to the creation of a commission to review certain penal laws of this state and to make certain recommendations regarding those laws, to criminal offenses previously compiled in statutes outside the Penal Code, to repealing certain of those offenses, and to conforming punishments for certain of those offenses to the penalty structure provided in the Penal Code; increases the punishment for the criminal offenses of sedition, sabotage, and capital sabotage; and imposes a civil penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

ARTICLE 1. PURPOSE

SECTION 1.01. PURPOSE. Provides that the purpose of this Act is to implement the recommendations of the commission created by Section 29, Chapter 1251 (H.B. 1396), Acts of the 84th Legislature, Regular Session, 2015, and to authorize additional review of the penal laws described by Section 2.01(a) of this Act.

ARTICLE 2. COMMISSION TO STUDY CERTAIN PENAL LAWS

SECTION 2.01. COMMISSION TO STUDY CERTAIN PENAL LAWS. (a) Provides that a commission is created to study and review all penal laws of this state other than criminal offenses under the Penal Code, under Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, or related to the operation of a motor vehicle (commission),

(b) Requires the commission to:

(1) evaluate all laws described by Subsection (a) of this section;

(2) make recommendations to the legislature regarding the repeal or amendment of laws that are identified as being unnecessary, unclear, duplicative, overly broad, or otherwise insufficient to serve the intended purpose of the law, including the laws identified by the commission created by Section 29, Chapter 1251 (H.B. 1396), Acts of the 84th Legislature, Regular Session, 2015, as requiring additional review; and

(3) evaluate the recommendations made by the commission created by Section 29, Chapter 1251 (H.B. 1396), Acts of the 84th Legislature, Regular Session, 2015.

(c) Provides that the commission is composed of nine members appointed as follows:

(1) two members appointed by the governor;

(2) two members appointed by the lieutenant governor;

(3) two members appointed by the speaker of the house of representatives;

(4) two members appointed by the chief justice of the Supreme Court of Texas (supreme court); and

(5) one member appointed by the presiding judge of the Texas Court of Criminal Appeals (CCA).

(d) Requires the officials making appointments to the commission under Subsection (c) of this section to ensure that the membership of the commission includes representatives of all areas of the criminal justice system, including prosecutors, defense attorneys, judges, legal scholars, and relevant business interests.

(e) Requires the governor to designate one member of the commission to serve as the presiding officer of the commission.

(f) Provides that a member of the commission is not entitled to compensation or reimbursement of expenses.

(g) Requires the commission to meet at the call of the presiding officer.

(h) Requires the commission, not later than November 1, 2020, to report the commission's findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, the Supreme Court of Texas, the Texas Court of

Criminal Appeals, and the standing committees of the house of representatives and the senate with primary jurisdiction over criminal justice. Requires the commission to include in its recommendations any specific statutes that the commission recommends repealing or amending.

SECTION 2.02. APPOINTMENT OF MEMBERS. Requires the governor, the lieutenant governor, the speaker of the house of representatives, the chief justice of the supreme court, and the presiding judge of CCA, not later than the 60th day after the effective date of this Act, to appoint the members of the commission created under this article.

SECTION 2.03. ABOLITION OF COMMISSION. Provides that the commission is abolished and this article expires December 31, 2020.

ARTICLE 3. MISCELLANEOUS AMENDMENTS RELATING TO CRIMINAL OFFENSES

SECTION 3.01. Reenacts Section 17.46(b), Business & Commerce Code, as amended by Chapters 324 (S.B. 1488), 858 (H.B. 2552), and 967 (S.B. 2065), Acts of the 85th Legislature, Regular Session, 2017, and amends it, as follows:

(b) Redefines "false, misleading, or deceptive acts or practices," except as provided in Subsection (d) (relating to the definition of "false, misleading, or deceptive acts or practices" for a certain purpose) of this section. Makes nonsubstantive changes.

SECTION 3.02. Transfers Section 17.461, Business & Commerce Code, to Subchapter D, Chapter 32, Penal Code, redesignates it as Section 32.55, Penal Code, and makes no further changes.

SECTION 3.03. Transfers Sections 522.001 and 522.002, Business & Commerce Code, to Subchapter D, Chapter 32, Penal Code, redesignates them as Section 32.511, Penal Code, and amends that section, as follows:

Sec. 32.511. New heading: IDENTITY THEFT BY ELECTRONIC DEVICE. (a)-(d) Creates these subsections from existing text and makes conforming changes.

SECTION 3.04. Amends Article 18.18(g), Code of Criminal Procedure, to redefine "re-encoder" and "scanning device."

SECTION 3.05. Amends Article 59.01(2), Code of Criminal Procedure, to redefine "contraband."

SECTION 3.06. Transfers Sections 557.001 and 557.011, Government Code, to Chapter 40, Penal Code, as added by this Act, redesignates them as Sections 40.01 and 40.02, Penal Code, respectively, and amends them, as follows:

Sec. 40.01 . SEDITION. (a) Makes no further changes to this subsection.

(b) Provides that an offense under this section is a felony of the second degree. Deletes existing text providing that an offense under this section is a felony punishable by a fine not to exceed \$20,000, confinement in the Texas Department of Criminal Justice (TDCJ) for a term of not less than one year or more than 20 years, or both fine and imprisonment.

(c) Makes no further changes to this subsection.

Sec. 40.02. SABOTAGE. (a) Makes no changes to this subsection.

(b) Provides that an offense under this section is a felony of the second degree. Deletes existing text providing that an offense under this section is a felony

punishable by confinement in TDCJ for a term of not less than two years or more than 20 years.

(c)-(d) Makes no further changes to these subsections.

SECTION 3.07. Amends Section 557.002, Government Code, as follows:

Sec. 557.002. DISQUALIFICATION. Prohibits a person who is finally convicted of an offense under Section 40.01, Penal Code, rather than Section 557.001 (Sedition), from holding office or a position of profit, trust, or employment with the state or any political subdivision of the state.

SECTION 3.08. Amends Section 3101.010(b), Government Code, as follows:

(b) Provides that an offense under this section (Thrashing Pecans; Penalty) is a misdemeanor and on conviction is punishable by a fine of not less than \$5 or more than \$300. Deletes existing text providing that an offense under this section is a misdemeanor and on conviction is punishable by a fine of not less than \$5 or more than \$300, confinement in the county jail for a term not to exceed three months, or both a fine and confinement.

SECTION 3.09. Amends Section 615.002(e), Local Government Code, to provide that an offense under this subsection (relating to violations of parking rules) is a Class C misdemeanor, rather than a misdemeanor punishable by a fine of not less than \$1 nor more than \$20.

SECTION 3.10. Amends Section 11.074(b), Natural Resources Code, as follows:

(b) Makes nonsubstantive changes. Provides that any owner of stock or a manager, agent, employee, or servant of the owner who fences, uses, occupies, or appropriates by herding or line-riding any portion of the land covered by Subsection (a) (relating to prohibited actions on public land) without a lease for the land commits an offense. Provides that an offense under this section (Herding and Line-Riding) is a Class C misdemeanor. Deletes existing text relating to requiring a person convicted of an offense under this section to receive a certain sentence.

SECTION 3.11. Amends Section 88.134(b), Natural Resources Code, as follows:

(b) Provides that a person who violates any provision of this chapter (Control of Oil Property) other than those covered by Subsection (a) (relating to certain punishments for certain violations), a person who fails to comply with any of the other terms of this chapter, a person who fails to comply with the terms of a rule or order adopted by the governmental agency under the terms of this chapter, or a person who violates any of the rules or orders of the governmental agency adopted under the provisions of this chapter commits an offense. Provides that an offense under this subsection is a felony of the third degree. Deletes existing text providing that a person who violates any other provision of this chapter other than those covered by Subsection (a), a person who fails to comply with any of the other terms of this chapter, a person who fails to comply with the terms of a rule or order adopted by the governmental agency under the terms of this chapter, or a person who violates any of the rules or orders of the governmental agency adopted under the provisions of this chapter on conviction is considered guilty of a felony and requiring the person on conviction to be punished by imprisonment in TDJC for a term of not less than two nor more than four years.

SECTION 3.12. Amends Section 114.102(b), Natural Resources Code, to provide that an offense under this section (Criminal Offenses) is a Class A misdemeanor, rather than a felony of the third degree.

SECTION 3.13. Amends Section 264.151(a), Occupations Code, to delete existing text providing that each day of a violation of this subsection (relating to practicing dentistry without a license) is separate offense.

SECTION 3.14. Amends Section 266.303, Occupations Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Provides that an offense for a violation of Section 266.151 (Registration Required) is a Class A misdemeanor, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted of an offense for a violation of Section 266.151. Creates Subsection (b-1) from existing text of this subsection.

(b-1) Provides that an offense for a violation of Section 266.301(b) (relating to prohibiting a person from filling a prescription to prepare or repair a dental prosthetic appliance that is to be delivered to a dental patient by a licensed dentist unless the person is a dental laboratory or dental technician) is a Class A misdemeanor, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted of an offense for a violation of Section 266.301(b). Makes a nonsubstantive change.

SECTION 3.15. Amends Section 1701.553(b), Occupations Code, to provide that an offense under Subsection (a) (relating to the offense of appointment or retention of certain convicted persons in certain roles) is a Class A misdemeanor, rather than is a state jail felony.

SECTION 3.16. Amends Subchapter E, Chapter 1802, Occupations Code, by adding Section 1802.2025, as follows:

Sec. 1802.2025. FRIVOLOUS CLAIMS; CIVIL PENALTY. (a) Prohibits a person from, for personal benefit or to harm another:

(1) instituting a claim under this chapter (Auctions) in which the person knows the person has no interest; or

(2) instituting a frivolous suit or claim that the person knows is false.

(b) Provides that a person who violates Subsection (a) is subject to a civil penalty under Section 51.352 (Injunctive Relief; Civil Penalty).

SECTION 3.17. Amends Section 2155.002(e), Occupations Code, to provide that an offense under this section (Criminal Penalties), rather than under Subsection (b) (relating to a certain offense related to provision of hotel room rate information), is a misdemeanor punishable by a fine of not more than \$100.

SECTION 3.18. Amends Section 2156.006, Occupations Code, as follows:

Sec. 2156.006. FORFEITURE OF LEASE. Deletes existing Subdivisions (1)–(2). Provides that a theater's lessee or a lessee's assigns forfeit the lease and any rights and privileges under the lease if the person does not comply with the law governing theaters. Deletes the designation of Subdivision (1), deletes existing text relating to conviction of certain offense, and makes nonsubstantive changes.

SECTION 3.19. Amends Section 19.03(a), Penal Code, as follows:

(a) Provides that a person commits an offense if the person commits murder as defined under Section 19.02(b)(1) (relating to providing that a person commits an offense if he intentionally or knowingly causes the death of an individual) and:

(1) makes no changes to this subdivision;

(2) the person intentionally commits the murder in the course of committing or attempting to commit certain other offenses, including sabotage; or

(3)–(9) makes no changes to these subdivisions.

SECTION 3.20. Amends Section 37.10(c)(2), Penal Code, to provide that an offense under this section (Tampering With Governmental Record) is a felony of the third degree if it is shown on the trial of the offense that the governmental record was a certain record, including, a public school record, form, report, or budget required under Chapter 42 (Foundation School Program), Education Code, or a rule adopted under that chapter.

SECTION 3.21. Amends Title 8, Penal Code, by adding Chapter 40, and adds a heading to that chapter to read as follows:

CHAPTER 40. SEDITION AND SABOTAGE

SECTION 3.22. Amends Section 154.517, Tax Code, as follows:

Sec. 154.517. New heading: FELONY OR MISDEMEANOR. (a) Creates Subsection (a) from existing text. Provides that an offense under Section 154.511 (Transportation of Cigarettes), 154.512 (Inspection of Premises), 154.514 (Sale of Stamps), 154.515 (Possession in Quantities of 10,000 or More), or 154.516 (Books and Records) is a felony of the third degree, rather than an offense under Sections 154.511 through 154.516 is a felony of the third degree.

(b) Provides that an offense under Section 154.513 (Previously Used or Old Design Stamps) is a Class A misdemeanor unless it is shown on the trial of the offense that the person has been previously convicted of an offense under that section, in which event the offense is a felony of the third degree.

SECTION 3.23. Amends Section 155.208, Tax Code, as follows:

Sec. 155.208. MISDEMEANOR. (a) Creates Subsection (a) from existing text. Provides that an offense under Section 155.202 (Nonpayment of Tax), 155.204 (Concealment of Violation), 155.205 (Misleading the Comptroller), 155.206 (Refusing to Surrender Tobacco Products), or 155.207 (Permits) is a Class A misdemeanor, rather than providing that an offense under Sections 155.202–155.207 is a Class A misdemeanor.

(b) Provides that an offense under Section 155.203 (Possession: Tax Due \$50 or Less) is a Class C misdemeanor unless it is shown on the trial of the offense that the person has been previously convicted of an offense under that section, in which event the offense is a Class A misdemeanor.

SECTION 3.24. Amends Section 155.213, Tax Code, as follows:

Sec. 155.213. New heading: FELONY OR MISDEMEANOR. (a) Creates Subsection (a) from existing text. Provides that an offense under Section 155.210 (Inspection of Premises) or 155.212 (Books and Records), rather than an offense under Sections 155.209–155.212, is a felony of the third degree.

(b) Provides that an offense under Section 155.209 (Transportation of Tobacco Products) is a Class A misdemeanor unless it is shown on the trial of the offense that the person has been previously convicted of an offense under that section, in which event the offense is a felony of the third degree.

(c) Provides that an offense under Section 155.211 (Possession: Tax Due More Than \$50) is a Class A misdemeanor unless it is shown on the trial of the offense that the person has been previously convicted of an offense under that section, in which event the offense is a felony of the third degree.

SECTION 3.25. Amends Section 15.030(c), Utilities Code, to provide that an offense under this section (providing that a person commits an offense if the person violates the Public Utility Regulatory Act) is a Class A misdemeanor, rather than a felony of the third degree.

SECTION 3.26. Amends Section 105.024(b), Utilities Code, to make a conforming change.

SECTION 3.27. Provides that the following laws are repealed:

(1) Repealer: Section 101.64 (Indecent Graphic Material), Alcoholic Beverage Code.

(2) Repealer: Section 17.30 (Misusing Dairy Container Bearing Proprietary Mark), Business & Commerce Code.

Repealer: Section 17.31 (Identification, Possession, and Use of Certain Containers), Business & Commerce Code.

Repealer: Section 204.005 (Criminal Penalty), Business & Commerce Code.

(3) Repealer: Chapter 504 (Prohibited Use of Crime Victim or Motor Vehicle Accident Information), Business & Commerce Code

(4) Repealer: the heading to Chapter 522 (Identity Theft by Electronic Device), Business & Commerce Code.

(5) Repealer: Section 44.051 (Interference With Operation of Foundation School Program), Education Code.

(6) Repealer: the heading to Subchapter B (Sabotage), Chapter 557, Government Code.

(7) Repealer: Section 557.012 (Capital Sabotage), Government Code.

Repealer: Section 557.013 (Enforcement), Government Code.

(8) Repealer: Section 52.021 (Minimum Length of Hoe Handles), Labor Code.

Repealer: Section 52.022 (Offense; Penalty), Labor Code.

(9) Repealer: Section 201.604 (General Criminal Penalty), Occupations Code.

Repealer: Section 205.401 (Criminal Penalty), Occupations Code.

Repealer: Section 702.556 (Criminal Offense: Violation of Chapter), Occupations Code.

Repealer: Section 1071.504 (Criminal Penalty), Occupations Code.

Repealer: Section 1101.756 (General Criminal Penalty), Occupations Code.

Repealer: Section 1101.757 (Criminal Penalty For Certain Violations by Residential Rental Locator), Occupations Code.

Repealer: Section 1101.758 (Criminal Penalty For Certain Violations by Broker, Sales Agent, or Certificate Holder), Occupations Code.

Repealer: Section 1103.5545 (Criminal Penalty For Engaging in Activity Without Required Certificate or License), Occupations Code.

Repealer: Section 1104.253 (Criminal Penalty For Engaging in Activity Without Required Registration), Occupations Code.

Repealer: Section 1802.301 (Practicing Without License; Offense), Occupations Code.

Repealer: Section 1802.302 (Frivolous Claim; Offense), Occupations Code.

Repealer: Section 1802.303 (General Criminal Penalty), Occupations Code.

Repealer: Section 1805.103 (Criminal Penalty), Occupations Code.

Repealer: Section 2155.002(d) (relating to a provision that certain offenses are a misdemeanor punishable by certain fines and jail sentences), Occupations Code.

Repealer: Section 2156.004 (Recordkeeping; Offense), Occupations Code.

Repealer: Section 2156.005 (Discrimination Against Reputable Productions; Offense), Occupations Code.

Repealer: Section 2158.003 (Criminal Offense), Occupations Code.

Repealer: Section 2501.251 (Criminal Penalty), Occupations Code.

Repealer: Section 2501.501, Occupations Code.

Repealer: Section 2501.502, Occupations Code.

(10) Repealer: Article 4005a, Revised Statutes.

Repealer: Article 4006a, Revised Statutes.

Repealer: Article 4006b, Revised Statutes.

Repealer: Article 4015d, Revised Statutes.

Repealer: Article 4015e, Revised Statutes.

Repealer: Article 5196b, Revised Statutes.

Repealer: Article 9010, Revised Statutes.

(11) Repealer: Chapter 281 (H.B. 2680), Acts of the 73rd Legislature, Regular Session, 1993 (Article 4413(47e-1), V.T.C.S.).

ARTICLE 4. TRANSITION PROVISIONS; EFFECTIVE DATE

SECTION 4.01. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4.02. Provides that, to the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4.03. Effective date: September 1, 2019.