

CHAPTER 46

H.B. No. 323

AN ACT

relating to the classification of federal offenses as delinquent conduct for purposes of state law

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 51.03(a), Family Code, is amended to read as follows:

(a) Delinquent conduct is:

(1) conduct, other than a traffic offense, that violates a penal law of this state or of the United States punishable by imprisonment or by confinement in jail;

(2) conduct that violates a reasonable and lawful order of a juvenile court entered under Section 54.04 or 54.05 of this code, except an order prohibiting the following conduct:

(A) a violation of the penal laws of this state of the grade of misdemeanor that is punishable by fine only or a violation of the penal ordinances of any political subdivision of this state;

(B) the unexcused voluntary absence of a child from school; or

(C) the voluntary absence of a child from his home without the consent of his parent or guardian for a substantial length of time or without intent to return; or

(3) conduct that violates the laws of this state prohibiting driving while intoxicated under the influence of intoxicating liquor (third or subsequent offense) or driving while under the influence of any narcotic drug or of any other drug to the degree that renders the child incapable of safely driving a vehicle (third or subsequent offense).

SECTION 2. (a) The substantive change in law made by this Act relating to conduct that violates a penal law of the United States applies only to conduct that occurs on or after the effective date of this Act. Conduct violating a penal law of the United States occurs on or after the effective date of this Act if every element of the violation occurs on or after that date.

(b) Conduct that occurs before the effective date of this Act is covered by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 10, 1993, by a non-record vote; passed by the Senate on April 15, 1993: Yeas 30, Nays 0.

Filed without signature April 29, 1993.

Effective Sept. 1, 1993.