

PENAL CODE

TITLE 11. ORGANIZED CRIME

CHAPTER 72. RACKETEERING AND UNLAWFUL DEBT COLLECTION

Sec. 72.01. DEFINITIONS. In this chapter:

(1) "Enterprise" has the meaning assigned by Section [140B.001](#), Civil Practice and Remedies Code.

(2) "Money" means funds as defined by Section [34.01](#).

(3) "Pattern of racketeering" means engaging in at least two incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims, or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents, the last of which occurred not later than the fifth anniversary of the date of a previous incident of racketeering conduct.

(4) "Pecuniary value" means:

(A) anything of value in the form of money, a negotiable instrument, or a commercial interest or anything else the primary significance of which is economic advantage; or

(B) any other property or service that has a value in excess of \$100.

(5) "Racketeering" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(A) a felony offense under The Securities Act (Title 12, Government Code);

(B) an offense under Section [20.03](#) (kidnapping);

(C) an offense under Section [20.04](#) (aggravated kidnapping);

(D) an offense under Section [20.07](#) (operation of stash house);

(E) a felony offense under Chapter 37 (perjury and other falsification);

(F) a felony offense under Section [38.03](#) (resisting arrest, search, or transportation);

(G) a felony offense under Section [38.05](#) (hindering apprehension or prosecution);

(H) a felony offense under Chapter 43 (public indecency); or

(I) an offense under Section 71.02 (engaging in organized criminal activity).

(6) "Real property" has the meaning assigned by Section 140B.001, Civil Practice and Remedies Code.

(7) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is wholly or partly legally unenforceable in this state because the debt was incurred or contracted:

(A) in violation of:

(i) the Texas Racing Act (Subtitle A-1, Title 13, Occupations Code, and Article 179e, Revised Civil Statutes);

(ii) Subtitle A, Title 4, Finance Code, or Section 11, Article XVI, Texas Constitution, relating to interest and usury, if the usurious rate is at least twice the enforceable rate; or

(iii) Chapter 47, relating to gambling; or

(B) in gambling activity in violation of federal law or in the business of lending money at a rate usurious under state law if the usurious rate is at least twice the enforceable rate.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 6, eff. September 1, 2023.

Sec. 72.02. USE OF PROCEEDS DERIVED FROM RACKETEERING OR UNLAWFUL DEBT COLLECTION. (a) A person commits an offense if the person intentionally uses or invests, whether directly or indirectly, any part of any proceeds knowingly derived, directly or indirectly, from a pattern of racketeering or through the collection of an unlawful debt, or the proceeds derived from the investment or use of those proceeds, in acquiring title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.

(b) An offense under this section is a felony of the second degree.

(c) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.
Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 6, eff. September 1, 2023.

Sec. 72.03. ACQUISITION OF INTEREST IN PROPERTY OR CONTROL OF ENTERPRISE THROUGH RACKETEERING OR UNLAWFUL DEBT COLLECTION.

(a) A person commits an offense if the person, knowingly through a pattern of racketeering or through the collection of an unlawful debt, acquires or maintains, directly or indirectly, any interest in or control of any enterprise or real property.

(b) An offense under this section is a felony of the second degree.

(c) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.
Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 6, eff. September 1, 2023.

Sec. 72.04. PARTICIPATION IN ENTERPRISE THROUGH RACKETEERING OR UNLAWFUL DEBT COLLECTION.

(a) A person commits an offense if the person is employed by or associated with an enterprise and knowingly conducts or participates, directly or indirectly, in that enterprise through a pattern of racketeering or the collection of an unlawful debt.

(b) An offense under this section is a felony of the second degree.

(c) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.
Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 6, eff. September 1, 2023.

Sec. 72.05. ALTERNATIVE FINE. Notwithstanding any other law, a court, after a hearing, may impose a fine, instead of an otherwise applicable fine, on a person convicted of an offense

under Section [72.02](#), [72.03](#), or [72.04](#), through which the person derived pecuniary value or by which the person caused personal injury, property damage, or other loss, that does not exceed:

(1) the greater of:

(A) three times the gross value gained as a result of the offense; or

(B) three times the gross loss caused as a result of the offense; and

(2) the amount of the court costs and the reasonably incurred costs of investigation and prosecution.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 6, eff. September 1, 2023.