

# Tex. Pen. Code § 34.02

## Section 34.02 - Money Laundering

- (a) A person commits an offense if the person knowingly:
- (1) acquires or maintains an interest in, conceals, possesses, transfers, or transports the proceeds of criminal activity;
  - (2) conducts, supervises, or facilitates a transaction involving the proceeds of criminal activity;
  - (3) invests, expends, or receives, or offers to invest, expend, or receive, the proceeds of criminal activity or funds that the person believes are the proceeds of criminal activity; or
  - (4) finances or invests or intends to finance or invest funds that the person believes are intended to further the commission of criminal activity.
- (a-1) Knowledge of the specific nature of the criminal activity giving rise to the proceeds is not required to establish a culpable mental state under this section.
- (b) For purposes of this section, a person is presumed to believe that funds are the proceeds of or are intended to further the commission of criminal activity if a peace officer or a person acting at the direction of a peace officer represents to the person that the funds are proceeds of or are intended to further the commission of criminal activity, as applicable, regardless of whether the peace officer or person acting at the peace officer's direction discloses the person's status as a peace officer or that the person is acting at the direction of a peace officer.
- (c) It is a defense to prosecution under this section that the person acted with intent to facilitate the lawful seizure, forfeiture, or disposition of funds or other legitimate law enforcement purpose pursuant to the laws of this state or the United States.
- (d) It is a defense to prosecution under this section that the transaction was necessary to preserve a person's right to representation as guaranteed by the Sixth Amendment of the United States Constitution and by Article 1, Section 10, of the Texas Constitution or that the funds were received as bona fide legal fees by a licensed attorney and at the time of their receipt, the attorney did not have actual knowledge that the funds were derived from criminal activity.
- (e) An offense under this section is:
- (1) a state jail felony if the value of the funds is \$2,500 or more but less than \$30,000;
  - (2) a felony of the third degree if the value of the funds is \$30,000 or more but less than \$150,000;
  - (3) a felony of the second degree if the value of the funds is \$150,000 or more but less than \$300,000; or
  - (4) a felony of the first degree if the value of the funds is \$300,000 or more.

**(f)** For purposes of this section, if proceeds of criminal activity are related to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one offense and the value of the proceeds aggregated in determining the classification of the offense.

**(g)** For purposes of this section, funds on deposit at a branch of a financial institution are considered the property of that branch and any other branch of the financial institution.

**(h)** 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.

*Tex. Pen. Code § 34.02*

Amended by Acts 2015, Texas Acts of the 84th Leg. - Regular Session, ch. 1251, Sec. 24, eff. 9/1/2015.

Amended By Acts 2005, 79th Leg., Ch. 1162, Sec. 2, eff. 9/1/2005.

Added by Acts 1993, 73rd Leg., ch. 761, Sec. 2, eff. 9/1/1993.

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