

By: Thierry

H.B. No. 162

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a prohibition on prosecuting or referring to juvenile
3 court certain persons for certain conduct constituting the offense
4 of prostitution and to the provision of services to those persons.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. This Act may be cited as the Child Sex
7 Trafficking Victims Protections and Provisions Act.

8 SECTION 2. Section 51.03, Family Code, is amended by
9 amending Subsection (b) and adding Subsections (d) and (d-1) to
10 read as follows:

11 (b) Conduct indicating a need for supervision is:

12 (1) subject to Subsection (f), conduct, other than a
13 traffic offense, that violates:

14 (A) the penal laws of this state of the grade of
15 misdemeanor that are punishable by fine only; or

16 (B) the penal ordinances of any political
17 subdivision of this state;

18 (2) the voluntary absence of a child from the child's
19 home without the consent of the child's parent or guardian for a
20 substantial length of time or without intent to return;

21 (3) conduct prohibited by city ordinance or by state
22 law involving the inhalation of the fumes or vapors of paint and
23 other protective coatings or glue and other adhesives and the
24 volatile chemicals itemized in Section 485.001, Health and Safety

1 Code;

2 (4) an act that violates a school district's
3 previously communicated written standards of student conduct for
4 which the child has been expelled under Section 37.007(c),
5 Education Code;

6 (5) notwithstanding Subsection (a)(1), conduct
7 described by Section 43.02(b) [~~43.02(a) or (b)~~], Penal Code; or

8 (6) notwithstanding Subsection (a)(1), conduct that
9 violates Section 43.261, Penal Code.

10 (d) Notwithstanding Subsection (a)(1), conduct that
11 violates Section 43.02(a), Penal Code, is not delinquent conduct or
12 conduct indicating a need for supervision. A child may not be
13 referred to the juvenile court for conduct that violates Section
14 43.02(a), Penal Code.

15 (d-1) A law enforcement officer taking possession of a child
16 who is suspected of engaging in conduct that violates Section
17 43.02(a), Penal Code, may not arrest the child or refer the child to
18 juvenile court. The officer shall use best efforts to deliver the
19 child to the child's parent or to another person entitled to take
20 possession of the child. If the parent or other person is not
21 immediately available, the officer shall:

22 (1) contact a local service provider or care
23 coordinator who will, in consultation with the child sex
24 trafficking prevention unit established under Section 772.0062,
25 Government Code, and the governor's program for victims of child
26 sex trafficking established under Section 772.0063, Government
27 Code, facilitate the assignment of a caseworker for the child to

1 create a customized package of services to fit the child's
2 immediate and long-term rehabilitation and treatment needs,
3 including medical, psychiatric, psychological, safety, and housing
4 needs; or

5 (2) if a local service provider or care coordinator is
6 not available, transfer possession of the child to the Department
7 of Family and Protective Services in accordance with Section
8 262.104.

9 SECTION 3. Section 43.02, Penal Code, is amended by adding
10 Subsection (b-1) to read as follows:

11 (b-1) A person may not be prosecuted for an offense under
12 Subsection (a) that the person committed when younger than 17 years
13 of age.

14 SECTION 4. This Act applies only to an offense committed or
15 conduct that occurs on or after the effective date of this Act. An
16 offense committed or conduct that occurs before the effective date
17 of this Act is governed by the law in effect on the date the offense
18 was committed or the conduct occurred, and the former law is
19 continued in effect for that purpose. For the purposes of this
20 section, an offense was committed or conduct occurred before the
21 effective date of this Act if any element of the offense or conduct
22 occurred before that date.

23 SECTION 5. This Act takes effect September 1, 2021.