

By: Shaheen, A. Johnson of Harris, Reynolds,
Goldman, Button, et al.

H.B. No. 462

Substitute the following for H.B. No. 462:

By: Bell of Kaufman

C.S.H.B. No. 462

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the offenses of trafficking of
3 persons and compelling prostitution and to certain consequences of
4 compelling prostitution.

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

6 SECTION 1. Section 20A.01, Penal Code, is amended by adding
7 Subdivision (2-a) to read as follows:

8 (2-a) "Person with a disability" means a person who,
9 as a result of mental disease or defect, is incapable of appraising
10 the nature of prohibited conduct or to resist engaging in that
11 conduct.

12 SECTION 2. Section 20A.02(a), Penal Code, is amended to
13 read as follows:

14 (a) A person commits an offense if the person knowingly:

15 (1) traffics another person with the intent that the
16 trafficked person engage in forced labor or services;

17 (2) receives a benefit from participating in a venture
18 that involves an activity described by Subdivision (1), including
19 by receiving labor or services the person knows are forced labor or
20 services;

21 (3) traffics:

22 (A) another person and, through force, fraud, or
23 coercion, causes the trafficked person to engage in conduct
24 prohibited by:

- 1 (i) [~~(A)~~] Section 43.02 (Prostitution);
- 2 (ii) [~~(B)~~] Section 43.03 (Promotion of
- 3 Prostitution);
- 4 (iii) [~~(B-1)~~] Section 43.031 (Online
- 5 Promotion of Prostitution);
- 6 (iv) [~~(C)~~] Section 43.04 (Aggravated
- 7 Promotion of Prostitution);
- 8 (v) [~~(C-1)~~] Section 43.041 (Aggravated
- 9 Online Promotion of Prostitution); or
- 10 (vi) [~~(D)~~] Section 43.05 (Compelling
- 11 Prostitution); or
- 12 (B) a person with a disability and by any means
- 13 causes the trafficked person to engage in conduct prohibited by an
- 14 offense listed under Paragraph (A);
- 15 (4) receives a benefit from participating in a venture
- 16 that involves an activity described by Subdivision (3) or engages
- 17 in sexual conduct with a person trafficked in the manner described
- 18 in Subdivision (3), regardless of whether the actor knows that the
- 19 person has been trafficked in the manner described by that
- 20 subdivision;
- 21 (5) traffics a child with the intent that the
- 22 trafficked child engage in forced labor or services;
- 23 (6) receives a benefit from participating in a venture
- 24 that involves an activity described by Subdivision (5), including
- 25 by receiving labor or services the person knows are forced labor or
- 26 services;
- 27 (7) traffics a child and by any means causes the

1 trafficked child to engage in, or become the victim of, conduct
2 prohibited by:

3 (A) Section 21.02 (Continuous Sexual Abuse of
4 Young Child or Children);

5 (B) Section 21.11 (Indecency with a Child);

6 (C) Section 22.011 (Sexual Assault);

7 (D) Section 22.021 (Aggravated Sexual Assault);

8 (E) Section 43.02 (Prostitution);

9 (F) Section 43.03 (Promotion of Prostitution);

10 (F-1) Section 43.031 (Online Promotion of
11 Prostitution);

12 (G) Section 43.04 (Aggravated Promotion of
13 Prostitution);

14 (G-1) Section 43.041 (Aggravated Online
15 Promotion of Prostitution);

16 (H) Section 43.05 (Compelling Prostitution);

17 (I) Section 43.25 (Sexual Performance by a
18 Child);

19 (J) Section 43.251 (Employment Harmful to
20 Children); or

21 (K) Section 43.26 (Possession or Promotion of
22 Child Pornography); or

23 (8) receives a benefit from participating in a venture
24 that involves an activity described by Subdivision (7) or engages
25 in sexual conduct with a child trafficked in the manner described in
26 Subdivision (7), regardless of whether the actor knows that the
27 child has been trafficked in the manner described by that

1 subdivision.

2 SECTION 3. Section 43.05(a), Penal Code, is amended to read
3 as follows:

4 (a) A person commits an offense if the person knowingly:

5 (1) causes another by force, threat, coercion, or
6 fraud to commit prostitution; ~~or~~

7 (2) causes by any means a child younger than 18 years
8 to commit prostitution, regardless of whether the actor knows the
9 age of the child at the time of the offense; or

10 (3) causes by any means a person with a disability, as
11 defined by Section 20A.01, to commit prostitution.

12 SECTION 4. Section 16.0045(a), Civil Practice and Remedies
13 Code, is amended to read as follows:

14 (a) A person must bring suit for personal injury not later
15 than 30 years after the day the cause of action accrues if the
16 injury arises as a result of conduct that violates:

17 (1) Section 22.011(a)(2), Penal Code (sexual assault
18 of a child);

19 (2) Section 22.021(a)(1)(B), Penal Code (aggravated
20 sexual assault of a child);

21 (3) Section 21.02, Penal Code (continuous sexual abuse
22 of young child or children);

23 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
24 Section 20A.02(a)(8), Penal Code, involving an activity described
25 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
26 with a child trafficked in the manner described by Section
27 20A.02(a)(7), Penal Code (certain sexual trafficking of a child);

1 (5) Section 43.05(a)(2) or (3), Penal Code (compelling
2 prostitution by a child or a person with a disability); or

3 (6) Section 21.11, Penal Code (indecenty with a
4 child).

5 SECTION 5. Article 12.01, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 12.01. FELONIES. Except as provided in Article 12.03,
8 felony indictments may be presented within these limits, and not
9 afterward:

10 (1) no limitation:

11 (A) murder and manslaughter;

12 (B) sexual assault under Section 22.011(a)(2),
13 Penal Code, or aggravated sexual assault under Section
14 22.021(a)(1)(B), Penal Code;

15 (C) sexual assault, if:

16 (i) during the investigation of the offense
17 biological matter is collected and the matter:

18 (a) has not yet been subjected to
19 forensic DNA testing; or

20 (b) has been subjected to forensic DNA
21 testing and the testing results show that the matter does not match
22 the victim or any other person whose identity is readily
23 ascertained; or

24 (ii) probable cause exists to believe that
25 the defendant has committed the same or a similar sex offense
26 against five or more victims;

27 (D) continuous sexual abuse of young child or

1 children under Section 21.02, Penal Code;

2 (E) indecency with a child under Section 21.11,
3 Penal Code;

4 (F) an offense involving leaving the scene of an
5 accident under Section 550.021, Transportation Code, if the
6 accident resulted in the death of a person;

7 (G) trafficking of persons under Section
8 20A.02(a)(7) or (8), Penal Code;

9 (H) continuous trafficking of persons under
10 Section 20A.03, Penal Code; or

11 (I) compelling prostitution under Section
12 43.05(a)(2) or (3), Penal Code;

13 (2) ten years from the date of the commission of the
14 offense:

15 (A) theft of any estate, real, personal or mixed,
16 by an executor, administrator, guardian or trustee, with intent to
17 defraud any creditor, heir, legatee, ward, distributee,
18 beneficiary or settlor of a trust interested in such estate;

19 (B) theft by a public servant of government
20 property over which the public servant exercises control in the
21 public servant's official capacity;

22 (C) forgery or the uttering, using or passing of
23 forged instruments;

24 (D) injury to an elderly or disabled individual
25 punishable as a felony of the first degree under Section 22.04,
26 Penal Code;

27 (E) sexual assault, except as provided by

1 Subdivision (1) or (7);

2 (F) arson;

3 (G) trafficking of persons under Section
4 20A.02(a)(1), (2), (3), or (4), Penal Code; or

5 (H) compelling prostitution under Section
6 43.05(a)(1), Penal Code;

7 (3) seven years from the date of the commission of the
8 offense:

9 (A) misapplication of fiduciary property or
10 property of a financial institution;

11 (B) securing execution of document by deception;

12 (C) a felony violation under Chapter 162, Tax
13 Code;

14 (D) false statement to obtain property or credit
15 under Section 32.32, Penal Code;

16 (E) money laundering;

17 (F) credit card or debit card abuse under Section
18 32.31, Penal Code;

19 (G) fraudulent use or possession of identifying
20 information under Section 32.51, Penal Code;

21 (H) exploitation of a child, elderly individual,
22 or disabled individual under Section 32.53, Penal Code;

23 (I) health care fraud under Section 35A.02, Penal
24 Code; or

25 (J) bigamy under Section 25.01, Penal Code,
26 except as provided by Subdivision (6);

27 (4) five years from the date of the commission of the

1 offense:

2 (A) theft or robbery;

3 (B) except as provided by Subdivision (5),
4 kidnapping or burglary;

5 (C) injury to an elderly or disabled individual
6 that is not punishable as a felony of the first degree under Section
7 [22.04](#), Penal Code;

8 (D) abandoning or endangering a child; or

9 (E) insurance fraud;

10 (5) if the investigation of the offense shows that the
11 victim is younger than 17 years of age at the time the offense is
12 committed, 20 years from the 18th birthday of the victim of one of
13 the following offenses:

14 (A) sexual performance by a child under Section
15 [43.25](#), Penal Code;

16 (B) aggravated kidnapping under Section
17 [20.04\(a\)\(4\)](#), Penal Code, if the defendant committed the offense
18 with the intent to violate or abuse the victim sexually; or

19 (C) burglary under Section [30.02](#), Penal Code, if
20 the offense is punishable under Subsection (d) of that section and
21 the defendant committed the offense with the intent to commit an
22 offense described by Subdivision (1)(B) or (D) of this article or
23 Paragraph (B) of this subdivision;

24 (6) ten years from the 18th birthday of the victim of
25 the offense:

26 (A) trafficking of persons under Section
27 [20A.02\(a\)\(5\)](#) or (6), Penal Code;

1 (B) injury to a child under Section 22.04, Penal
2 Code; or

3 (C) bigamy under Section 25.01, Penal Code, if
4 the investigation of the offense shows that the person, other than
5 the legal spouse of the defendant, whom the defendant marries or
6 purports to marry or with whom the defendant lives under the
7 appearance of being married is younger than 18 years of age at the
8 time the offense is committed;

9 (7) two years from the date the offense was
10 discovered: sexual assault punishable as a state jail felony under
11 Section 22.011(f)(2), Penal Code; or

12 (8) three years from the date of the commission of the
13 offense: all other felonies.

14 SECTION 6. Article 62.101(a), Code of Criminal Procedure,
15 is amended to read as follows:

16 (a) Except as provided by Subsection (b) and Subchapter I,
17 the duty to register for a person ends when the person dies if the
18 person has a reportable conviction or adjudication, other than an
19 adjudication of delinquent conduct, for:

20 (1) a sexually violent offense;

21 (2) an offense under Section 20A.02(a)(3), (4), (7),
22 or (8), 25.02, 43.05(a)(2) or (3), or 43.26, Penal Code;

23 (3) an offense under Section 20A.03, Penal Code, if
24 based partly or wholly on conduct that constitutes an offense under
25 Section 20A.02(a)(3), (4), (7), or (8) of that code;

26 (4) an offense under Section 21.11(a)(2), Penal Code,
27 if before or after the person is convicted or adjudicated for the

1 offense under Section 21.11(a)(2), Penal Code, the person receives
2 or has received another reportable conviction or adjudication,
3 other than an adjudication of delinquent conduct, for an offense or
4 conduct that requires registration under this chapter;

5 (5) an offense under Section 20.02, 20.03, or 20.04,
6 Penal Code, if:

7 (A) the judgment in the case contains an
8 affirmative finding under Article 42.015 or, for a deferred
9 adjudication, the papers in the case contain an affirmative finding
10 that the victim or intended victim was younger than 17 years of age;
11 and

12 (B) before or after the person is convicted or
13 adjudicated for the offense under Section 20.02, 20.03, or 20.04,
14 Penal Code, the person receives or has received another reportable
15 conviction or adjudication, other than an adjudication of
16 delinquent conduct, for an offense or conduct that requires
17 registration under this chapter; or

18 (6) an offense under Section 43.23, Penal Code, that
19 is punishable under Subsection (h) of that section.

20 SECTION 7. The change in law made by this Act applies only
21 to an offense committed on or after the effective date of this Act.
22 An offense committed before the effective date of this Act is
23 governed by the law in effect on the date the offense was committed,
24 and the former law is continued in effect for that purpose. For
25 purposes of this section, an offense was committed before the
26 effective date of this Act if any element of the offense occurred
27 before that date.

1 SECTION 8. This Act takes effect September 1, 2021.