

By: Taylor

S.B. No. 1831

A BILL TO BE ENTITLED

AN ACT

relating to the increase of penalties for those who engage in the crime of solicitation or trafficking on school premises.

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

SECTION 1. Section 33.021, Penal Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) The punishment for an offense under this section is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that:

(1) the actor committed the offense during regular public or private primary or secondary school hours; and

(2) the actor knew or reasonably should have known that the minor was enrolled in a public or private primary or secondary school at the time of the offense.

SECTION 2. Section 43.01, Penal Code, is amended to read as follows:

(1) "Access software provider" means a provider of software, including client or server software, or enabling tools that perform one or more of the following functions:

(A) filter, screen, allow, or disallow content;

(B) select, analyze, or digest content; or

(C) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.

(1-a) "Deviate sexual intercourse" means any contact between

1 the genitals of one person and the mouth or anus of another person.

2 (1-b) "Fee" means the payment or offer of payment in the form  
3 of money, goods, services, or other benefit.

4 (1-c) "Information content provider" means any person or  
5 entity that is wholly or partly responsible for the creation or  
6 development of information provided through the Internet or any  
7 other interactive computer service.

8 (1-d) "Interactive computer service" means any information  
9 service, system, or access software provider that provides or  
10 enables computer access to a computer server by multiple users,  
11 including a service or system that provides  
12 access to the Internet or a system operated or service offered by a  
13 library or educational institution.

14 (1-e) "Internet" means the international computer network of  
15 both federal and nonfederal interoperable packet switched data  
16 networks.

17 (2) "Premises" has the meaning assigned by Section  
18 481.134, Health and Safety Code.

19 ~~(2)~~ (3) "Prostitution" means the offense defined in  
20 Section 43.02.

21 (4) "School" means a private or public elementary or  
22 secondary school.

23 ~~(3)~~ (5) "Sexual contact" means any touching of the  
24 anus, breast, or any part of the genitals of another person with  
25 intent to arouse or gratify the sexual desire of any person.

26 ~~(4)~~ (6) "Sexual conduct" includes deviate sexual  
27 intercourse, sexual contact, and sexual intercourse.

1           ~~(5)~~ (7) "Sexual intercourse" means any penetration of  
2 the female sex organ by the male sex organ.

3           SECTION 3. Section 43.02, Penal Code, is amended by adding  
4 Subsection (c-2) to read as follows:

5           (c-2) The punishment prescribed for an offense under  
6 Subsection (b) is increased to the punishment prescribed for the  
7 next highest category of offense if it is shown beyond a reasonable  
8 doubt on the trial of the offense that the actor committed the  
9 offense in a location:

- 10           (1) on the premises of a school;  
11           (2) within 600 feet of the premises of a school;  
12           (3) on the premises or within 600 feet of the premises

13 where:

14                   (A) an official school function was taking place;

15 or

16                   (B) an event sponsored or sanctioned by the  
17 University Interscholastic League was taking place;

18           SECTION 4. Section 20A.02, Penal Code, is amended to read as  
19 follows:

20           (b) Except as otherwise provided by this subsection, an  
21 offense under this section is a felony of the second degree. An  
22 offense under this section is a felony of the first degree if:

23                   (1) the applicable conduct constitutes an offense  
24 under Subsection (a)(5), (6), (7), or (8), regardless of whether  
25 the actor knows the age of the child at the time of the offense;

26                   (2) the commission of the offense occurs:

27                           (A) on the premises of a school;

1                    (B) within 600 feet of the premises of a school;  
2                    (C) on the premises or within 600 feet of the  
3 premises where:

4                    (i) an official school function was taking  
5 place; or

6                    (ii) an event sponsored or sanctioned by  
7 the University Interscholastic League was taking  
8 place;

9                    ~~(2)~~ (3) the commission of the offense results in the  
10 death of the person who is trafficked; or

11                    ~~(3)~~ (4) the commission of the offense results in the  
12 death of an unborn child of the person who is trafficked.

13                    SECTION 5. Section 20A.01, Penal Code, is amended by adding  
14 Subsections (3) and (4) to read as follows:

15                    (1) "Child" means a person younger than 18 years of  
16 age.

17                    (2) "Commission" means the Health and Human Services  
18 Commission.

19                    (3) "Executive Commissioner" means the Executive  
20 Commissioner of the Health and Human Services Commissioner.

21                    ~~(2)~~ (4) "Forced labor or services" means labor or  
22 services, other than labor or services that constitute sexual  
23 conduct, that are performed or provided by another person and  
24 obtained through an actor's use of force, fraud, or coercion.

25                    (5) "School" means a private or public elementary or  
26 secondary school.

27                    ~~(3)~~ (6) "Sexual conduct" has the meaning assigned by

1 Section 43.25.

2 (7) "Premises" has the meaning assigned by Section  
3 481.134, Health and Safety Code.

4 ~~(4)~~ (8) "Traffic" means to transport, entice, recruit,  
5 harbor, provide, or otherwise obtain another person by any means.

6 SECTION 6. Chapter 20A, Penal Code, is amended by adding  
7 Sections 20A.05 to read as follows:

8 Sec. 20A.05. POSTING NOTICE OF NO TRAFFICKING ZONES. (a) a  
9 school, as defined by this Chapter, shall post "No Trafficking"  
10 notices on the premises of the school in the following locations:

11 (1) parallel to and along the exterior boundaries of  
12 the school's premises;

13 (2) at each roadway or other way of access to the  
14 premises;

15 (3) for premises not fenced, at least every five  
16 hundred feet along the exterior boundaries of the premises;

17 (4) at each entrance to the premises; and

18 (5) at conspicuous places reasonably likely to be  
19 viewed by all persons entering the premises.

20 (b) Each "No Trafficking" notice posted on the premises of a  
21 school must:

22 (1) include a description of the provisions of  
23 Subsection 20A.02(b)(2), Penal Code, including the penalties for  
24 violating Subsection 20A.02, Penal Code;

25 (2) include the name and address of the person under  
26 whose authority the notice is posted;

27 (3) be written in English and Spanish; and

1           (4) be at least 8-1/2 by 11 inches in size.

2           (c) The executive commissioner by rule shall determine and  
3 prescribe the requirements regarding the placement, installation,  
4 design, size, wording, and maintenance procedures for the "No  
5 Trafficking" notices.

6           (d) The commission shall provide without charge to schools  
7 the number of "No Trafficking" notices required to comply with this  
8 section and rules adopted under this section.

9           SECTION 7. The change in law made by this Act applies only  
10 to an offense committed on or after the effective date of this Act.  
11 An offense committed before the effective date of this Act is  
12 governed by the law in effect on the date the offense was committed,  
13 and the former law is continued in effect for that purpose. For  
14 purposes of this section, an offense was committed before the  
15 effective date of this Act if any element of the offense occurred  
16 before that date.

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