

By: Thierry

H.B. No. 1059

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, to the provision of services to those persons, and
5 to the prosecution of related criminal offenses.

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

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

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

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

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

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

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

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

22 (3) conduct prohibited by city ordinance or by state
23 law involving the inhalation of the fumes or vapors of paint and
24 other protective coatings or glue and other adhesives and the

1 volatile chemicals itemized in Section 485.001, Health and Safety
2 Code;

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

7 (5) notwithstanding Subsection (a)(1), conduct
8 described by Section [~~43.02~~ or] 43.021, Penal Code;

9 (6) notwithstanding Subsection (a)(1), conduct that
10 violates Section 43.261, Penal Code; or

11 (7) notwithstanding Subsection (a)(1), conduct that
12 violates Section 42.0601, Penal Code, if the child has not
13 previously been adjudicated as having engaged in conduct violating
14 that section.

15 (d) Notwithstanding Subsection (a)(1), conduct that
16 violates Section 43.02, Penal Code, is not delinquent conduct or
17 conduct indicating a need for supervision. A child may not be
18 referred to the juvenile court for conduct that violates Section
19 43.02, Penal Code.

20 (d-1) A law enforcement officer who suspects that a child
21 may be a victim of an offense under Chapter 20A, Penal Code, or may
22 have engaged in conduct that violates Section 43.02, Penal Code,
23 shall take possession of the child in accordance with Section
24 262.104. The officer shall, as soon as possible, transfer
25 possession of the child to the Department of Family and Protective
26 Services. The Department of Family and Protective Services shall,
27 on taking possession of the child, contact a local service provider

1 or care coordinator who will, in consultation with the child sex
2 trafficking prevention unit established under Section 772.0062,
3 Government Code, and the governor's program for victims of child
4 sex trafficking established under Section 772.0063, Government
5 Code, facilitate the assignment of a caseworker for the child to
6 create a customized package of services to fit the child's
7 immediate and long-term rehabilitation and treatment needs,
8 including medical, psychiatric, psychological, safety, and housing
9 needs.

10 SECTION 3. Chapter 20A, Penal Code, is amended by adding
11 Section 20A.05 to read as follows:

12 Sec. 20A.05. DEFENSE EXCLUDED. It is not a defense to
13 prosecution under this chapter that the person trafficked by the
14 actor was forced to engage in conduct:

- 15 (1) prohibited by Section 43.02; and
16 (2) for which the person may not be prosecuted as
17 provided by Section 43.02(b).

18 SECTION 4. Section 43.02, Penal Code, is amended by adding
19 Subsection (b) to read as follows:

20 (b) A person may not be prosecuted for an offense under this
21 section that the person committed when younger than 17 years of age.

22 SECTION 5. Subchapter A, Chapter 43, Penal Code, is amended
23 by adding Section 43.07 to read as follows:

24 Sec. 43.07. DEFENSE EXCLUDED. It is not a defense to
25 prosecution under Section 43.021, 43.03, 43.031, 43.04, 43.041, or
26 43.05 that the person who engaged in conduct prohibited by Section
27 43.02 may not be prosecuted for that conduct as provided by Section

1 [43.02\(b\)](#).

2 SECTION 6. The change in law made by this Act applies only
3 to an offense committed or conduct that occurs on or after the
4 effective date of this Act. An offense committed or conduct that
5 occurs before the effective date of this Act is governed by the law
6 in effect on the date the offense was committed or the conduct
7 occurred, and the former law is continued in effect for that
8 purpose. For purposes of this section, an offense was committed or
9 conduct occurred before the effective date of this Act if any
10 element of the offense or conduct occurred before that date.

11 SECTION 7. This Act takes effect September 1, 2023.