

1 AN ACT

2 relating to human trafficking, including the prosecution and  
3 punishment of compelling and solicitation of prostitution and other  
4 sexual or assaultive offenses; increasing a criminal penalty;  
5 creating a criminal offense.

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

7 ARTICLE 1. HUMAN TRAFFICKING PREVENTION COORDINATING COUNCIL AND  
8 HUMAN TRAFFICKING PREVENTION TASK FORCE

9 SECTION 1.01. Sections 402.034(c), (f), and (g), Government  
10 Code, are amended to read as follows:

11 (c) The council is composed of the following:

12 (1) the governor or the governor's designee;

13 (2) the attorney general or the attorney general's  
14 designee;

15 (3) the commissioner of the Department of Family and  
16 Protective Services or the commissioner's designee;

17 (4) the public safety director of the Department of  
18 Public Safety or the director's designee;

19 (5) one representative from each of the following  
20 state agencies, appointed by the chief administrative officer of  
21 the respective agency:

22 (A) the Texas Workforce Commission;

23 (B) the Texas Alcoholic Beverage Commission;

24 (C) the Parks and Wildlife Department; ~~and~~

1 (D) the Texas Department of Licensing and  
2 Regulation;

3 (E) the Texas Education Agency; and

4 (F) the Texas Department of Transportation; and

5 (6) one representative of any other state agency  
6 appointed by the chief administrative officer of the agency, if the  
7 ~~[human trafficking prevention task force established under Section~~  
8 ~~402.035 and the]~~ council determines ~~[determine]~~ that a  
9 representative from the state agency is a necessary member of the  
10 council.

11 (f) The strategic plan must include:

12 (1) an inventory of human trafficking prevention  
13 programs and services in this state that are administered by state  
14 agencies, including an institution ~~[institutions]~~ of higher  
15 education as defined by Section 61.003, Education Code, or a  
16 private college or university that receives state funds~~[, and~~  
17 ~~political subdivisions]~~;

18 (2) regarding the programs and services described by  
19 Subdivision (1):

20 (A) a report on the number of persons served by  
21 the programs and services; and

22 (B) a plan to coordinate the programs and  
23 services to achieve the following goals:

24 (i) eliminate redundancy;

25 (ii) ensure the agencies' use of best  
26 practices in preventing human trafficking; and

27 (iii) identify and collect data regarding

1 the efficacy of the programs and services; and

2 (3) in relation to the goals for programs and services  
3 as described by Subdivision (2)(B), a plan to coordinate the  
4 expenditure of state funds allocated to prevent human trafficking  
5 in this state, including the expenditure of state funds by the human  
6 trafficking prevention task force established under Section  
7 402.035.

8 (g) Not later than December 1 of each even-numbered year,  
9 the council shall submit to the legislature a report detailing the  
10 progress of the strategic plan's implementation. The report must  
11 include:

12 (1) a description of the level of participation in the  
13 strategic plan by each agency represented on the council and how the  
14 implementation of the strategic plan serves to coordinate the  
15 programs and services described by Subsection (f)(1) and achieve  
16 the goals described by Subsection (f)(2)(B); and

17 (2) an update of the inventory of programs and  
18 services described by Subsection (f)(1) that further ~~[and how each~~  
19 ~~program or service furthers]~~ the goals of the strategic plan.

20 SECTION 1.02. Section 402.035, Government Code, is amended  
21 by amending Subsections (c), (d), and (f-1) and adding Subsection  
22 (c-1) to read as follows:

23 (c) The task force is composed of the following:

24 (1) the governor or the governor's designee;

25 (2) the attorney general or the attorney general's  
26 designee;

27 (3) the executive commissioner of the Health and Human

1 Services Commission or the executive commissioner's designee;

2 (4) the commissioner of the Department of Family and  
3 Protective Services or the commissioner's designee;

4 (5) the commissioner of the Department of State Health  
5 Services or the commissioner's designee;

6 (6) the public safety director of the Department of  
7 Public Safety or the director's designee;

8 (7) one representative from each of the following  
9 state agencies, appointed by the chief administrative officer of  
10 the respective agency:

11 (A) the Texas Workforce Commission;

12 (B) the Texas Department of Criminal Justice;

13 (C) the Texas Juvenile Justice Department;

14 (D) the Texas Education Agency;

15 (E) the Texas Alcoholic Beverage Commission;

16 (F) the Parks and Wildlife Department;

17 (G) the Supreme Court of Texas Permanent Judicial  
18 Commission for Children, Youth and Families;

19 (H) the Texas Department of Licensing and  
20 Regulation;

21 (I) the Office of Court Administration of the  
22 Texas Judicial System;

23 (J) the office of the secretary of state; ~~and~~

24 (K) the Texas Commission on Law Enforcement; and

25 (L) the Texas Department of Transportation; and

26 (8) as appointed by the attorney general:

27 (A) a chief public defender employed by a public

1 defender's office, as defined by Article 26.044(a), Code of  
2 Criminal Procedure, or an attorney designated by the chief public  
3 defender;

4 (B) an attorney representing the state;

5 (C) a representative of:

6 (i) a hotel and motel association;

7 (ii) a district and county attorneys  
8 association;

9 (iii) a state police association; and

10 (iv) a statewide medical association;

11 (D) a representative [~~representatives~~] of a  
12 sheriff's department [~~departments~~];

13 (E) a representative [~~representatives~~] of a  
14 local law enforcement agency [~~agencies~~] affected by human  
15 trafficking; ~~and~~

16 (F) a representative [~~representatives~~] of a  
17 nongovernmental entity [~~entities~~] making comprehensive efforts to  
18 combat human trafficking by:

19 (i) identifying human trafficking victims;

20 (ii) providing legal or other services to  
21 human trafficking victims;

22 (iii) participating in community outreach  
23 or public awareness efforts regarding human trafficking;

24 (iv) providing or developing training  
25 regarding the prevention of human trafficking; and ~~or~~

26 (v) engaging in other activities designed  
27 to prevent human trafficking; and

1                    (G) representatives of regional human  
2 trafficking task forces or coalitions.

3            (c-1) The attorney general shall annually evaluate the  
4 input and participation of members appointed under Subsection  
5 (c)(8) and, if necessary, appoint new members who will collaborate  
6 and contribute to the task force.

7            (d) The task force shall:

8                    (1) collaborate, as needed to fulfill the duties of  
9 the task force, with:

10                    (A) United States attorneys' offices for all of  
11 the federal districts of Texas; and

12                    (B) special agents or customs and border  
13 protection officers and border patrol agents of:

14                            (i) the Federal Bureau of Investigation;

15                            (ii) the United States Drug Enforcement  
16 Administration;

17                            (iii) the Bureau of Alcohol, Tobacco,  
18 Firearms and Explosives;

19                            (iv) United States Immigration and Customs  
20 Enforcement; or

21                            (v) the United States Department of  
22 Homeland Security;

23                    (2) collect, organize, and periodically publish  
24 statistical data on the nature and extent of human trafficking in  
25 this state, including:

26                            (A) the number of investigations concerning,  
27 arrests and prosecutions for, and convictions of:

1                   (i) the offense of trafficking of persons;  
2                   (ii) the offense of forgery or an offense  
3 under Chapter 43, Penal Code, if the offense was committed as part  
4 of a criminal episode involving the trafficking of persons; and  
5                   (iii) an offense punishable as a felony of  
6 the second degree under Section 43.021, Penal Code, regardless of  
7 whether the offense was committed as part of a criminal episode  
8 involving the trafficking of persons;  
9                   (B) demographic information on persons who are  
10 convicted of offenses described by Paragraph (A) and persons who  
11 are the victims of those offenses;  
12                   (C) geographic routes by which human trafficking  
13 victims are trafficked, including routes by which victims are  
14 trafficked across this state's international border, and  
15 geographic patterns in human trafficking, including the country or  
16 state of origin and the country or state of destination;  
17                   (D) means of transportation and methods used by  
18 persons who engage in trafficking to transport their victims; and  
19                   (E) social and economic factors that create a  
20 demand for the labor or services that victims of human trafficking  
21 are forced to provide [~~data described by Subdivisions (4)(A), (B),~~  
22 ~~(C), (D), and (E)]  
23                   (3) solicit cooperation and assistance from state and  
24 local governmental agencies, political subdivisions of the state,  
25 nongovernmental organizations, and other persons, as appropriate,  
26 for the purpose of collecting and organizing statistical data under  
27 Subdivision (2);~~

1           (4) ~~[ensure that each state or local governmental~~  
2 ~~agency and political subdivision of the state and each state or~~  
3 ~~local law enforcement agency, district attorney, or county attorney~~  
4 ~~that assists in the prevention of human trafficking collects~~  
5 ~~statistical data related to human trafficking, including, as~~  
6 ~~appropriate.~~

7                   ~~[(A) the number of investigations concerning,~~  
8 ~~arrests and prosecutions for, and convictions of:~~

9                           ~~[(i) the offense of trafficking of persons;~~

10                           ~~[(ii) the offense of forgery or an offense~~  
11 ~~under Chapter 43, Penal Code, if the offense was committed as part~~  
12 ~~of a criminal episode involving the trafficking of persons; and~~

13                           ~~[(iii) an offense punishable as a felony of~~  
14 ~~the second degree under Section 43.021, Penal Code, regardless of~~  
15 ~~whether the offense was committed as part of a criminal episode~~  
16 ~~involving the trafficking of persons;~~

17                   ~~[(B) demographic information on persons who are~~  
18 ~~convicted of offenses described by Paragraph (A) and persons who~~  
19 ~~are the victims of those offenses;~~

20                   ~~[(C) geographic routes by which human~~  
21 ~~trafficking victims are trafficked, including routes by which~~  
22 ~~victims are trafficked across this state's international border,~~  
23 ~~and geographic patterns in human trafficking, including the country~~  
24 ~~or state of origin and the country or state of destination;~~

25                   ~~[(D) means of transportation and methods used by~~  
26 ~~persons who engage in trafficking to transport their victims; and~~

27                   ~~[(E) social and economic factors that create a~~



1 ~~demand for the labor or services that victims of human trafficking~~  
2 ~~are forced to provide;~~

3           ~~(5)~~ work with the Texas Commission on Law  
4 Enforcement to develop and conduct training for law enforcement  
5 personnel, victim service providers, and medical service providers  
6 to identify victims of human trafficking;

7           (5) ~~(6)~~ work with the Texas Education Agency, the  
8 Department of Family and Protective Services, and the Health and  
9 Human Services Commission to:

10                   (A) develop a list of key indicators that a  
11 person is a victim of human trafficking;

12                   (B) develop a standardized curriculum for  
13 training doctors, nurses, emergency medical services personnel,  
14 teachers, school counselors, school administrators, and personnel  
15 from the Department of Family and Protective Services and the  
16 Health and Human Services Commission to identify and assist victims  
17 of human trafficking;

18                   (C) train doctors, nurses, emergency medical  
19 services personnel, teachers, school counselors, school  
20 administrators, and personnel from the Department of Family and  
21 Protective Services and the Health and Human Services Commission to  
22 identify and assist victims of human trafficking;

23                   (D) develop and conduct training for personnel  
24 from the Department of Family and Protective Services and the  
25 Health and Human Services Commission on methods for identifying  
26 children in foster care who may be at risk of becoming victims of  
27 human trafficking; and

1 (E) develop a process for referring identified  
2 human trafficking victims and individuals at risk of becoming  
3 victims to appropriate entities for services;

4 (6) [~~(7)~~] on the request of a judge of a county court,  
5 county court at law, or district court or a county attorney,  
6 district attorney, or criminal district attorney, assist and train  
7 the judge or the judge's staff or the attorney or the attorney's  
8 staff in the recognition and prevention of human trafficking;

9 (7) [~~(8)~~] examine training protocols related to human  
10 trafficking issues, as developed and implemented by federal, state,  
11 and local law enforcement agencies;

12 (8) [~~(9)~~] collaborate with state and local  
13 governmental agencies, political subdivisions of the state, and  
14 nongovernmental organizations to implement a media awareness  
15 campaign in communities affected by human trafficking;

16 (9) [~~(10)~~] develop recommendations on how to  
17 strengthen state and local efforts to prevent human trafficking,  
18 protect and assist human trafficking victims, curb markets and  
19 other economic avenues that facilitate human trafficking and  
20 investigate and prosecute human trafficking offenders;

21 (10) [~~(11)~~] examine:

22 (A) the extent to which human trafficking is  
23 associated with the operation of:

24 (i) sexually oriented businesses, as  
25 defined by Section 243.002, Local Government Code; ~~[7]~~ and

26 (ii) message establishments permitting  
27 conduct described by Section 455.202(b)(4), Occupations Code; and

1            (B) the workplace or public health concerns that  
2 are created by the association of human trafficking and the  
3 operation of sexually oriented businesses and massage  
4 establishments described by Paragraph (A);

5            (11) [~~(12)~~] develop recommendations for addressing  
6 the demand for forced labor or services or sexual conduct involving  
7 victims of human trafficking, including recommendations for  
8 increased penalties for individuals who engage or attempt to engage  
9 in solicitation of prostitution with victims younger than 18 years  
10 of age; and

11           (12) [~~(13)~~] identify and report to the governor and  
12 legislature on laws, licensure requirements, or other regulations  
13 that can be passed at the state and local level to curb trafficking  
14 using the Internet and in sexually oriented businesses and massage  
15 establishments.

16           (f-1) The following state agencies shall designate an  
17 individual who is authorized to coordinate the agency's resources  
18 to strengthen state and local efforts to prevent human trafficking,  
19 protect and assist human trafficking victims, and investigate and  
20 prosecute human trafficking offenders:

- 21            (1) the Texas Alcoholic Beverage Commission;
- 22            (2) the Department of Family and Protective Services;
- 23            (3) the Department of Public Safety;
- 24            (4) the Department of State Health Services;
- 25            (5) the Health and Human Services Commission;
- 26            (6) the Texas Juvenile Justice Department;
- 27            (7) the Texas Education Agency;

- 1           (8) the Texas Department of Transportation;
- 2           (9) the office of the attorney general; and
- 3           (10) [~~(8)~~] the office of the governor.

4           SECTION 1.03. As soon as practicable after the effective  
5 date of this Act, the Texas Education Agency and the Texas  
6 Department of Transportation, as applicable, shall appoint  
7 representatives and designate individuals as required by Sections  
8 402.034(c) and 402.035(c) and (f-1), Government Code, as amended by  
9 this article.

10          ARTICLE 2. TRAFFICKING OF PERSONS, SOLICITATION OF PROSTITUTION,  
11    AND COMPELLING PROSTITUTION

12          SECTION 2.01. Section 20A.01, Penal Code, is amended by  
13 adding Subdivision (1-b) to read as follows:

14                               (1-b) "Disabled individual" has the meaning assigned by  
15 Section 22.021(b).

16          SECTION 2.02. Sections 20A.02(a) and (b), Penal Code, are  
17 amended to read as follows:

- 18           (a) A person commits an offense if the person knowingly:
  - 19                               (1) traffics another person with the intent that the
  - 20 trafficked person engage in forced labor or services;
  - 21                               (2) receives a benefit from participating in a venture
  - 22 that involves an activity described by Subdivision (1), including
  - 23 by receiving labor or services the person knows are forced labor or
  - 24 services;
  - 25                               (3) traffics another person and, through force, fraud,
  - 26 or coercion, causes the trafficked person to engage in conduct
  - 27 prohibited by:

- 1 (A) Section 43.02 (Prostitution);
- 2 (B) Section 43.03 (Promotion of Prostitution);
- 3 (B-1) Section 43.031 (Online Promotion of
- 4 Prostitution);
- 5 (C) Section 43.04 (Aggravated Promotion of
- 6 Prostitution);
- 7 (C-1) Section 43.041 (Aggravated Online
- 8 Promotion of Prostitution); or
- 9 (D) Section 43.05 (Compelling Prostitution);
- 10 (4) receives a benefit from participating in a venture
- 11 that involves an activity described by Subdivision (3) or engages
- 12 in sexual conduct with a person trafficked in the manner described
- 13 in Subdivision (3);
- 14 (5) traffics a child or disabled individual with the
- 15 intent that the trafficked child or disabled individual engage in
- 16 forced labor or services;
- 17 (6) receives a benefit from participating in a venture
- 18 that involves an activity described by Subdivision (5), including
- 19 by receiving labor or services the person knows are forced labor or
- 20 services;
- 21 (7) traffics a child or disabled individual and by any
- 22 means causes the trafficked child or disabled individual to engage
- 23 in, or become the victim of, conduct prohibited by:
- 24 (A) Section 21.02 (Continuous Sexual Abuse of
- 25 Young Child or Disabled Individual);
- 26 (B) Section 21.11 (Indecency with a Child);
- 27 (C) Section 22.011 (Sexual Assault);

- 1 (D) Section 22.021 (Aggravated Sexual Assault);  
2 (E) Section 43.02 (Prostitution);  
3 (E-1) Section 43.021 (Solicitation of  
4 Prostitution);  
5 (F) Section 43.03 (Promotion of Prostitution);  
6 (F-1) Section 43.031 (Online Promotion of  
7 Prostitution);  
8 (G) Section 43.04 (Aggravated Promotion of  
9 Prostitution);  
10 (G-1) Section 43.041 (Aggravated Online  
11 Promotion of Prostitution);  
12 (H) Section 43.05 (Compelling Prostitution);  
13 (I) Section 43.25 (Sexual Performance by a  
14 Child);  
15 (J) Section 43.251 (Employment Harmful to  
16 Children); or  
17 (K) Section 43.26 (Possession or Promotion of  
18 Child Pornography); or  
19 (8) receives a benefit from participating in a venture  
20 that involves an activity described by Subdivision (7) or engages  
21 in sexual conduct with a child or disabled individual trafficked in  
22 the manner described in Subdivision (7).  
23 (b) Except as otherwise provided by this subsection and  
24 Subsection (b-1), an offense under this section is a felony of the  
25 second degree. An offense under this section is a felony of the  
26 first degree if:  
27 (1) the applicable conduct constitutes an offense

1 under Subsection (a)(5), (6), (7), or (8), regardless of whether  
2 the actor knows the age of the child or whether the actor knows the  
3 victim is disabled at the time of the offense;

4 (2) the commission of the offense results in serious  
5 bodily injury to or the death of the person who is trafficked;

6 (3) the commission of the offense results in the death  
7 of an unborn child of the person who is trafficked; or

8 (4) the actor:

9 (A) used or exhibited a deadly weapon during the  
10 commission of the offense;

11 (B) intentionally, knowingly, or recklessly  
12 impeded the normal breathing or circulation of the blood of the  
13 trafficked person by applying pressure to the person's throat or  
14 neck or by blocking the person's nose or mouth; or

15 (C) recruited, enticed, or obtained the  
16 trafficked person [~~victim of the offense~~] from a shelter or  
17 facility operating as a residential treatment center that serves  
18 runaway youth, foster children, the homeless, or persons subjected  
19 to human trafficking, domestic violence, or sexual assault.

20 SECTION 2.03. Section 43.021(b), Penal Code, is amended to  
21 read as follows:

22 (b) An offense under Subsection (a) is a state jail felony,  
23 except that the offense is:

24 (1) a felony of the third degree if the actor has  
25 previously been convicted of an offense under Subsection (a) or  
26 under Section 43.02(b), as that law existed before September 1,  
27 2021; or

1 (2) a felony of the second degree if the person to  
2 ~~[with]~~ whom the actor offers or agrees to pay the fee for the  
3 purpose of engaging ~~[to engage]~~ in sexual conduct is:

4 (A) younger than 18 years of age, regardless of  
5 whether the actor knows the age of the person at the time of the  
6 offense;

7 (B) represented to the actor as being younger  
8 than 18 years of age; or

9 (C) believed by the actor to be younger than 18  
10 years of age.

11 SECTION 2.04. Section 43.02(c-2), Penal Code, as added by  
12 Chapters 807 (H.B. 1540) and 1049 (S.B. 1831), Acts of the 87th  
13 Legislature, Regular Session, 2021, is transferred to Section  
14 43.021, Penal Code, redesignated as Section 43.021(b-1), Penal  
15 Code, and amended to read as follows:

16 (b-1) ~~[(c-2)]~~ The punishment prescribed for an offense  
17 under Subsection (a) ~~[(b)]~~ is increased to the punishment  
18 prescribed for the next highest category of offense if it is shown  
19 on the trial of the offense that the actor committed the offense in  
20 a location that was:

21 (1) on the premises of or within 1,000 feet of the  
22 premises of a school; or

23 (2) on premises or within 1,000 feet of premises  
24 where:

25 (A) an official school function was taking place;  
26 or

27 (B) an event sponsored or sanctioned by the



1 University Interscholastic League was taking place.

2 SECTION 2.05. Section 43.05(a), Penal Code, is amended to  
3 read 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 disabled individual, as  
11 defined by Section 22.021(b), to commit prostitution, regardless of  
12 whether the actor knows the individual is disabled at the time of  
13 the offense.

14 SECTION 2.06. Section 16.0045(a), Civil Practice and  
15 Remedies Code, is amended to read as follows:

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

19 (1) Section 22.011(a)(2), Penal Code (sexual assault  
20 of a child);

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

23 (3) Section 21.02, Penal Code (continuous sexual abuse  
24 of young child or disabled individual);

25 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or  
26 Section 20A.02(a)(8), Penal Code, involving an activity described  
27 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct

1 with a child or disabled individual trafficked in the manner  
2 described by Section 20A.02(a)(7), Penal Code (certain sexual  
3 trafficking [~~of a child~~]);

4 (5) Section 43.05(a)(2) or (3), Penal Code (compelling  
5 prostitution by a child or disabled individual); or

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

8 SECTION 2.07. Article 12.01, Code of Criminal Procedure, is  
9 amended to read as follows:

10 Art. 12.01. FELONIES. Except as provided in Article 12.03,  
11 felony indictments may be presented within these limits, and not  
12 afterward:

13 (1) no limitation:

14 (A) murder and manslaughter;

15 (B) sexual assault under Section 22.011(a)(2),  
16 Penal Code, or aggravated sexual assault under Section  
17 22.021(a)(1)(B), Penal Code;

18 (C) sexual assault, if:

19 (i) during the investigation of the offense  
20 biological matter is collected and the matter:

21 (a) has not yet been subjected to  
22 forensic DNA testing; or

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

27 (ii) probable cause exists to believe that

1 the defendant has committed the same or a similar sex offense  
2 against five or more victims;

3 (D) continuous sexual abuse of young child or  
4 disabled individual under Section 21.02, Penal Code;

5 (E) indecency with a child under Section 21.11,  
6 Penal Code;

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

10 (G) trafficking of persons under Section  
11 20A.02(a)(7) or (8), Penal Code;

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

14 (I) compelling prostitution under Section  
15 43.05(a)(2) or (3), Penal Code;

16 (2) ten years from the date of the commission of the  
17 offense:

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

22 (B) theft by a public servant of government  
23 property over which the public servant exercises control in the  
24 public servant's official capacity;

25 (C) forgery or the uttering, using, or passing of  
26 forged instruments;

27 (D) injury to an elderly or disabled individual

1 punishable as a felony of the first degree under Section 22.04,  
2 Penal Code;

3 (E) sexual assault, except as provided by  
4 Subdivision (1) or (7);

5 (F) arson;

6 (G) trafficking of persons under Section  
7 20A.02(a)(1), (2), (3), or (4), Penal Code; or

8 (H) compelling prostitution under Section  
9 43.05(a)(1), Penal Code;

10 (3) seven years from the date of the commission of the  
11 offense:

12 (A) misapplication of fiduciary property or  
13 property of a financial institution;

14 (B) fraudulent securing of document execution;

15 (C) a felony violation under Chapter 162, Tax  
16 Code;

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

19 (E) money laundering;

20 (F) credit card or debit card abuse under Section  
21 32.31, Penal Code;

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

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

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

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

3 (4) five years from the date of the commission of the  
4 offense:

5 (A) theft or robbery;

6 (B) except as provided by Subdivision (5),  
7 kidnapping or burglary;

8 (C) injury to an elderly or disabled individual  
9 that is not punishable as a felony of the first degree under Section  
10 22.04, Penal Code;

11 (D) abandoning or endangering a child; or

12 (E) insurance fraud;

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

17 (A) sexual performance by a child under Section  
18 43.25, Penal Code;

19 (B) aggravated kidnapping under Section  
20 20.04(a)(4), Penal Code, if the defendant committed the offense  
21 with the intent to violate or abuse the victim sexually; or

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

27 (6) ten years from the 18th birthday of the victim of

1 the offense:

2 (A) trafficking of a child [~~persons~~] under  
3 Section 20A.02(a)(5) or (6), Penal Code;

4 (B) injury to a child under Section 22.04, Penal  
5 Code; or

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

12 (7) ten years from the date the offense was  
13 discovered: trafficking of a disabled individual under Section  
14 20A.02(a)(5) or (6), Penal Code;

15 (8) two years from the date the offense was  
16 discovered: sexual assault punishable as a state jail felony under  
17 Section 22.011(f)(2), Penal Code; or

18 (9) [~~8~~] three years from the date of the commission  
19 of the offense: all other felonies.

20 SECTION 2.08. Section 2(a), Article 38.37, Code of Criminal  
21 Procedure, is amended to read as follows:

22 (a) Subsection (b) applies only to the trial of a defendant  
23 for:

24 (1) an offense under any of the following provisions  
25 of the Penal Code:

26 (A) Section 20A.02, if punishable as a felony of  
27 the first degree under Section 20A.02(b)(1) (Labor or Sex

1 Trafficking of a Child or Disabled Individual);

2 (B) Section 21.02 (Continuous Sexual Abuse of  
3 Young Child or Disabled Individual);

4 (C) Section 21.11 (Indecency With a Child);

5 (D) Section 22.011(a)(2) (Sexual Assault of a  
6 Child);

7 (E) Sections 22.021(a)(1)(B) and (2) (Aggravated  
8 Sexual Assault of a Child);

9 (F) Section 33.021 (Online Solicitation of a  
10 Minor);

11 (G) Section 43.25 (Sexual Performance by a  
12 Child); or

13 (H) Section 43.26 (Possession or Promotion of  
14 Child Pornography), Penal Code; or

15 (2) an attempt or conspiracy to commit an offense  
16 described by Subdivision (1).

17 SECTION 2.09. Article 62.101(a), Code of Criminal  
18 Procedure, is amended to read as follows:

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

23 (1) a sexually violent offense;

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

26 (3) an offense under Section 20A.03, Penal Code, if  
27 based partly or wholly on conduct that constitutes an offense under

1 Section 20A.02(a)(3), (4), (7), or (8) of that code;

2 (4) an offense under Section 21.11(a)(2), Penal Code,  
3 if before or after the person is convicted or adjudicated for the  
4 offense under Section 21.11(a)(2), Penal Code, the person receives  
5 or has received another reportable conviction or adjudication,  
6 other than an adjudication of delinquent conduct, for an offense or  
7 conduct that requires registration under this chapter;

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

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

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

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

23 SECTION 2.10. Section 772.0062(a)(1), Government Code, is  
24 amended to read as follows:

25 (1) "Child sex trafficking" means conduct  
26 constituting an offense [prohibited] under Section 20A.02(a)(7) or  
27 (8), Penal Code, that is committed against a child.



1 SECTION 2.11. The change in law made by this article applies  
2 only to an offense committed on or after the effective date of this  
3 Act. An offense committed before the effective date of this Act is  
4 governed by the law in effect on the date the offense was committed,  
5 and the former law is continued in effect for that purpose. For  
6 purposes of this section, an offense was committed before the  
7 effective date of this Act if any element of the offense occurred  
8 before that date.

9 SECTION 2.12. To the extent of any conflict, this article  
10 prevails over another Act of the 88th Legislature, Regular Session,  
11 2023, relating to nonsubstantive additions to and corrections in  
12 enacted codes.

13 ARTICLE 3. ADMISSIBILITY OF CERTAIN HEARSAY STATEMENTS AND  
14 EXTRANEOUS OFFENSES OR ACTS

15 SECTION 3.01. Section 1, Article 38.072, Code of Criminal  
16 Procedure, is amended to read as follows:

17 Sec. 1. This article applies to a proceeding in the  
18 prosecution of an offense under any of the following provisions of  
19 the Penal Code, if committed against a child younger than 18 [~~14~~]  
20 years of age or a person with a disability:

21 (1) Chapter 21 (Sexual Offenses) or 22 (Assaultive  
22 Offenses);

23 (2) Section 25.02 (Prohibited Sexual Conduct);

24 (3) Section 43.25 (Sexual Performance by a Child);

25 (4) Section 43.05(a)(2) or (3) (Compelling  
26 Prostitution);

27 (5) Section 20A.02(a)(5), (6), (7), [~~20A.02(a)(7)~~] or

1 (8) (Trafficking of Persons); ~~[or]~~

2 (6) Section 20A.03 (Continuous Trafficking of  
3 Persons), if based partly or wholly on conduct that constitutes an  
4 offense under Section 20A.02(a)(5), (6), (7), or (8); or

5 (7) Section 15.01 (Criminal Attempt), if the offense  
6 attempted is described by Subdivision (1), (2), (3), (4), ~~[or]~~ (5),  
7 or (6) of this section.

8 SECTION 3.02. Section 1(a), Article 38.37, Code of Criminal  
9 Procedure, is amended to read as follows:

10 (a) Subsection (b) applies to a proceeding in the  
11 prosecution of a defendant for an offense, or an attempt or  
12 conspiracy to commit an offense, under the following provisions of  
13 the Penal Code:

14 (1) if committed against a child under 17 years of age:

15 (A) Chapter 21 (Sexual Offenses);

16 (B) Chapter 22 (Assaultive Offenses); or

17 (C) Section 25.02 (Prohibited Sexual Conduct);

18 or

19 (2) if committed against a person younger than 18  
20 years of age:

21 (A) Section 43.25 (Sexual Performance by a  
22 Child);

23 (B) Section 20A.02(a)(5), (6), (7),

24 ~~20A.02(a)(7)~~ or (8) (Trafficking of Persons); ~~[or]~~

25 (C) Section 20A.03 (Continuous Trafficking of  
26 Persons), if based partly or wholly on conduct that constitutes an  
27 offense under Section 20A.02(a)(5), (6), (7), or (8); or

1                   (D) Section           43.05(a)(2)           (Compelling  
2 Prostitution).

3           SECTION 3.03. The change in law made by this article applies  
4 to the admissibility of evidence in a criminal proceeding that  
5 commences on or after the effective date of this Act. The  
6 admissibility of evidence in a criminal proceeding that commences  
7 before the effective date of this Act is governed by the law in  
8 effect on the date the proceeding commenced, and the former law is  
9 continued in effect for that purpose.

10   ARTICLE 4. REQUIRED REPORTING CONCERNING INVESTIGATIONS OF HUMAN  
11   TRAFFICKING OFFENSES

12           SECTION 4.01. Article 2.305, Code of Criminal Procedure, is  
13 amended to read as follows:

14           Art. 2.305. REPORT REQUIRED CONCERNING HUMAN TRAFFICKING  
15 CASES. (a) This article applies only to:

16                   (1) a municipal police department, sheriff's  
17 department, or constable's office [~~, county attorney's office,~~  
18 ~~district attorney's office, and criminal district attorney's~~  
19 ~~office, as applicable,~~] in a county with a population of more than  
20 50,000; and

21                   (2) the Department of Public Safety.

22           (b) An entity described by Subsection (a) that investigates  
23 the alleged commission of an offense under Chapter 20A, Penal Code,  
24 or the alleged commission of an offense under Chapter 43, Penal  
25 Code, which may involve human trafficking, shall submit to the  
26 attorney general [~~a report~~] in the manner and form prescribed by the  
27 attorney general a report containing the following information:

1 (1) the offense being investigated, including the  
2 offense code designated by the Department of Public Safety under  
3 Article 66.052 [~~a brief description of the alleged prohibited~~  
4 ~~conduct~~];

5 (2) regarding each person suspected of committing the  
6 offense [~~and each victim of the offense~~]:

7 (A) the person's:

8 (i) full name [~~age~~];

9 (ii) gender; [~~and~~]

10 (iii) race or ethnicity, as defined by  
11 Article 2.132; [~~and~~]

12 (iv) country of origin, if the person is not  
13 a United States citizen or legal permanent resident;

14 (v) date of birth; and

15 (vi) age at the time of the offense, if  
16 available; and

17 (B) the case number associated with the person  
18 and the offense [~~and the person suspected of committing the~~  
19 ~~offense~~];

20 (3) the date[~~, time~~] and location of the alleged  
21 offense, including the city and county;

22 (4) [~~the type of human trafficking involved,~~  
23 ~~including:~~

24 [~~(A) forced labor or services, as defined by~~  
25 ~~Section 20A.01, Penal Code,~~

26 [~~(B) causing the victim by force, fraud, or~~  
27 ~~coercion to engage in prohibited conduct involving one or more~~

1 ~~sexual activities, including conduct described by Section~~  
2 ~~20A.02(a)(3), Penal Code; or~~

3 ~~[(C) causing a child victim by any means to engage~~  
4 ~~in, or become the victim of, prohibited conduct involving one or~~  
5 ~~more sexual activities, including conduct described by Section~~  
6 ~~20A.02(a)(7), Penal Code;~~

7 ~~[(5) if available, information regarding any victims'~~  
8 ~~service organization or program to which the victim was referred as~~  
9 ~~part of the investigation; and~~

10 ~~[(6)] the disposition of the investigation, if any,~~  
11 ~~regardless of the manner of disposition; and~~

12 (5) regarding the victim of the offense:

13 (A) the victim's:

14 (i) age;

15 (ii) gender;

16 (iii) race or ethnicity, as defined by  
17 Article 2.132; and

18 (iv) country of origin, if the victim is not  
19 a United States citizen or legal permanent resident; and

20 (B) if available, information regarding any  
21 victims' service organization or program to which the victim was  
22 referred as part of the investigation.

23 (c) An entity described by Subsection (a) that does not have  
24 any investigations or offenses required to be reported under this  
25 article during a period specified by the attorney general shall  
26 submit to the attorney general a notice stating there are no cases  
27 to report, in the manner and form prescribed by the attorney general

1 ~~[An attorney representing the state who prosecutes the alleged~~  
2 ~~commission of an offense under Chapter 20A, Penal Code, or the~~  
3 ~~alleged commission of an offense under Chapter 43, Penal Code,~~  
4 ~~which may involve human trafficking, shall submit to the attorney~~  
5 ~~general the following information:~~

6 ~~[(1) the offense being prosecuted, including a brief~~  
7 ~~description of the alleged prohibited conduct,~~

8 ~~[(2) any other charged offense that is part of the same~~  
9 ~~criminal episode out of which the offense described by Subdivision~~  
10 ~~(1) arose;~~

11 ~~[(3) the information described by Subsections (b)(2),~~  
12 ~~(3), (4), and (5); and~~

13 ~~[(4) the disposition of the prosecution, regardless of~~  
14 ~~the manner of disposition].~~

15 (d) The attorney general may enter into a contract with a  
16 university or organization to assist with ~~[that provides for the~~  
17 ~~university's assistance in]~~ the collection and analysis of  
18 information received under this article. The attorney general  
19 shall ensure that all sensitive information is properly protected.

20 (e) Information described by Subsections (b)(2)(A)(i) and  
21 (v) and (b)(2)(B) is not subject to disclosure under Chapter 552,  
22 Government Code.

23 (f) In consultation with the entities described by  
24 Subsection (a), the attorney general shall adopt rules to  
25 administer this article, including rules prescribing:

26 (1) the form and manner of submission of a report or  
27 notice required by Subsection (b) or (c); and

1 (2) additional information to include in a report or  
2 notice required by Subsection (b) or (c).

3 SECTION 4.02. As soon as practicable after the effective  
4 date of this Act, the attorney general shall update forms and  
5 procedures as necessary to implement Article 2.305, Code of  
6 Criminal Procedure, as amended by this article.

7 ARTICLE 5. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION

8 CERTIFICATES ISSUED TO CERTAIN SEX OFFENDERS

9 SECTION 5.01. Article 42.016, Code of Criminal Procedure,  
10 is amended to read as follows:

11 Art. 42.016. SPECIAL DRIVER'S LICENSE OR IDENTIFICATION  
12 REQUIREMENTS FOR CERTAIN SEX OFFENDERS. If a person is convicted  
13 of, receives a grant of deferred adjudication for, or is  
14 adjudicated as having engaged in delinquent conduct based on a  
15 violation of an offense for which a conviction or adjudication  
16 requires registration as a sex offender under Chapter 62, the court  
17 shall:

18 (1) issue an order requiring the Texas Department of  
19 Public Safety to include in any driver's license record or personal  
20 identification certificate record maintained by the department for  
21 the person:

22 (A) an indication that the person is subject to  
23 the registration requirements of Chapter 62; and

24 (B) if applicable, an indication that the person  
25 is subject to registration because the person was convicted of an  
26 offense involving human trafficking under Chapter 20A, Penal Code;

27 (2) require the person to apply to the Texas

1 Department of Public Safety in person for an original or renewal  
2 driver's license or personal identification certificate not later  
3 than the 30th day after the date the person is released or the date  
4 the department sends written notice to the person of the  
5 requirements of Article 62.060, as applicable, and to annually  
6 renew the license or certificate;

7 (3) notify the person of the consequence of the  
8 conviction or order of deferred adjudication as it relates to the  
9 order issued under this article; and

10 (4) send to the Texas Department of Public Safety a  
11 copy of the record of conviction, a copy of the order granting  
12 deferred adjudication, or a copy of the juvenile adjudication, as  
13 applicable, and a copy of the order issued under this article.

14 SECTION 5.02. Section 521.057(a), Transportation Code, is  
15 amended to read as follows:

16 (a) On receipt of a court order issued under Article 42.016,  
17 Code of Criminal Procedure, the department shall ensure that any  
18 driver's license record or personal identification certificate  
19 record maintained by the department for the person includes an  
20 indication that the person:

21 (1) is subject to the registration requirements of  
22 Chapter 62, Code of Criminal Procedure; and

23 (2) if applicable, is subject to registration because  
24 the person was convicted of an offense involving human trafficking  
25 under Chapter 20A, Penal Code.

26 SECTION 5.03. The changes in law made by this article apply  
27 only to a driver's license or personal identification certificate



1 issued or renewed on or after the effective date of this Act. A  
2 driver's license or personal identification certificate issued or  
3 renewed before the effective date of this Act is governed by the law  
4 in effect when the license or certificate was issued or renewed, and  
5 the former law is continued in effect for that purpose.

6 ARTICLE 6. CHILD GROOMING AND POSSESSION OF CHILD PORNOGRAPHY

7 SECTION 6.01. Chapter 15, Penal Code, is amended by adding  
8 Section 15.032 to read as follows:

9 Sec. 15.032. CHILD GROOMING. (a) A person commits an  
10 offense if, with the intent that an offense under Chapter 43 or an  
11 offense involving sexual activity, the occurrence of which would  
12 subject the actor to criminal liability under Chapter 20A, 21, or  
13 22, be committed, the person knowingly persuades, induces, entices,  
14 or coerces, or attempts to persuade, induce, entice, or coerce, a  
15 child younger than 18 years of age to engage in specific conduct  
16 that, under the circumstances surrounding the actor's conduct as  
17 the actor believes them to be, would:

18 (1) constitute an offense under Chapter 43 or an  
19 offense involving sexual activity the occurrence of which would  
20 subject the actor to criminal liability under Chapter 20A, 21, or  
21 22; or

22 (2) make the child a party to the commission of an  
23 offense described by Subdivision (1).

24 (b) An offense under this section is a felony of the third  
25 degree, except that the offense is a felony of the second degree if  
26 the actor has previously been convicted of an offense under:

27 (1) Chapter 20A, if the offense involved conduct

1 described by Section 20A.02(a)(7) or (8);

2 (2) Section 21.02;

3 (3) Section 21.11;

4 (4) Section 22.011, if the victim of the offense was a  
5 child under 18 years of age; or

6 (5) Section 22.021, if the victim of the offense was a  
7 child under 18 years of age.

8 (c) It is an affirmative defense to prosecution under this  
9 section that the actor is under the age of 18 and:

10 (1) the actor engaged in conduct described by  
11 Subsection (a) with respect to another child under the age of 18:

12 (A) who is not more than three years older or  
13 younger than the actor and with whom the actor had a dating  
14 relationship at the time of the offense; or

15 (B) who was the spouse of the actor at the time of  
16 the offense; and

17 (2) the conduct occurred only between the actor and  
18 the other child described by Subdivision (1).

19 (d) If conduct constituting an offense under this section  
20 also constitutes an offense under another section of this code, the  
21 actor may be prosecuted under either section but not both sections.

22 SECTION 6.02. Section 43.26, Penal Code, is amended by  
23 amending Subsections (c) and (d) and adding Subsections (d-1) and  
24 (d-2) to read as follows:

25 (c) The affirmative defenses provided by Sections  
26 43.25(f)(2) and (3) [Section 43.25(f)] also apply to a prosecution  
27 under this section.

1 (d) An offense under Subsection (a) is a felony of the third  
2 degree, except that the offense is:

3 (1) a felony of the second degree if:

4 (A) it is shown on the trial of the offense that  
5 the person has been previously convicted one time of an offense  
6 under that subsection; or

7 (B) the person possesses visual material that  
8 contains 10 or more visual depictions of a child as described by  
9 Subsection (a)(1) but fewer than 50 such depictions; and

10 (2) a felony of the first degree if:

11 (A) it is shown on the trial of the offense that  
12 the person has been previously convicted two or more times of an  
13 offense under that subsection; or

14 (B) the person possesses visual material that  
15 contains:

16 (i) 50 or more visual depictions of a child  
17 as described by Subsection (a)(1); or

18 (ii) a videotape or film that visually  
19 depicts conduct constituting an offense under Section  
20 22.011(a)(2).

21 (d-1) If it is shown on the trial of an offense under  
22 Subsection (a) that the person engaged in conduct that constituted  
23 an offense under Subsection (e) during the same criminal episode:

24 (1) an offense described for purposes of punishment by  
25 Subsection (d)(1) is a felony of the first degree; or

26 (2) the minimum term of confinement for an offense  
27 described for purposes of punishment by Subsection (d)(2) is

1 increased to 15 years.

2 (d-2) The enhancement provided by Subsection (d-1) is  
3 unavailable if the person is also prosecuted under Subsection (e)  
4 for conduct occurring during the same criminal episode.

5 SECTION 6.03. Section 43.26(f), Penal Code, is repealed.

6 SECTION 6.04. The change in law made by this article applies  
7 only to an offense committed on or after the effective date of this  
8 Act. An offense committed before the effective date of this Act is  
9 governed by the law in effect on the date the offense was committed,  
10 and the former law is continued in effect for that purpose. For  
11 purposes of this section, an offense was committed before the  
12 effective date of this Act if any element of the offense occurred  
13 before that date.

14 ARTICLE 7. EFFECTIVE DATE

15 SECTION 7.01. This Act takes effect September 1, 2023.

S.B. No. 1527

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1527 passed the Senate on April 12, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1527 passed the House on May 6, 2023, by the following vote: Yeas 126, Nays 8, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor