

By: Burnam, Pena, et al.

H.B. No. 869

Substitute the following for H.B. No. 869:

By: Hodge

C.S.H.B. No. 869

A BILL TO BE ENTITLED

AN ACT

relating to the criminal consequences of conduct that involves the trafficking of persons; providing penalties.

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

SECTION 1. Title 5, Penal Code, is amended by adding Chapter 20A to read as follows:

CHAPTER 20A. TRAFFICKING OF PERSONS

Sec. 20A.01. DEFINITIONS. In this chapter:

(1) "Forced labor or services" means labor or services that are performed or provided by another person and obtained through an actor's:

(A) threatening to cause bodily injury to another;

(B) restraining another in a manner described by Section 20.01(1); or

(C) withholding from another the person's:

(i) government records;

(ii) identifying information; or

(iii) personal property.

(2) "Traffic" means to transport another person or to entice, recruit, harbor, provide, or otherwise obtain another person for transport by deception, coercion, or force.

Sec. 20A.02. TRAFFICKING OF PERSONS. (a) A person commits an offense if the person knowingly traffics another person with the

1 intent that the trafficked person engage in:

2 (1) forced labor or services; or

3 (2) conduct that constitutes an offense under Chapter
4 43.

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

8 (1) the offense is committed under Subsection (a)(2)
9 and the person who is trafficked is younger than 14 years of age at
10 the time of the offense; or

11 (2) the commission of the offense results in the death
12 of the person who is trafficked.

13 (c) If conduct constituting an offense under this section
14 also constitutes an offense under another section of this code, the
15 actor may be prosecuted under either section or under both
16 sections.

17 SECTION 2. Section 71.02(a), Penal Code, is amended to read
18 as follows:

19 (a) A person commits an offense if, with the intent to
20 establish, maintain, or participate in a combination or in the
21 profits of a combination or as a member of a criminal street gang,
22 he commits or conspires to commit one or more of the following:

23 (1) murder, capital murder, arson, aggravated
24 robbery, robbery, burglary, theft, aggravated kidnapping,
25 kidnapping, aggravated assault, aggravated sexual assault, sexual
26 assault, forgery, deadly conduct, assault punishable as a Class A
27 misdemeanor, burglary of a motor vehicle, or unauthorized use of a

1 motor vehicle;

2 (2) any gambling offense punishable as a Class A
3 misdemeanor;

4 (3) promotion of prostitution, aggravated promotion
5 of prostitution, or compelling prostitution;

6 (4) unlawful manufacture, transportation, repair, or
7 sale of firearms or prohibited weapons;

8 (5) unlawful manufacture, delivery, dispensation, or
9 distribution of a controlled substance or dangerous drug, or
10 unlawful possession of a controlled substance or dangerous drug
11 through forgery, fraud, misrepresentation, or deception;

12 (6) any unlawful wholesale promotion or possession of
13 any obscene material or obscene device with the intent to wholesale
14 promote the same;

15 (7) any offense under Subchapter B, Chapter 43,
16 depicting or involving conduct by or directed toward a child
17 younger than 18 years of age;

18 (8) any felony offense under Chapter 32 [~~Penal Code~~];

19 (9) any offense under Chapter 36 [~~Penal Code~~];

20 (10) any offense under Chapter 34 [~~Penal Code~~]; [~~or~~]

21 (11) any offense under Section 37.11(a); or

22 (12) any offense under Chapter 20A [~~Penal Code~~].

23 SECTION 3. This Act takes effect September 1, 2003.