

By: Burnam

H.B. No. 869

A BILL TO BE ENTITLED

AN ACT

relating to the creation of offenses prohibiting the trafficking of persons, including children, and to the compensation of victims of those offenses.

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

SECTION 1. Title 9, Penal Code, is amended by adding Chapter 44 to read as follows:

CHAPTER 44. TRAFFICKING OF PERSONS

Sec. 44.01. DEFINITION. In this chapter, "traffic" means to transport a person to an unfamiliar place or to entice, recruit, harbor, provide, or otherwise obtain a person for transport to an unfamiliar place by:

- (1) false promises;
- (2) coercion; or
- (3) the commission of a criminal act.

Sec. 44.02. TRAFFICKING OF PERSONS. (a) A person commits an offense if the person knowingly traffics another person for labor or services in violation of any provision of 18 U.S.C. Sections 1581-1592, as those sections existed on January 1, 2003.

(b) Except as provided by Subsection (c), an offense under this section is a felony of the second degree.

(c) An offense under this section is a felony of the first degree if:

- (1) the commission of the offense results in the death

1 of the trafficked person; or

2 (2) the actor's conduct also constitutes an offense
3 under Section 20.03 or 22.021 or Chapter 19.

4 Sec. 44.03. TRAFFICKING OF CHILDREN FOR PROSTITUTION. (a)
5 A person commits an offense if the person traffics another person
6 under the age of 18 with the intent that the trafficked person
7 engage in conduct described by Section 43.02(a)(1).

8 (b) Except as provided by Subsection (c), an offense under
9 this section is a felony of the second degree.

10 (c) An offense under this section is a felony of the first
11 degree if the trafficked person was under the age of 14 at the time
12 the person was trafficked.

13 SECTION 2. Article 56.32(a)(11), Code of Criminal
14 Procedure, is amended to read as follows:

15 (11) "Victim" means [~~except as provided by~~
16 ~~Subsection (c)~~]:

17 (A) an individual who:

18 (i) suffers personal injury or death as a
19 result of criminally injurious conduct or as a result of actions
20 taken by the individual as an intervenor, if the conduct or actions
21 occurred in this state; and

22 (ii) is a resident of this state, another
23 state of the United States, the District of Columbia, the
24 Commonwealth of Puerto Rico, or a possession or territory of the
25 United States;

26 (B) an individual who:

27 (i) suffers personal injury or death as a

1 result of criminally injurious conduct or as a result of actions
2 taken by the individual as an intervenor, if the conduct or actions
3 occurred in a state or country that does not have a crime victims'
4 compensation program that meets the requirements of Section
5 1403(b), Crime Victims Compensation Act of 1984 (42 U.S.C. Section
6 10602(b));

7 (ii) is a resident of this state; and

8 (iii) would be entitled to compensation
9 under this subchapter if the criminally injurious conduct or
10 actions had occurred in this state; ~~[or]~~

11 (C) an individual who:

12 (i) suffers personal injury or death as a
13 result of criminally injurious conduct caused by an act of
14 international terrorism as defined by 18 U.S.C. Section 2331
15 committed outside of the United States; and

16 (ii) is a resident of this state; or

17 (D) an individual who:

18 (i) suffers personal injury or death as a
19 result of criminally injurious conduct that is also an offense
20 under Section 44.02 or 44.03, Penal Code; and

21 (ii) resides or can be found in this state
22 as a direct result of another's actions under Section 44.02 or
23 44.03, Penal Code.

24 SECTION 3. (a) This Act takes effect September 1, 2003.

25 (b) The change in law made by Section 2 of this Act applies
26 only to a victim of a criminal offense committed on or after the
27 effective date of this Act. A victim of a criminal offense

1 committed before the effective date of this Act is covered by the
2 law as it existed at the time the offense was committed. For
3 purposes of this subsection, a criminal offense is committed before
4 the effective date of this Act if any element of the offense is
5 committed before that date.