

1-1 By: Van de Putte, et al. S.B. No. 1953
1-2 (In the Senate - Filed May 15, 2003; May 16, 2003, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 May 21, 2003, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; May 21, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the criminal consequences of conduct that involves the
1-9 trafficking of persons; providing penalties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Title 5, Penal Code, is amended by adding Chapter
1-12 20A to read as follows:

1-13 CHAPTER 20A. TRAFFICKING OF PERSONS

1-14 Sec. 20A.01. DEFINITIONS. In this chapter:

1-15 (1) "Forced labor or services" means labor or services
1-16 that are performed or provided by another person and obtained
1-17 through an actor's:

1-18 (A) threatening to cause bodily injury to
1-19 another;

1-20 (B) restraining another in a manner described by
1-21 Section 20.01(1); or

1-22 (C) withholding from another the person's:

1-23 (i) government records;

1-24 (ii) identifying information; or

1-25 (iii) personal property.

1-26 (2) "Traffic" means to transport another person or to
1-27 entice, recruit, harbor, provide, or otherwise obtain another
1-28 person for transport by deception, coercion, or force.

1-29 Sec. 20A.02. TRAFFICKING OF PERSONS. (a) A person commits
1-30 an offense if the person knowingly trafficks another person with the
1-31 intent that the trafficked person engage in:

1-32 (1) forced labor or services; or

1-33 (2) conduct that constitutes an offense under Chapter
1-34 43.

1-35 (b) Except as otherwise provided by this subsection, an
1-36 offense under this section is a felony of the second degree. An
1-37 offense under this section is a felony of the first degree if:

1-38 (1) the offense is committed under Subsection (a)(2)
1-39 and the person who is trafficked is younger than 14 years of age at
1-40 the time of the offense; or

1-41 (2) the commission of the offense results in the death
1-42 of the person who is trafficked.

1-43 (c) If conduct constituting an offense under this section
1-44 also constitutes an offense under another section of this code, the
1-45 actor may be prosecuted under either section or under both
1-46 sections.

1-47 SECTION 2. Subsection (a), Section 71.02, Penal Code, is
1-48 amended to read as follows:

1-49 (a) A person commits an offense if, with the intent to
1-50 establish, maintain, or participate in a combination or in the
1-51 profits of a combination or as a member of a criminal street gang,
1-52 he commits or conspires to commit one or more of the following:

1-53 (1) murder, capital murder, arson, aggravated
1-54 robbery, robbery, burglary, theft, aggravated kidnapping,
1-55 kidnapping, aggravated assault, aggravated sexual assault, sexual
1-56 assault, forgery, deadly conduct, assault punishable as a Class A
1-57 misdemeanor, burglary of a motor vehicle, or unauthorized use of a
1-58 motor vehicle;

1-59 (2) any gambling offense punishable as a Class A
1-60 misdemeanor;

1-61 (3) promotion of prostitution, aggravated promotion
1-62 of prostitution, or compelling prostitution;

1-63 (4) unlawful manufacture, transportation, repair, or
1-64 sale of firearms or prohibited weapons;

- 2-1 (5) unlawful manufacture, delivery, dispensation, or
- 2-2 distribution of a controlled substance or dangerous drug, or
- 2-3 unlawful possession of a controlled substance or dangerous drug
- 2-4 through forgery, fraud, misrepresentation, or deception;
- 2-5 (6) any unlawful wholesale promotion or possession of
- 2-6 any obscene material or obscene device with the intent to wholesale
- 2-7 promote the same;
- 2-8 (7) any offense under Subchapter B, Chapter 43,
- 2-9 depicting or involving conduct by or directed toward a child
- 2-10 younger than 18 years of age;
- 2-11 (8) any felony offense under Chapter 32[~~, Penal Code~~];
- 2-12 (9) any offense under Chapter 36[~~, Penal Code~~];
- 2-13 (10) any offense under Chapter 34[~~, Penal Code~~]; [~~or~~]
- 2-14 (11) any offense under Section 37.11(a); or
- 2-15 (12) any offense under Chapter 20A[~~, Penal Code~~].
- 2-16 SECTION 3. This Act takes effect September 1, 2003.

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