

By: Anchia, Pena, Riddle

H.B. No. 1121

Substitute the following for H.B. No. 1121:

By: Pena

C.S.H.B. No. 1121

A BILL TO BE ENTITLED

AN ACT

relating to judicial findings regarding victims of trafficking or other abuse.

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

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0191 to read as follows:

Art. 42.0191. FINDING REGARDING VICTIMS OF TRAFFICKING OR OTHER ABUSE. (a) In the trial of an offense, on the motion of the attorney representing the state the judge shall make an affirmative finding of fact and enter the affirmative finding in the papers in the case if the judge determines that, regardless of whether the conduct at issue is the subject of the prosecution or part of the same criminal episode as the conduct that is the subject of the prosecution, a victim in the trial:

(1) is or has been a victim of a severe form of trafficking in persons, as defined by 22 U.S.C. Section 7102(8); or

(2) has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described by 8 U.S.C. Section 1101(a)(15)(U)(iii).

(b) That part of the papers in the case containing an affirmative finding under this article:

(1) must include specific information identifying the victim or the victim's location, as available; and

(2) is confidential, unless written consent for the

1 release of the affirmative finding is obtained from the victim or,
2 if the victim is younger than 18 years of age, the victim's parent
3 or guardian.

4 SECTION 2. Section 5, Article 42.12, Code of Criminal
5 Procedure, is amended by adding Subsections (i) and (j) to read as
6 follows:

7 (i) If a judge places on community supervision under this
8 section a defendant charged with an offense, on the motion of the
9 attorney representing the state the judge shall make an affirmative
10 finding of fact and file a statement of that affirmative finding in
11 the papers in the case if the judge determines that, regardless of
12 whether the conduct at issue is the subject of the prosecution or
13 part of the same criminal episode as the conduct that is the subject
14 of the prosecution, a victim in the trial:

15 (1) is or has been a victim of a severe form of
16 trafficking in persons, as defined by 22 U.S.C. Section 7102(8); or

17 (2) has suffered substantial physical or mental abuse
18 as a result of having been a victim of criminal activity described
19 by 8 U.S.C. Section 1101(a)(15)(U)(iii).

20 (j) That part of the papers in the case containing an
21 affirmative finding under Subsection (i):

22 (1) must include specific information identifying the
23 victim or the victim's location, as available; and

24 (2) is confidential, unless written consent for the
25 release of the affirmative finding is obtained from the victim or,
26 if the victim is younger than 18 years of age, the victim's parent
27 or guardian.

1 SECTION 3. Section 54.04, Family Code, is amended by adding
2 Subsections (v) and (w) to read as follows:

3 (v) If the judge orders a disposition under this section for
4 delinquent conduct based on a violation of an offense, on the motion
5 of the attorney representing the state the judge shall make an
6 affirmative finding of fact and enter the affirmative finding in
7 the papers in the case if the judge determines that, regardless of
8 whether the conduct at issue is the subject of the prosecution or
9 part of the same criminal episode as the conduct that is the subject
10 of the prosecution, a victim in the trial:

11 (1) is or has been a victim of a severe form of
12 trafficking in persons, as defined by 22 U.S.C. Section 7102(8); or

13 (2) has suffered substantial physical or mental abuse
14 as a result of having been a victim of criminal activity described
15 by 8 U.S.C. Section 1101(a)(15)(U)(iii).

16 (w) That part of the papers in the case containing an
17 affirmative finding under Subsection (v):

18 (1) must include specific information identifying the
19 victim or the victim's location, as available; and

20 (2) is confidential, unless written consent for the
21 release of the affirmative finding is obtained from the victim or,
22 if the victim is younger than 18 years of age, the victim's parent
23 or guardian.

24 SECTION 4. The change in law made by this Act applies only
25 to a judgment of conviction entered on or after the effective date
26 of this Act, a grant of deferred adjudication made on or after the
27 effective date of this Act, or a disposition of delinquent conduct

1 made on or after the effective date of this Act.

2 SECTION 5. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.