

By: Thompson, Hughes, Hamilton,
Davis of Dallas, Callegari, et al.

H.B. No. 3370

Substitute the following for H.B. No. 3370:

By: Pena

C.S.H.B. No. 3370

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of
trafficking of persons and a report concerning the offense.

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

SECTION 1. Section 20A.01, Penal Code, is amended to read as
follows:

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

(1) "Forced labor or services" means labor or
services, including conduct that constitutes an offense under
Section 43.02, that are performed or provided by another person and
obtained through an actor's:

(A) causing or threatening to cause bodily injury
to the person or another person or otherwise causing the person
performing or providing labor or services to believe that the
person or another person will suffer bodily injury;

(B) restraining or threatening to restrain the
person or another person [~~another~~] in a manner described by Section
20.01(1) or causing the person performing or providing labor or
services to believe that the person or another person will be
restrained; [~~or~~]

(C) knowingly destroying, concealing, removing,
confiscating, or withholding from the person or another person, or
threatening to destroy, conceal, remove, confiscate, or withhold
from the person or another person, the person's actual or

1 purported:

2 (i) government records;

3 (ii) identifying information; or

4 (iii) personal property;

5 (D) threatening the person with abuse of the law
6 or the legal process in relation to the person or another person;

7 (E) threatening to report the person or another
8 person to immigration officials or other law enforcement officials
9 or otherwise blackmailing or extorting the person or another
10 person;

11 (F) exerting financial control over the person or
12 another person; or

13 (G) using any scheme, plan, or pattern intended
14 to cause the person to believe that the person or another person
15 will be subjected to serious harm or restraint if the person does
16 not perform or provide the labor or services.

17 (2) "Traffic" means to transport, ~~[another person or~~
18 ~~to]~~ entice, recruit, harbor, provide, or otherwise obtain another
19 person by any means ~~[for transport by deception, coercion, or~~
20 ~~force]~~.

21 SECTION 2. Sections 20A.02(a) and (b), Penal Code, are
22 amended to read as follows:

23 (a) A person commits an offense if the person:

24 (1) knowingly traffics another person with the intent
25 or knowledge that the trafficked person will engage in[+

26 [(-)] forced labor or services; or

27 (2) intentionally or knowingly benefits from

1 participating in a venture that involves an activity described by
2 Subdivision (1), including by receiving labor or services the
3 person knows are forced labor or services [~~conduct that constitutes~~
4 ~~an offense under Chapter 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 applicable conduct constitutes an offense
9 under Section 43.02 [~~offense is committed under Subsection (a)(2)~~]
10 and the person who is trafficked is younger than 18 [~~14~~] years of
11 age at the time of the offense; or

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

14 SECTION 3. (a) Not later than September 1, 2008, the
15 attorney general, in consultation with the Health and Human
16 Services Commission, shall prepare and issue a report:

17 (1) outlining how existing laws and rules concerning
18 victims and witnesses address or fail to address the needs of
19 victims of human trafficking; and

20 (2) recommending areas of improvement and
21 modifications in existing laws and rules.

22 (b) Not later than September 1, 2008, the Health and Human
23 Services Commission, in consultation with the attorney general,
24 shall prepare and issue a report:

25 (1) outlining how existing social service programs
26 address or fail to address the needs of victims of human
27 trafficking;

1 (2) with respect to those needs, outlining the
2 interplay of existing social service programs with federally funded
3 victim service programs; and

4 (3) recommending areas of improvement and
5 modifications in existing social service programs.

6 SECTION 4. The change in law made by this Act applies only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 governed by the law in effect when the offense was committed, and
10 the former law is continued in effect for that purpose. For
11 purposes of this section, an offense is committed before the
12 effective date of this Act if any element of the offense occurs
13 before the effective date.

14 SECTION 5. This Act takes effect September 1, 2007.