

By: Carona

S.B. No. 1122

A BILL TO BE ENTITLED

AN ACT

1
2 relating to judicial findings regarding victims of trafficking and
3 related offenses.

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

5 SECTION 1. Article 42.01, Code of Criminal Procedure, is
6 amended by adding Section 9 to read as follows:

7 Sec. 9. In addition to the information described by Section
8 1, the judgment should reflect affirmative findings entered
9 pursuant to Article 42.0191.

10 SECTION 2. Chapter 42, Code of Criminal Procedure, is
11 amended by adding Article 42.0191 to read as follows:

12 Art. 42.0191. FINDING REGARDING VICTIMS OF TRAFFICKING AND
13 RELATED OFFENSES. (a) In the trial of an offense under Chapter
14 20A, Penal Code, an offense that is part of the same criminal
15 episode as an offense under Chapter 20A, Penal Code, or an attempt,
16 conspiracy, or solicitation to commit one of those offenses, the
17 judge shall make an affirmative finding of fact and enter the
18 affirmative finding in the judgment in the case if the judge
19 determines that, regardless of whether the conduct at issue is the
20 subject of the prosecution or part of the same criminal episode as
21 the conduct that is the subject of the prosecution, a victim in the
22 trial:

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

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

4 (b) The affirmative finding must include specific
5 information identifying the victim or the victim's location, as
6 available.

7 SECTION 3. Section 5, Article 42.12, Code of Criminal
8 Procedure, is amended by adding Subsections (i) and (j) to read as
9 follows:

10 (i) If a judge places on community supervision under this
11 section a defendant charged with an offense under Chapter 20A,
12 Penal Code, an offense that is part of the same criminal episode as
13 an offense under Chapter 20A, Penal Code, or an attempt,
14 conspiracy, or solicitation to commit one of those offenses, the
15 judge shall make an affirmative finding of fact and file a statement
16 of that affirmative finding with the papers in the case if the judge
17 determines that, regardless of whether the conduct at issue is the
18 subject of the prosecution or part of the same criminal episode as
19 the conduct that is the subject of the prosecution, a victim in the
20 trial:

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

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

26 (j) An affirmative finding under Subsection (i) must
27 include specific information identifying the victim or the victim's

1 location, as available.

2 SECTION 4. Section 54.04, Family Code, is amended by adding
3 Subsections (v) and (w) to read as follows:

4 (v) If the judge orders a disposition under this section for
5 delinquent conduct based on a violation of an offense under Chapter
6 20A, Penal Code, an offense that is part of the same criminal
7 episode as an offense under Chapter 20A, Penal Code, or an attempt,
8 conspiracy, or solicitation to commit one of those offenses, the
9 judge shall make an affirmative finding of fact and enter the
10 affirmative finding in the order if the judge determines that,
11 regardless of whether the conduct at issue is the subject of the
12 prosecution or part of the same criminal episode as the conduct that
13 is the subject of the prosecution, a victim in the trial:

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

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

19 (w) An affirmative finding under Subsection (v) must
20 include specific information identifying the victim or the victim's
21 location, as available.

22 SECTION 5. The change in law made by this Act applies only
23 to a judgment of conviction entered on or after the effective date
24 of this Act, a grant of deferred adjudication made on or after the
25 effective date of this Act, or a disposition of delinquent conduct
26 made on or after the effective date of this Act.

27 SECTION 6. This Act takes effect immediately if it receives

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