

By: Van de Putte, et al.

S.B. No. 1283

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of trafficking of persons and reports 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 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 purported:

1 (i) government records;

2 (ii) identifying information; or

3 (iii) personal property;

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

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

10 (F) exerting financial control over the person or
11 another person by placing the person or another person under the
12 actor's control as security for a debt to the extent that:

13 (i) the value of the services provided by
14 the person or another person as reasonably assessed is not applied
15 toward the liquidation of the debt;

16 (ii) the duration of the services provided
17 by the person or another person is not limited and the nature of the
18 services provided by the person or another person is not defined; or

19 (iii) the principal amount of the debt does
20 not reasonably reflect the value of the items or services for which
21 the debt was incurred; or

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

26 (2) "Traffic" means to transport, [~~another person or~~
27 ~~to~~] entice, recruit, harbor, provide, or otherwise obtain another

1 person by any means [~~for transport by deception, coercion, or~~
2 ~~force~~].

3 SECTION 2. Subsections (a) and (b), Section 20A.02, Penal
4 Code, are amended to read as follows:

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

6 (1) knowingly traffics another person with the intent
7 or knowledge that the trafficked person will engage in[+
8 [~~(1)~~] forced labor or services; or

9 (2) intentionally or knowingly benefits from
10 participating in a venture that involves an activity described by
11 Subdivision (1), including by receiving labor or services the
12 person knows are forced labor or services [~~conduct that constitutes~~
13 ~~an offense under Chapter 43~~].

14 (b) Except as otherwise provided by this subsection, an
15 offense under this section is a felony of the second degree. An
16 offense under this section is a felony of the first degree if:

17 (1) the applicable conduct constitutes an offense
18 under Section 43.02 [~~offense is committed under Subsection (a)(2)~~]
19 and the person who is trafficked is younger than 18 [~~14~~] years of
20 age at the time of the offense; or

21 (2) the commission of the offense results in the death
22 of the person who is trafficked.

23 SECTION 3. Section 125.002, Civil Practice and Remedies
24 Code, is amended by adding Subsection (f-1) to read as follows:

25 (f-1) If the defendant required to execute the bond is a
26 hotel, motel, or similar establishment that rents overnight lodging
27 to the public and the alleged common nuisance is under Section

1 125.0015(a)(6) or (7), the bond must also be conditioned that the
2 defendant will, in each of the defendant's lodging units on the
3 premises that are the subject of the suit, post in a conspicuous
4 place near the room rate information required to be posted under
5 Section 2155.001, Occupations Code, an operating toll-free
6 telephone number of a nationally recognized information and
7 referral hotline for victims of human trafficking.

8 SECTION 4. Section 125.045, Civil Practice and Remedies
9 Code, is amended by adding Subsection (a-1) to read as follows:

10 (a-1) If the defendant required to execute the bond is a
11 hotel, motel, or similar establishment that rents overnight lodging
12 to the public and the alleged common nuisance is under Section
13 125.0015(a)(6) or (7), the bond must also be conditioned that the
14 defendant will, in each of the defendant's lodging units on the
15 premises that are the subject of the suit, post in a conspicuous
16 place near the room rate information required to be posted under
17 Section 2155.001, Occupations Code, an operating toll-free
18 telephone number of a nationally recognized information and
19 referral hotline for victims of human trafficking.

20 SECTION 5. (a) Not later than September 1, 2008, the
21 attorney general, in consultation with the Health and Human
22 Services Commission, shall prepare and issue a report:

23 (1) outlining how existing laws and rules concerning
24 victims and witnesses address or fail to address the needs of
25 victims of human trafficking; and

26 (2) recommending areas of improvement and
27 modifications in existing laws and rules.

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

4 (1) outlining how existing social service programs
5 address or fail to address the needs of victims of human
6 trafficking;

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

10 (3) recommending areas of improvement and
11 modifications in existing social service programs.

12 SECTION 6. Sections 20A.01 and 20A.02, Penal Code, as
13 amended by this Act apply only to an offense committed on or after
14 the effective date of this Act. An offense committed before the
15 effective date of this Act is governed by the law in effect when the
16 offense was committed, and the former law is continued in effect for
17 that purpose. For purposes of this section, an offense is committed
18 before the effective date of this Act if any element of the offense
19 occurs before the effective date.

20 SECTION 7. Subsection (f-1), Section 125.002, and
21 Subsection (a-1), Section 125.045, Civil Practice and Remedies
22 Code, as added by this Act, apply only to a suit filed on or after
23 the effective date of this Act. A suit filed before the effective
24 date of this Act is governed by the law in effect immediately before
25 that date, and that law is continued in effect for that purpose.

26 SECTION 8. This Act takes effect September 1, 2007.