

1-1 By: Van de Putte S.B. No. 1283
1-2 (In the Senate - Filed March 6, 2007; March 19, 2007, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 27, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 27, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1283 By: Seliger

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the prosecution and punishment of the offense of
1-11 trafficking of persons and reports concerning the offense.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 20A.01, Penal Code, is amended to read as
1-14 follows:

1-15 Sec. 20A.01. DEFINITIONS. In this chapter:

1-16 (1) "Forced labor or services" means labor or
1-17 services, including conduct that constitutes an offense under
1-18 Section 43.02, that are performed or provided by another person and
1-19 obtained through an actor's:

1-20 (A) causing or threatening to cause bodily injury
1-21 to the person or another person or otherwise causing the person
1-22 performing or providing labor or services to believe that the
1-23 person or another person will suffer bodily injury;

1-24 (B) restraining or threatening to restrain the
1-25 person or another person in a manner described by Section 20.01(1)
1-26 or causing the person performing or providing labor or services to
1-27 believe that the person or another person will be restrained; ~~or~~

1-28 (C) knowingly destroying, concealing, removing,
1-29 confiscating, or withholding from the person or another person, or
1-30 threatening to destroy, conceal, remove, confiscate, or withhold
1-31 from the person or another person, the person's actual or
1-32 purported:

1-33 (i) government records;
1-34 (ii) identifying information; or
1-35 (iii) personal property;

1-36 (D) threatening the person with abuse of the law
1-37 or the legal process in relation to the person or another person;

1-38 (E) threatening to report the person or another
1-39 person to immigration officials or other law enforcement officials
1-40 or otherwise blackmailing or extorting the person or another
1-41 person;

1-42 (F) exerting financial control over the person or
1-43 another person by placing the person or another person under the
1-44 actor's control as security for a debt to the extent that:

1-45 (i) the value of the services provided by
1-46 the person or another person as reasonably assessed is not applied
1-47 toward the liquidation of the debt;

1-48 (ii) the duration of the services provided
1-49 by the person or another person is not limited and the nature of the
1-50 services provided by the person or another person is not defined; or

1-51 (iii) the principal amount of the debt does
1-52 not reasonably reflect the value of the items or services for which
1-53 the debt was incurred; or

1-54 (G) using any scheme, plan, or pattern intended
1-55 to cause the person to believe that the person or another person
1-56 will be subjected to serious harm or restraint if the person does
1-57 not perform or provide the labor or services.

1-58 (2) "Traffic" means to transport, ~~[another person or~~
1-59 ~~to] entice, recruit, harbor, provide, or otherwise obtain another~~
1-60 ~~person by any means [for transport by deception, coercion, or~~
1-61 ~~force].~~

1-62 SECTION 2. Subsections (a) and (b), Section 20A.02, Penal
1-63 Code, are amended to read as follows:

2-1 (a) A person commits an offense if the person:

2-2 (1) knowingly traffics another person with the intent

2-3 or knowledge that the trafficked person will engage in+

2-4 ~~[(1)]~~ forced labor or services; or

2-5 (2) intentionally or knowingly benefits from

2-6 participating in a venture that involves an activity described by

2-7 Subdivision (1), including by receiving labor or services the

2-8 person knows are forced labor or services [~~conduct that constitutes~~

2-9 ~~an offense under Chapter 43~~].

2-10 (b) Except as otherwise provided by this subsection, an

2-11 offense under this section is a felony of the second degree. An

2-12 offense under this section is a felony of the first degree if:

2-13 (1) the applicable conduct constitutes an offense

2-14 under Section 43.02 [~~offense is committed under Subsection (a)(2)~~]

2-15 and the person who is trafficked is younger than 18 [~~14~~] years of

2-16 age at the time of the offense; or

2-17 (2) the commission of the offense results in the death

2-18 of the person who is trafficked.

2-19 SECTION 3. (a) Not later than September 1, 2008, the

2-20 attorney general, in consultation with the Health and Human

2-21 Services Commission, shall prepare and issue a report:

2-22 (1) outlining how existing laws and rules concerning

2-23 victims and witnesses address or fail to address the needs of

2-24 victims of human trafficking; and

2-25 (2) recommending areas of improvement and

2-26 modifications in existing laws and rules.

2-27 (b) Not later than September 1, 2008, the Health and Human

2-28 Services Commission, in consultation with the attorney general,

2-29 shall prepare and issue a report:

2-30 (1) outlining how existing social service programs

2-31 address or fail to address the needs of victims of human

2-32 trafficking;

2-33 (2) with respect to those needs, outlining the

2-34 interplay of existing social service programs with federally funded

2-35 victim service programs; and

2-36 (3) recommending areas of improvement and

2-37 modifications in existing social service programs.

2-38 SECTION 4. The change in law made by this Act applies only

2-39 to an offense committed on or after the effective date of this Act.

2-40 An offense committed before the effective date of this Act is

2-41 governed by the law in effect when the offense was committed, and

2-42 the former law is continued in effect for that purpose. For

2-43 purposes of this section, an offense is committed before the

2-44 effective date of this Act if any element of the offense occurs

2-45 before the effective date.

2-46 SECTION 5. This Act takes effect September 1, 2007.

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