

By: Carona

S.C.R. No. 90

CONCURRENT RESOLUTION

1 WHEREAS, Senate Bill No. 11 has been adopted by the house of
2 representatives and the senate and is being prepared for
3 enrollment; and

4 WHEREAS, The bill contains technical errors that should be
5 corrected; now, therefore, be it

6 RESOLVED by the 80th Legislature of the State of Texas, That
7 the enrolling clerk of the senate be instructed to make the
8 following corrections:

9 (1) In Article 15 of the bill, in amended Subdivision (1),
10 Subsection (b), Section 51.212, Education Code (conference
11 committee report, page 58, line 15), between "institution" and the
12 semicolon, insert ", but provided these duties are consistent with
13 the educational mission of the institution and are being performed
14 within a county in which the institution has land".

15 (2) Strike Article 16 of the bill (conference committee
16 report, page 64, line 24 through page 67, line 10) and substitute
17 the following:

18 ARTICLE 16. TRAFFICKING OF PERSONS

19 SECTION 16.01. Section 20A.01, Penal Code, is amended to
20 read as follows:

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

22 (1) "Forced labor or services" means labor or
23 services, including conduct that constitutes an offense under
24 Section 43.02, that are performed or provided by another person and

1 obtained through an actor's:

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

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

10 (C) knowingly destroying, concealing, removing,
11 confiscating, or withholding from the person or another person, or
12 threatening to destroy, conceal, remove, confiscate, or withhold
13 from the person or another person, the person's actual or
14 purported:

15 (i) government records;

16 (ii) identifying information; or

17 (iii) personal property;

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

20 (E) threatening to report the person or another
21 person to immigration officials or other law enforcement officials
22 or otherwise blackmailing or extorting the person or another
23 person;

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

27 (i) the value of the services provided by

1 the person or another person as reasonably assessed is not applied
2 toward the liquidation of the debt;

3 (ii) the duration of the services provided
4 by the person or another person is not limited and the nature of the
5 services provided by the person or another person is not defined; or

6 (iii) the principal amount of the debt does
7 not reasonably reflect the value of the items or services for which
8 the debt was incurred; or

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

13 (2) "Traffic" means to transport, ~~[another person or~~
14 ~~to]~~ entice, recruit, harbor, provide, or otherwise obtain another
15 person by any means ~~[for transport by deception, coercion, or~~
16 ~~force]~~.

17 SECTION 16.02. Subsections (a) and (b), Section 20A.02,
18 Penal Code, are amended to read as follows:

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

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

22 ~~(1)] forced labor or services; or~~

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

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

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

8 (2) the commission of the offense results in the death
9 of the person who is trafficked.

10 SECTION 16.03. Section 125.002, Civil Practice and Remedies
11 Code, is amended by adding Subsection (f-1) to read as follows:

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

22 SECTION 16.04. Section 125.045, Civil Practice and Remedies
23 Code, is amended by adding Subsection (a-1) to read as follows:

24 (a-1) If the defendant required to execute the bond is a
25 hotel, motel, or similar establishment that rents overnight lodging
26 to the public and the alleged common nuisance is under Section
27 125.0015(a)(6) or (7), the bond must also be conditioned that the

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

7 SECTION 16.05. (a) Not later than September 1, 2008, the
8 attorney general, in consultation with the Health and Human
9 Services Commission, shall prepare and issue a report:

10 (1) outlining how existing laws and rules concerning
11 victims and witnesses address or fail to address the needs of
12 victims of human trafficking; and

13 (2) recommending areas of improvement and
14 modifications in existing laws and rules.

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

18 (1) outlining how existing social service programs
19 address or fail to address the needs of victims of human
20 trafficking;

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

24 (3) recommending areas of improvement and
25 modifications in existing social service programs.

26 SECTION 16.06. Sections 20A.01 and 20A.02, Penal Code, as
27 amended by this article apply only to an offense committed on or

1 after the effective date of this article. An offense committed
2 before the effective date of this article is governed by the law in
3 effect when the offense was committed, and the former law is
4 continued in effect for that purpose. For purposes of this section,
5 an offense is committed before the effective date of this article if
6 any element of the offense occurs before the effective date.

7 SECTION 16.07. Subsection (f-1), Section 125.002, and
8 Subsection (a-1), Section 125.045, Civil Practice and Remedies
9 Code, as added by this article, apply only to a suit filed on or
10 after the effective date of this article. A suit filed before the
11 effective date of this article is governed by the law in effect
12 immediately before that date, and that law is continued in effect
13 for that purpose.

14 (3) In Article 17 of the bill, strike added Subsection (i),
15 Section 418.108, Government Code (conference committee report,
16 page 69, lines 2-4), and substitute the following:

17 (i) A declaration under this section may include a
18 restriction that exceeds a restriction authorized by Section
19 352.051, Local Government Code. A restriction that exceeds a
20 restriction authorized by Section 352.051, Local Government Code,
21 is effective only:

22 (1) for 60 hours unless extended by the governor; and
23 (2) if the county judge requests the governor to grant
24 an extension of the restriction.

25 (4) In the Article 19 entitled "EMERGENCY MANAGEMENT
26 TRAINING," strike added Subsection (a), Section 418.005,
27 Government Code, and substitute the following:

1 (a) This section applies only to an appointed public
2 officer:

3 (1) whose position description, job duties, or
4 assignment includes emergency management responsibilities; or

5 (2) who plays a role in emergency preparedness,
6 response, or recovery.

7 (5) In the Article 19 entitled "EMERGENCY MANAGEMENT
8 TRAINING," in added Subdivision (1), Subsection (b), Section
9 418.005, Government Code, strike "elected or".

10 (6) In the Article 19 entitled "EMERGENCY MANAGEMENT
11 TRAINING," in added Subdivision (2), Subsection (b), Section
12 418.005, Government Code, strike "elected or".

13 (7) Add the following new article and section, to be
14 numbered appropriately, to the conference committee report:

15 ARTICLE _____. ENHANCED DRIVER'S LICENSE OR PERSONAL
16 IDENTIFICATION CERTIFICATE

17 SECTION _____.01. Subchapter B, Chapter 521, Transportation
18 Code, is amended by adding Section 521.032 to read as follows:

19 Sec. 521.032. ENHANCED DRIVER'S LICENSE OR PERSONAL
20 IDENTIFICATION CERTIFICATE. (a) The department may issue an
21 enhanced driver's license or personal identification certificate
22 for the purposes of crossing the border between this state and
23 Mexico to an applicant who provides the department with proof of
24 United States citizenship, identity, and state residency. If the
25 department issues an enhanced driver's license or personal
26 identification certificate, the department shall continue to issue
27 a standard driver's license and personal identification

1 certificate and offer each applicant the option of receiving the
2 standard or enhanced driver's license or personal identification
3 certificate.

4 (b) The department shall implement a one-to-many biometric
5 matching system for the enhanced driver's license or personal
6 identification certificate. An applicant for an enhanced driver's
7 license or personal identification certificate must submit a
8 biometric identifier as designated by the department, which,
9 notwithstanding any other law, may be used only to verify the
10 identity of the applicant for purposes relating to implementation
11 of the border crossing initiative established by this section. An
12 applicant must sign a declaration acknowledging the applicant's
13 understanding of the one-to-many biometric match.

14 (c) The enhanced driver's license or personal
15 identification certificate must include reasonable security
16 measures to protect the privacy of the license or certificate
17 holders, including reasonable safeguards to protect against the
18 unauthorized disclosure of information about the holders. If the
19 enhanced driver's license or personal identification certificate
20 includes a radio frequency identification chip or similar
21 technology, the department shall ensure that the technology is
22 encrypted or otherwise secure from unauthorized information
23 access.

24 (d) The requirements of this section are in addition to any
25 other requirements imposed on applicants for a driver's license or
26 personal identification certificate. The department shall adopt
27 rules necessary to implement this section. The department shall

1 periodically review technological innovations related to the
2 security of driver's licenses and personal identification
3 certificates and amend the rules as appropriate, consistent with
4 this section, to protect the privacy of driver's license and
5 personal identification certificate holders.

6 (e) The department may set a fee for issuance of an enhanced
7 driver's license or personal identification certificate in a
8 reasonable amount necessary to implement and administer this
9 section.

10 (f) The department may enter into a memorandum of
11 understanding with any federal agency for the purposes of
12 facilitating the crossing of the border between this state and
13 Mexico. The department may enter into an agreement with Mexico, to
14 the extent permitted by federal law, to implement a border crossing
15 initiative authorized by this section. The department shall
16 implement a statewide education campaign to educate residents of
17 this state about the border crossing initiative. The campaign must
18 include information on:

19 (1) the forms of travel for which the existing and
20 enhanced driver's license and personal identification certificate
21 can be used; and

22 (2) relevant dates for implementation of laws that
23 affect identification requirements at the border with Mexico.

24 (g) A person may not sell or otherwise disclose biometric
25 information accessed from an enhanced driver's license or any
26 information from an enhanced driver's license radio frequency
27 identification chip or similar technology to another person or an

1 affiliate of the person. This subsection does not apply to a
2 financial institution described by Section 521.126(e).