

BILL ANALYSIS

H.B. 3000
By: Thompson
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas was one of the first states to pass human trafficking legislation. Following that achievement, the Texas Legislature required the office of the attorney general to complete a report on the laws and services available to victims of human trafficking in Texas. During a recent legislative session, the Texas Legislature created the Human Trafficking Prevention Task Force in an effort to create a statewide partnership between law enforcement agencies, social service providers, nongovernmental organizations, legal representatives, and state agencies that are fighting this crime. H.B. 3000 continues Texas' trend in acknowledging the severity and pervasiveness of human trafficking crimes by creating the offense of continuous trafficking of persons and setting out provisions relating to the prosecution, penalties, and consequences relating to that offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3000 amends the Penal Code to create the first degree felony offense of continuous trafficking of persons. The bill makes it an offense to engage two or more times in conduct that constitutes an offense of trafficking of persons during a period that is 30 or more days in duration. The bill makes the offense punishable by imprisonment in the Texas Department of Criminal Justice (TDCJ) for life or for any term of not more than 99 years or less than 25 years.

H.B. 3000 requires, for a conviction by a jury in the prosecution of a continuous trafficking of persons offense, the jury's unanimous agreement that the defendant, during a period that is 30 or more days in duration, engaged in conduct that constituted the trafficking of persons offense, regardless of whether the jury agrees unanimously on which specific conduct engaged in by the defendant constituted the trafficking of persons offense or on which exact date the defendant engaged in that conduct.

H.B. 3000 prohibits a defendant from being convicted of an offense of trafficking of persons in the same criminal action as an offense for continuous trafficking of persons if the victim of the continuous trafficking of persons offense is the same victim as a victim of the trafficking of persons offense unless the trafficking of persons offense is charged in the alternative, occurred outside the period in which the alleged continuous trafficking of persons offense was committed, or is considered by the trier of fact to be a lesser included offense of the alleged continuous trafficking of persons offense.

H.B. 3000 prohibits a defendant from being charged with more than one count of continuous trafficking of persons if all of the conduct that constitutes a trafficking of persons offense is alleged to have been committed against the same victim.

H.B. 3000 amends the Code of Criminal Procedure to establish that there is no statute of limitation for the offense of continuous trafficking of persons. The bill limits to the court before whom the case is pending the authorization to release on personal bond a defendant charged with a continuous trafficking of persons offense. The bill includes in the definition of "violent offense," for purposes of provisions of law relating to the release of certain mentally ill defendants on personal bond, the offense of continuous trafficking of persons. The bill makes provisions of law requiring notice of certain bail reductions applicable to the offense of continuous trafficking of persons.

H.B. 3000 amends the Government Code to add criminal actions involving the offense of continuous trafficking of persons to the list of criminal actions the hearings and trials of which Texas trial courts are required to give preference over other criminal actions. The bill makes provisions of law requiring the collection of DNA specimens of certain defendants applicable to a defendant who is indicted or waives indictment for the offense of continuous trafficking of persons.

H.B. 3000 makes an inmate awaiting transfer to TDCJ's institutional division, or serving a sentence for an offense of continuous trafficking of persons, ineligible for consideration for release to intensive supervision parole under provisions of law relating to population management. The bill requires, for an inmate convicted of a continuous trafficking of persons offense to be released on parole, all members of the Board of Pardons and Paroles to vote on the release and requires a favorable vote of at least two-thirds of the members of the board. The bill makes an inmate serving a sentence for a continuous trafficking of persons offense ineligible for parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event eligible for release on parole in less than two calendar years. The bill prohibits an inmate serving a sentence for, or who has been previously convicted of, a continuous trafficking of persons offense from being released to mandatory supervision. The bill includes the lack of a previous conviction of a continuous trafficking of persons offense as a condition for a parole panel's authorization to designate a presumptive parole date for certain inmates for the purpose of diverting inmates to halfway houses.

H.B. 3000 amends the Penal Code to enhance the punishment for an individual adjudged guilty of a state jail felony to that of a third degree felony if it is shown on the trial of the offense that the individual has previously been finally convicted of an offense of continuous trafficking of persons. The bill includes the offense of continuous trafficking of persons among the offenses a previous conviction of which results in imprisonment in TDCJ for life without parole for a defendant convicted of certain specified felony offenses and includes the offense of continuous trafficking of persons as one of those specified offenses.

EFFECTIVE DATE

September 1, 2011.