

By: Weber

H.B. No. 1122

A BILL TO BE ENTITLED

AN ACT

relating to the trafficking of persons.

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

ARTICLE 1. PROSECUTION AND PUNISHMENT OF TRAFFICKING OF PERSONS

SECTION 1.01. Section 20A.01, Penal Code, is amended to read as follows:

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

(a) ~~[(1)]~~ "Forced labor or services" means labor or services, excluding those defined in Subsection (c) and Subsection (d), ~~[including conduct that constitutes an offense under Section 43.02,~~] that are performed or provided by another person and obtained through an actor's use of force, fraud, or coercion [+

~~[(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,~~

~~[(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~~

1 ~~purported:~~

2 ~~[(i) government records,~~

3 ~~[(ii) identifying information, or~~

4 ~~[(iii) personal property,~~

5 ~~[(D) threatening the person with abuse of the law~~
6 ~~or the legal process in relation to the person or another person,~~

7 ~~[(E) threatening to report the person or another~~
8 ~~person to immigration officials or other law enforcement officials~~
9 ~~or otherwise blackmailing or extorting the person or another~~
10 ~~person,~~

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

14 ~~[(i) the value of the services provided by~~
15 ~~the person or another person as reasonably assessed is not applied~~
16 ~~toward the liquidation of the debt,~~

17 ~~[(ii) the duration of the services provided~~
18 ~~by the person or another person is not limited and the nature of the~~
19 ~~services provided by the person or another person is not defined, or~~

20 ~~[(iii) the principal amount of the debt~~
21 ~~does not reasonably reflect the value of the items or services for~~
22 ~~which the debt was incurred, or~~

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

27 (b) ~~[(2)]~~ "Traffic" means to transport, entice, recruit,

1 harbor, provide, or otherwise obtain another person by any means.

2 (c) "Sexual services" means conduct that is obtained
3 through an actor's use of force, fraud, or coercion and that
4 constitutes an offense under the following sections of the Penal
5 Code:

6 (1) Section 43.02 (Prostitution);

7 (2) Section 43.03 (Promotion of Prostitution);

8 (3) Section 43.04 (Aggravated Promotion of
9 Prostitution); or

10 (4) Section 43.05 (Compelling Prostitution).

11 (d) "Sexual services of a child" means conduct that
12 constitutes an offense under the following sections of the Penal
13 Code regardless of whether the actor knows the age of the child at
14 the time the actor commits the offense and regardless of whether the
15 actor uses force, fraud, or coercion in the commission of the
16 offense:

17 (1) Section 21.02 (Continuous Sexual Abuse of Young
18 Child or Children);

19 (2) Section 21.11 (Indecency with a Child);

20 (3) Section 22.011 (Sexual Assault);

21 (4) Section 22.021 (Aggravated Sexual Assault);

22 (5) Section 43.02 (Prostitution);

23 (6) Section 43.03 (Promotion of Prostitution);

24 (7) Section 43.04 (Aggravated Promotion of
25 Prostitution);

26 (8) Section 43.05 (Compelling Prostitution);

27 (9) Section 43.25 (Sexual Performance by a Child);

1 (10) Section 43.251 (Employment Harmful to Children);

2 or

3 (11) Section 43.26 (Possession or Promotion of Child
4 Pornography).

5 (e) "Child" means a person younger than 18 years of age.

6 SECTION 1.02. Section 20A.02, Penal Code, is amended to
7 read as follows:

8 Sec. 20A.02. TRAFFICKING OF PERSONS. (a) A person commits
9 an offense if the person knowingly:

10 (1) traffics another person with the intent [~~or~~
11 ~~knowledge~~] that the trafficked person [~~will~~] engage in forced labor
12 or services; or

13 (2) benefits from participating in a venture that
14 involves an activity described by Subdivision (1), including by
15 receiving labor or services the person knows are forced labor or
16 services.

17 (b) A person commits an offense if the person knowingly:

18 (1) traffics another person with the intent that the
19 trafficked person engage in sexual services; or

20 (2) benefits from participating in a venture that
21 involves an activity described by Subdivision (1), including by
22 receiving services the person knows are sexual services.

23 (c) A person commits an offense if the person knowingly:

24 (1) traffics a child with the intent that the
25 trafficked child engage in forced labor or services; or

26 (2) benefits from participating in a venture that
27 involves an activity described by Subdivision (1), including by

1 receiving labor or services the person knows are forced labor or
2 services.

3 (d) A person commits an offense if the person knowingly:

4 (1) traffics a child with the intent that the
5 trafficked child engage in sexual services; or

6 (2) benefits from participating in a venture that
7 involves an activity described by Subdivision (1), including by
8 receiving services the person knows are sexual services of a child.

9 (e) [(b)] Except as otherwise provided by this subsection,
10 an offense under this section is a felony of the second degree. An
11 offense under this section is a felony of the first degree if:

12 (1) the applicable conduct constitutes an offense
13 under Subsection (c) or Subsection (d) [~~Section 43.05 or 43.25 and~~
14 ~~the person who is trafficked is a child younger than 18 years of age~~
15 ~~at the time of the offense, regardless of whether the actor knows~~
16 ~~the age of the child at the time the actor commits the offense)]; or~~

17 (2) the commission of the offense results in the death
18 of the person who is trafficked.

19 (f) [(e)] If conduct constituting an offense under this
20 section also constitutes an offense under another section of this
21 code, the actor may be prosecuted under either section or under both
22 sections.

23 SECTION 1.03. Article 12.01, Code of Criminal Procedure, is
24 amended to read as follows:

25 Art. 12.01. FELONIES. Except as provided in Article 12.03,
26 felony indictments may be presented within these limits, and not
27 afterward:

- 1 (1) no limitation:
- 2 (A) murder and manslaughter;
- 3 (B) sexual assault under Section 22.011(a)(2),
- 4 Penal Code, or aggravated sexual assault under Section
- 5 22.021(a)(1)(B), Penal Code;
- 6 (C) sexual assault, if during the investigation
- 7 of the offense biological matter is collected and subjected to
- 8 forensic DNA testing and the testing results show that the matter
- 9 does not match the victim or any other person whose identity is
- 10 readily ascertained;
- 11 (D) continuous sexual abuse of young child or
- 12 children under Section 21.02, Penal Code;
- 13 (E) indecency with a child under Section 21.11,
- 14 Penal Code; ~~[or]~~
- 15 (F) an offense involving leaving the scene of an
- 16 accident under Section 550.021, Transportation Code, if the
- 17 accident resulted in the death of a person;
- 18 (G) compelling prostitution under Section
- 19 43.05(a)(2); or
- 20 (H) trafficking of persons under Section
- 21 20A.02(d), Penal Code;
- 22 (2) ten years from the date of the commission of the
- 23 offense:
- 24 (A) theft of any estate, real, personal or mixed,
- 25 by an executor, administrator, guardian or trustee, with intent to
- 26 defraud any creditor, heir, legatee, ward, distributee,
- 27 beneficiary or settlor of a trust interested in such estate;

1 (B) theft by a public servant of government
2 property over which he exercises control in his official capacity;

3 (C) forgery or the uttering, using or passing of
4 forged instruments;

5 (D) injury to an elderly or disabled individual
6 punishable as a felony of the first degree under Section 22.04,
7 Penal Code;

8 (E) sexual assault, except as provided by
9 Subdivision (1); ~~or~~

10 (F) arson;

11 (G) trafficking of persons under Sections
12 20A.02(a) and (b), Penal Code; or

13 (H) compelling prostitution, Section
14 43.05(a)(1), Penal Code;

15 (3) seven years from the date of the commission of the
16 offense:

17 (A) misapplication of fiduciary property or
18 property of a financial institution;

19 (B) securing execution of document by deception;

20 (C) a felony violation under Chapter 162, Tax
21 Code;

22 (D) false statement to obtain property or credit
23 under Section 32.32, Penal Code;

24 (E) money laundering;

25 (F) credit card or debit card abuse under Section
26 32.31, Penal Code; or

27 (G) fraudulent use or possession of identifying

1 information under Section 32.51, Penal Code;

2 (4) five years from the date of the commission of the
3 offense:

4 (A) theft or robbery;

5 (B) except as provided by Subdivision (5),
6 kidnapping or burglary;

7 (C) injury to an elderly or disabled individual
8 that is not punishable as a felony of the first degree under Section
9 22.04, Penal Code;

10 (D) abandoning or endangering a child; or

11 (E) insurance fraud;

12 (5) if the investigation of the offense shows that the
13 victim is younger than 17 years of age at the time the offense is
14 committed, 20 years from the 18th birthday of the victim of one of
15 the following offenses:

16 (A) sexual performance by a child under Section
17 43.25, Penal Code;

18 (B) aggravated kidnapping under Section
19 20.04(a)(4), Penal Code, if the defendant committed the offense
20 with the intent to violate or abuse the victim sexually; or

21 (C) burglary under Section 30.02, Penal Code, if
22 the offense is punishable under Subsection (d) of that section and
23 the defendant committed the offense with the intent to commit an
24 offense described by Subdivision (1)(B) or (D) of this article or
25 Paragraph (B) of this subdivision;

26 (6) ten years from the 18th birthday of the victim of
27 the offense:

1 (A) injury to a child under Section 22.04, Penal
2 Code; or

3 (B) trafficking of persons under Section
4 20A.02(c), Penal Code; or

5 (7) three years from the date of the commission of the
6 offense: all other felonies.

7 SECTION 1.04. Article 17.03(b), Code of Criminal Procedure,
8 is amended to read as follows:

9 (b) Only the court before whom the case is pending may
10 release on personal bond a defendant who:

11 (1) is charged with an offense under the following
12 sections of the Penal Code:

13 (A) Section 19.03 (Capital Murder);

14 (B) Section 20.04 (Aggravated Kidnapping);

15 (C) Section 22.021 (Aggravated Sexual Assault);

16 (D) [~~Section 22.03 (Deadly Assault on Law~~
17 ~~Enforcement or Corrections Officer, Member or Employee of Board of~~
18 ~~Pardons and Paroles, or Court Participant);~~

19 [~~(E)~~] Section 22.04 (Injury to a Child, Elderly
20 Individual, or Disabled Individual);

21 (E) [~~(F)~~] Section 29.03 (Aggravated Robbery);

22 (F) [~~(G)~~] Section 30.02 (Burglary);

23 (G) [~~(H)~~] Section 71.02 (Engaging in Organized
24 Criminal Activity); [~~or~~]

25 (H) [~~(I)~~] Section 21.02 (Continuous Sexual Abuse
26 of Young Child or Children);

27 (I) Section 43.05(a)(2) (Compelling

1 Prostitution); or

2 (J) Section 20A.02(d) (Trafficking of Persons);

3 (2) is charged with a felony under Chapter 481, Health
4 and Safety Code, or Section 485.033, Health and Safety Code,
5 punishable by imprisonment for a minimum term or by a maximum fine
6 that is more than a minimum term or maximum fine for a first degree
7 felony; or

8 (3) does not submit to testing for the presence of a
9 controlled substance in the defendant's body as requested by the
10 court or magistrate under Subsection (c) of this article or submits
11 to testing and the test shows evidence of the presence of a
12 controlled substance in the defendant's body.

13 SECTION 1.05. Article 18.021(a), Code of Criminal
14 Procedure, is amended to read as follows:

15 (a) A search warrant may be issued to search for and
16 photograph a child who is alleged to be the victim of the offenses
17 of injury to a child as prohibited by Section 22.04, Penal Code;
18 sexual assault of a child as prohibited by Section 22.011(a), Penal
19 Code; aggravated sexual assault of a child as prohibited by Section
20 22.021, Penal Code; ~~or~~ continuous sexual abuse of young child or
21 children as prohibited by Section 21.02, Penal Code; compelling
22 prostitution as prohibited by Section 43.05(a)(2), Penal Code; or
23 trafficking of persons as prohibited by Section 20A.02(d), Penal
24 Code.

25 SECTION 1.06. Section 3g(a), Article 42.12, Code of
26 Criminal Procedure, is amended to read as follows:

27 (a) The provisions of Section 3 of this article do not

1 apply:

2 (1) to a defendant adjudged guilty of an offense
3 under:

4 (A) Section 19.02, Penal Code (Murder);

5 (B) Section 19.03, Penal Code (Capital murder);

6 (C) Section 21.11(a)(1), Penal Code (Indecency
7 with a child);

8 (D) Section 20.04, Penal Code (Aggravated
9 kidnapping);

10 (E) Section 22.021, Penal Code (Aggravated
11 sexual assault);

12 (F) Section 29.03, Penal Code (Aggravated
13 robbery);

14 (G) Chapter 481, Health and Safety Code, for
15 which punishment is increased under:

16 (i) Section 481.140, Health and Safety
17 Code; or

18 (ii) Section 481.134(c), (d), (e), or (f),
19 Health and Safety Code, if it is shown that the defendant has been
20 previously convicted of an offense for which punishment was
21 increased under any of those subsections;

22 (H) Section 22.011, Penal Code (Sexual assault);

23 (I) Section 22.04(a)(1), Penal Code (Injury to a
24 child, elderly individual, or disabled individual), if the offense
25 is punishable as a felony of the first degree and the victim of the
26 offense is a child;

27 (J) Section 43.25, Penal Code (Sexual

1 performance by a child); [~~or~~]

2 (K) Section 15.03, Penal Code, if the offense is
3 punishable as a felony of the first degree;

4 (L) Section 43.05, Penal Code (Compelling
5 prostitution); or

6 (M) Chapter 20A, Penal Code (Trafficking of
7 persons); or

8 (2) to a defendant when it is shown that a deadly
9 weapon as defined in Section 1.07, Penal Code, was used or exhibited
10 during the commission of a felony offense or during immediate
11 flight therefrom, and that the defendant used or exhibited the
12 deadly weapon or was a party to the offense and knew that a deadly
13 weapon would be used or exhibited. On an affirmative finding under
14 this subdivision, the trial court shall enter the finding in the
15 judgment of the court. On an affirmative finding that the deadly
16 weapon was a firearm, the court shall enter that finding in its
17 judgment.

18 SECTION 1.07. Section 23.101(a), Government Code, is
19 amended to read as follows:

20 (a) The trial courts of this state shall regularly and
21 frequently set hearings and trials of pending matters, giving
22 preference to hearings and trials of the following:

23 (1) temporary injunctions;

24 (2) criminal actions, with the following actions given
25 preference over other criminal actions:

26 (A) criminal actions against defendants who are
27 detained in jail pending trial;

1 (B) criminal actions involving a charge that a
2 person committed an act of family violence, as defined by Section
3 71.004, Family Code;

4 (C) an offense under:
5 (i) Section 21.02 or 21.11, Penal Code;
6 (ii) Chapter 22, Penal Code, if the victim
7 of the alleged offense is younger than 17 years of age;
8 (iii) Section 25.02, Penal Code, if the
9 victim of the alleged offense is younger than 17 years of age;
10 (iv) Section 25.06, Penal Code; ~~[or]~~
11 (v) Section 43.25, Penal Code;
12 (vi) Section 43.05(a)(2), Penal Code; or
13 (vii) Section 20A.02(d), Penal Code; and

14 (D) an offense described by Article 62.001(6)(C)
15 or (D), Code of Criminal Procedure;

16 (3) election contests and suits under the Election
17 Code;

18 (4) orders for the protection of the family under
19 Subtitle B, Title 4, Family Code;

20 (5) appeals of final rulings and decisions of the
21 division of workers' compensation of the Texas Department of
22 Insurance regarding workers' compensation claims and claims under
23 the Federal Employers' Liability Act and the Jones Act;

24 (6) appeals of final orders of the commissioner of the
25 General Land Office under Section 51.3021, Natural Resources Code;

26 (7) actions in which the claimant has been diagnosed
27 with malignant mesothelioma, other malignant asbestos-related

1 cancer, malignant silica-related cancer, or acute silicosis; and

2 (8) appeals brought under Section 42.01 or 42.015, Tax
3 Code, of orders of appraisal review boards of appraisal districts
4 established for counties with a population of less than 175,000.

5 SECTION 1.08. Section 411.1471(a), Government Code, is
6 amended to read as follows:

7 (a) This section applies to a defendant who is:

8 (1) indicted or waives indictment for a felony
9 prohibited or punishable under any of the following Penal Code
10 sections:

11 (A) Section 20.04(a)(4);

12 (B) Section 21.11;

13 (C) Section 22.011;

14 (D) Section 22.021;

15 (E) Section 25.02;

16 (F) Section 30.02(d);

17 (G) Section 43.05;

18 (H) Section 43.25;

19 (I) Section 43.26; ~~[or]~~

20 (J) Section 21.02;

21 (K) Section 43.05(a)(2); or

22 (L) Section 20A.02(d);

23 (2) arrested for a felony described by Subdivision (1)
24 after having been previously convicted of or placed on deferred
25 adjudication for an offense described by Subdivision (1) or an
26 offense punishable under Section 30.02(c)(2), Penal Code; or

27 (3) convicted of an offense under Section 21.07 or

1 21.08, Penal Code.

2 SECTION 1.09. Section 499.027(b), Government Code, is
3 amended to read as follows:

4 (b) An inmate is not eligible under this subchapter to be
5 considered for release to intensive supervision parole if:

6 (1) the inmate is awaiting transfer to the
7 institutional division, or serving a sentence, for an offense for
8 which the judgment contains an affirmative finding under Section
9 3g(a)(2), Article 42.12, Code of Criminal Procedure;

10 (2) the inmate is awaiting transfer to the
11 institutional division, or serving a sentence, for an offense
12 listed in one of the following sections of the Penal Code:

13 (A) Section 19.02 (murder);

14 (B) Section 19.03 (capital murder);

15 (C) Section 19.04 (manslaughter);

16 (D) Section 20.03 (kidnapping);

17 (E) Section 20.04 (aggravated kidnapping);

18 (F) Section 21.11 (indecent with a child);

19 (G) Section 22.011 (sexual assault);

20 (H) Section 22.02 (aggravated assault);

21 (I) Section 22.021 (aggravated sexual assault);

22 (J) Section 22.04 (injury to a child, ~~or an~~
23 elderly individual, or disabled individual);

24 (K) Section 25.02 (prohibited sexual conduct);

25 (L) Section 25.08 (sale or purchase of a child);

26 (M) Section 28.02 (arson);

27 (N) Section 29.02 (robbery);

- 1 (O) Section 29.03 (aggravated robbery);
- 2 (P) Section 30.02 (burglary), if the offense is
3 punished as a first-degree felony under that section;
- 4 (Q) Section 43.04 (aggravated promotion of
5 prostitution);
- 6 (R) Section 43.05 (compelling prostitution);
- 7 (S) Section 43.24 (sale, distribution, or
8 display of harmful material to minor);
- 9 (T) Section 43.25 (sexual performance by a
10 child);
- 11 (U) Section 46.10 (deadly weapon in penal
12 institution);
- 13 (V) Section 15.01 (criminal attempt), if the
14 offense attempted is listed in this subsection;
- 15 (W) Section 15.02 (criminal conspiracy), if the
16 offense that is the subject of the conspiracy is listed in this
17 subsection;
- 18 (X) Section 15.03 (criminal solicitation), if
19 the offense solicited is listed in this subsection; ~~or~~
- 20 (Y) Section 21.02 (continuous sexual abuse of
21 young child or children); or
- 22 (Z) Chapter 20A (trafficking of persons); or
- 23 (3) the inmate is awaiting transfer to the
24 institutional division, or serving a sentence, for an offense under
25 Chapter 481, Health and Safety Code, punishable by a minimum term of
26 imprisonment or a maximum fine that is greater than the minimum term
27 of imprisonment or the maximum fine for a first degree felony.

1 SECTION 1.10. Section 508.149(a), Government Code, is
2 amended to read as follows:

3 (a) An inmate may not be released to mandatory supervision
4 if the inmate is serving a sentence for or has been previously
5 convicted of:

6 (1) an offense for which the judgment contains an
7 affirmative finding under Section 3g(a)(2), Article 42.12, Code of
8 Criminal Procedure;

9 (2) a first degree felony or a second degree felony
10 under Section 19.02, Penal Code;

11 (3) a capital felony under Section 19.03, Penal Code;

12 (4) a first degree felony or a second degree felony
13 under Section 20.04, Penal Code;

14 (5) an offense under Section 21.11, Penal Code;

15 (6) a felony under Section 22.011, Penal Code;

16 (7) a first degree felony or a second degree felony
17 under Section 22.02, Penal Code;

18 (8) a first degree felony under Section 22.021, Penal
19 Code;

20 (9) a first degree felony under Section 22.04, Penal
21 Code;

22 (10) a first degree felony under Section 28.02, Penal
23 Code;

24 (11) a second degree felony under Section 29.02, Penal
25 Code;

26 (12) a first degree felony under Section 29.03, Penal
27 Code;

1 (13) a first degree felony under Section 30.02, Penal
2 Code;

3 (14) a felony for which the punishment is increased
4 under Section 481.134 or Section 481.140, Health and Safety Code;

5 (15) an offense under Section 43.25, Penal Code;

6 (16) an offense under Section 21.02, Penal Code; [~~or~~]

7 (17) a first degree felony under Section 15.03, Penal
8 Code;

9 (18) an offense under Section 43.05, Penal Code; or

10 (19) an offense under Chapter 20A, Penal Code.

11 SECTION 1.11. Section 3.03(b), Penal Code, is amended to
12 read as follows:

13 (b) If the accused is found guilty of more than one offense
14 arising out of the same criminal episode, the sentences may run
15 concurrently or consecutively if each sentence is for a conviction
16 of:

17 (1) an offense:

18 (A) under Section 49.07 or 49.08, regardless of
19 whether the accused is convicted of violations of the same section
20 more than once or is convicted of violations of both sections; or

21 (B) for which a plea agreement was reached in a
22 case in which the accused was charged with more than one offense
23 listed in Paragraph (A), regardless of whether the accused is
24 charged with violations of the same section more than once or is
25 charged with violations of both sections;

26 (2) an offense:

27 (A) under Section 33.021 or an offense under

1 Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed
2 against a victim younger than 17 years of age at the time of the
3 commission of the offense regardless of whether the accused is
4 convicted of violations of the same section more than once or is
5 convicted of violations of more than one section; or

6 (B) for which a plea agreement was reached in a
7 case in which the accused was charged with more than one offense
8 listed in Paragraph (A) committed against a victim younger than 17
9 years of age at the time of the commission of the offense regardless
10 of whether the accused is charged with violations of the same
11 section more than once or is charged with violations of more than
12 one section;

13 (3) an offense:

14 (A) under Section 21.15 or 43.26, regardless of
15 whether the accused is convicted of violations of the same section
16 more than once or is convicted of violations of both sections; or

17 (B) for which a plea agreement was reached in a
18 case in which the accused was charged with more than one offense
19 listed in Paragraph (A), regardless of whether the accused is
20 charged with violations of the same section more than once or is
21 charged with violations of both sections; [~~or~~]

22 (4) an offense for which the judgment in the case
23 contains an affirmative finding under Article 42.0197, Code of
24 Criminal Procedure; or

25 (5) an offense:

26 (A) under Section 43.05 or Chapter 20A,
27 regardless of whether the accused is convicted of violations of the

1 same section more than once or is convicted of violations of both
2 sections; or

3 (B) for which a plea agreement was reached in a
4 case in which the accused was charged with more than one offense
5 listed in Paragraph (A), regardless of whether the accused is
6 charged with violations of the same section more than once or is
7 charged with violations of both sections.

8 SECTION 1.12. Section 12.42(c)(2), Penal Code, is amended
9 to read as follows:

10 (2) Notwithstanding Subdivision (1), a defendant
11 shall be punished by imprisonment in the Texas Department of
12 Criminal Justice for life if:

13 (A) the defendant is convicted of an offense:

14 (i) under Section 20A.02(d), 21.11(a)(1),
15 22.021, or 22.011, Penal Code;

16 (ii) under Section 20.04(a)(4), Penal Code,
17 if the defendant committed the offense with the intent to violate or
18 abuse the victim sexually; or

19 (iii) under Section 30.02, Penal Code,
20 punishable under Subsection (d) of that section, if the defendant
21 committed the offense with the intent to commit a felony described
22 by Subparagraph (i) or (ii) or a felony under Section 21.11, Penal
23 Code; and

24 (B) the defendant has been previously convicted
25 of an offense:

26 (i) under Section 43.25 or 43.26, Penal
27 Code, or an offense under Section 43.23, Penal Code, punishable

1 under Subsection (h) of that section;

2 (ii) under Section 20A.02(d), 21.02, 21.11,
3 22.011, 22.021, or 25.02, Penal Code;

4 (iii) under Section 20.04(a)(4), Penal
5 Code, if the defendant committed the offense with the intent to
6 violate or abuse the victim sexually;

7 (iv) under Section 30.02, Penal Code,
8 punishable under Subsection (d) of that section, if the defendant
9 committed the offense with the intent to commit a felony described
10 by Subparagraph (ii) or (iii); or

11 (v) under the laws of another state
12 containing elements that are substantially similar to the elements
13 of an offense listed in Subparagraph (i), (ii), (iii), or (iv).

14 SECTION 1.13. Section 43.05(b), Penal Code, is amended to
15 read as follows:

16 (b) An offense under Subsection (a)(1) of this section is a
17 felony of the second degree and an offense under Subsection (a)(2)
18 of this section is a felony of the first degree.

19 SECTION 1.14. Section 21.02(c), Penal Code, is amended to
20 read as follows:

21 (c) For purposes of this section, "act of sexual abuse"
22 means any act that is a violation of one or more of the following
23 penal laws:

24 (1) aggravated kidnapping under Section 20.04(a)(4),
25 if the actor committed the offense with the intent to violate or
26 abuse the victim sexually;

27 (2) indecency with a child under Section 21.11(a)(1),

1 if the actor committed the offense in a manner other than by
2 touching, including touching through clothing, the breast of a
3 child;

4 (3) sexual assault under Section 22.011;

5 (4) aggravated sexual assault under Section 22.021;

6 (5) burglary under Section 30.02, if the offense is
7 punishable under Subsection (d) of that section and the actor
8 committed the offense with the intent to commit an offense listed in
9 Subdivisions (1)-(4); ~~and~~

10 (6) sexual performance by a child under Section 43.25;i

11 (7) compelling prostitution under Section
12 43.25(a)(2); and

13 (8) trafficking of persons under Section 20A.02(d).

14 SECTION 1.15. Section 22.021(a), Penal Code, is amended to
15 read as follows:

16 (a) A person commits an offense:

17 (1) if the person:

18 (A) intentionally or knowingly:

19 (i) causes the penetration of the anus or
20 sexual organ of another person by any means, without that person's
21 consent;

22 (ii) causes the penetration of the mouth of
23 another person by the sexual organ of the actor, without that
24 person's consent; or

25 (iii) causes the sexual organ of another
26 person, without that person's consent, to contact or penetrate the
27 mouth, anus, or sexual organ of another person, including the

1 actor; or

2 (B) intentionally or knowingly:

3 (i) causes the penetration of the anus or
4 sexual organ of a child by any means;

5 (ii) causes the penetration of the mouth of
6 a child by the sexual organ of the actor;

7 (iii) causes the sexual organ of a child to
8 contact or penetrate the mouth, anus, or sexual organ of another
9 person, including the actor;

10 (iv) causes the anus of a child to contact
11 the mouth, anus, or sexual organ of another person, including the
12 actor; or

13 (v) causes the mouth of a child to contact
14 the anus or sexual organ of another person, including the actor; and

15 (2) if:

16 (A) the person:

17 (i) causes serious bodily injury or
18 attempts to cause the death of the victim or another person in the
19 course of the same criminal episode;

20 (ii) by acts or words places the victim in
21 fear that death, serious bodily injury, trafficking of persons for
22 sexual services, or kidnapping will be imminently inflicted on any
23 person;

24 (iii) by acts or words occurring in the
25 presence of the victim threatens to cause the death, serious bodily
26 injury, trafficking of persons for sexual services, or kidnapping
27 of any person;

1 (iv) uses or exhibits a deadly weapon in the
2 course of the same criminal episode;

3 (v) acts in concert with another who
4 engages in conduct described by Subdivision (1) directed toward the
5 same victim and occurring during the course of the same criminal
6 episode; or

7 (vi) administers or provides
8 flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate,
9 or ketamine to the victim of the offense with the intent of
10 facilitating the commission of the offense;

11 (B) the victim is younger than 14 years of age; or

12 (C) the victim is an elderly individual or a
13 disabled individual.

14 SECTION 1.16. Section 15.031(b), Penal Code, is amended to
15 read as follows:

16 (b) A person commits an offense if, with intent that an
17 offense under Section 20A.02(c), 20A.02(d), 21.02, 21.11, 22.011,
18 22.021, 43.02, 43.05(a)(2), or 43.25 be committed, the person by
19 any means requests, commands, or attempts to induce a minor or
20 another whom the person believes to be a minor to engage in specific
21 conduct that, under the circumstances surrounding the actor's
22 conduct as the actor believes them to be, would constitute an
23 offense under one of those sections or would make the minor or other
24 believed by the person to be a minor a party to the commission of an
25 offense under one of those sections.

26 SECTION 1.17. Article 13.12, Code of Criminal Procedure, is
27 amended to read as follows:

1 Art. 13.12. TRAFFICKING OF PERSONS, FALSE IMPRISONMENT AND
2 KIDNAPPING. Venue for trafficking of persons, false imprisonment
3 and kidnapping is in either the county in which the offense was
4 committed, or in any county through, into or out of which the person
5 falsely imprisoned or kidnapped may have been taken.

6 SECTION 1.18. Article 62.001(5), Code of Criminal
7 Procedure, is amended to read as follows:

8 (5) "Reportable conviction or adjudication" means a
9 conviction or adjudication, including an adjudication of
10 delinquent conduct or a deferred adjudication, that, regardless of
11 the pendency of an appeal, is a conviction for or an adjudication
12 for or based on:

13 (A) a violation of Section 21.02 (Continuous
14 sexual abuse of young child or children), 21.11 (Indecency with a
15 child), 22.011 (Sexual assault), 22.021 (Aggravated sexual
16 assault), or 25.02 (Prohibited sexual conduct), Penal Code;

17 (B) a violation of Section 43.05 (Compelling
18 prostitution), 43.25 (Sexual performance by a child), or 43.26
19 (Possession or promotion of child pornography), Penal Code;

20 (C) a violation of Section 20.04(a)(4)
21 (Aggravated kidnapping), Penal Code, if the actor committed the
22 offense or engaged in the conduct with intent to violate or abuse
23 the victim sexually;

24 (D) a violation of Section 30.02 (Burglary),
25 Penal Code, if the offense or conduct is punishable under
26 Subsection (d) of that section and the actor committed the offense
27 or engaged in the conduct with intent to commit a felony listed in

1 Paragraph (A) or (C);

2 (E) a violation of Section 20.02 (Unlawful
3 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
4 Penal Code, if, as applicable:

5 (i) the judgment in the case contains an
6 affirmative finding under Article 42.015; or

7 (ii) the order in the hearing or the papers
8 in the case contain an affirmative finding that the victim or
9 intended victim was younger than 17 years of age;

10 (F) the second violation of Section 21.08
11 (Indecent exposure), Penal Code, but not if the second violation
12 results in a deferred adjudication;

13 (G) an attempt, conspiracy, or solicitation, as
14 defined by Chapter 15, Penal Code, to commit an offense or engage in
15 conduct listed in Paragraph (A), (B), (C), (D), ~~(E)~~, or (K);

16 (H) a violation of the laws of another state,
17 federal law, the laws of a foreign country, or the Uniform Code of
18 Military Justice for or based on the violation of an offense
19 containing elements that are substantially similar to the elements
20 of an offense listed under Paragraph (A), (B), (C), (D), (E), (G),
21 ~~(J)~~, or (K), but not if the violation results in a deferred
22 adjudication;

23 (I) the second violation of the laws of another
24 state, federal law, the laws of a foreign country, or the Uniform
25 Code of Military Justice for or based on the violation of an offense
26 containing elements that are substantially similar to the elements
27 of the offense of indecent exposure, but not if the second violation

1 results in a deferred adjudication; ~~[or]~~

2 (J) a violation of Section 33.021 (Online
3 solicitation of a minor), Penal Code; or

4 (K) a violation of Sections 20A.02(b) and (d)
5 (Trafficking of persons), Penal Code.

6 SECTION 1.19. Article 62.101(a), Code of Criminal
7 Procedure, is amended to read as follows:

8 (a) Except as provided by Subsection (b) and Subchapter I,
9 the duty to register for a person ends when the person dies if the
10 person has a reportable conviction or adjudication, other than an
11 adjudication of delinquent conduct, for:

12 (1) a sexually violent offense;

13 (2) an offense under Section 20A.02(b), 20A.02(d),
14 25.02, 43.05(a)(2), or 43.26, Penal Code;

15 (3) an offense under Section 21.11(a)(2), Penal Code,
16 if before or after the person is convicted or adjudicated for the
17 offense under Section 21.11(a)(2), Penal Code, the person receives
18 or has received another reportable conviction or adjudication,
19 other than an adjudication of delinquent conduct, for an offense or
20 conduct that requires registration under this chapter;

21 (4) an offense under Section 20.02, 20.03, or 20.04,
22 Penal Code, if:

23 (A) the judgment in the case contains an
24 affirmative finding under Article 42.015 or, for a deferred
25 adjudication, the papers in the case contain an affirmative finding
26 that the victim or intended victim was younger than 17 years of age;
27 and

1 (B) before or after the person is convicted or
2 adjudicated for the offense under Section 20.02, 20.03, or 20.04,
3 Penal Code, the person receives or has received another reportable
4 conviction or adjudication, other than an adjudication of
5 delinquent conduct, for an offense or conduct that requires
6 registration under this chapter; or

7 (5) an offense under Section 43.23, Penal Code, that
8 is punishable under Subsection (h) of that section.

9 ARTICLE 2. CERTAIN DUTIES TOWARD AND PROTECTIONS FOR
10 VICTIMS OF TRAFFICKING

11 SECTION 2.01. The heading to Chapter 7A, Code of Criminal
12 Procedure, is amended to read as follows:

13 CHAPTER 7A. PROTECTIVE ORDER FOR CERTAIN VICTIMS [~~VICTIM~~] OF
14 TRAFFICKING OR SEXUAL ASSAULT

15 SECTION 2.02. Article 7A.01(a), Code of Criminal Procedure,
16 is amended to read as follows:

17 (a) The following persons [~~A person who is the victim of an~~
18 ~~offense under Section 21.02, 21.11, 22.011, or 22.021, Penal Code,~~
19 ~~a parent or guardian acting on behalf of a person younger than 17~~
20 ~~years of age who is the victim of such an offense, or a prosecuting~~
21 ~~attorney acting on behalf of the person] may file an application for
22 a protective order under this chapter without regard to the
23 relationship between the applicant and the alleged offender:~~

24 (1) a person who is the victim of an offense under
25 Section 21.02, 21.11, 22.011, or 22.021, Penal Code;

26 (2) a person who is the victim of an offense under
27 Section 20A.02(b), 20A.02(d), or 43.05, Penal Code;

1 (3) a parent or guardian acting on behalf of a person
2 younger than 18 years of age who is the victim of an offense listed
3 in Subdivision (1) or (2); or

4 (4) a prosecuting attorney acting on behalf of a
5 person described by Subdivision (1) or (2).

6 SECTION 2.03. Article 38.07(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) A conviction under Chapter 21, Section 20A.02(b),
9 Section 20A.02(d), Section 22.011, or Section 22.021, Penal Code,
10 is supportable on the uncorroborated testimony of the victim of the
11 sexual offense if the victim informed any person, other than the
12 defendant, of the alleged offense within one year after the date on
13 which the offense is alleged to have occurred.

14 SECTION 2.04. Section 1, Article 38.071, Code of Criminal
15 Procedure, is amended to read as follows:

16 Sec. 1. This article applies only to a hearing or proceeding
17 in which the court determines that a child younger than 13 years of
18 age would be unavailable to testify in the presence of the defendant
19 about an offense defined by any of the following sections of the
20 Penal Code:

- 21 (1) Section 19.02 (Murder);
- 22 (2) Section 19.03 (Capital Murder);
- 23 (3) Section 19.04 (Manslaughter);
- 24 (4) Section 20.04 (Aggravated Kidnapping);
- 25 (5) Section 21.11 (Indecency with a Child);
- 26 (6) Section 22.011 (Sexual Assault);
- 27 (7) Section 22.02 (Aggravated Assault);

- 1 (8) Section 22.021 (Aggravated Sexual Assault);
- 2 (9) Section 22.04(e) (Injury to a Child, Elderly
- 3 Individual, or Disabled Individual);
- 4 (10) Section 22.04(f) (Injury to a Child, Elderly
- 5 Individual, or Disabled Individual), if the conduct is committed
- 6 intentionally or knowingly;
- 7 (11) Section 25.02 (Prohibited Sexual Conduct);
- 8 (12) Section 29.03 (Aggravated Robbery);
- 9 (13) Section 43.25 (Sexual Performance by a Child);
- 10 ~~[or]~~
- 11 (14) Section 21.02 (Continuous Sexual Abuse of Young
- 12 Child or Children);
- 13 (15) Section 43.05(a)(2) (Compelling Prostitution);
- 14 or
- 15 (16) Section 20A.02(d) (Trafficking of Persons).

16 SECTION 2.05. Section 1, Article 38.072, Code of Criminal
17 Procedure, as amended by Chapters 284 (S.B. 643) and 710 (H.B.
18 2846), Acts of the 81st Legislature, Regular Session, 2009, is
19 reenacted and amended to read as follows:

20 Sec. 1. This article applies only to a proceeding in the
21 prosecution of an offense under any of the following provisions of
22 the Penal Code, if committed against a child younger than 14 years
23 of age:

- 24 (1) Chapter 21 (Sexual Offenses) or 22 (Assaultive
- 25 Offenses);
- 26 (2) Section 25.02 (Prohibited Sexual Conduct);
- 27 (3) Section 43.25 (Sexual Performance by a Child);

1 ~~[or]~~

2 (4) Section 43.05(a)(2) (Compelling Prostitution);

3 (5) Sections 20A.02(b) and (d) (Trafficking of
4 Persons); or

5 (6) Section 15.01 (Criminal Attempt), if the offense
6 attempted is described by Subdivision (1), (2), ~~[or]~~ (3), (4), or
7 (5) of this section.

8 SECTION 2.06. Section 1, Article 38.37, Code of Criminal
9 Procedure, is amended to read as follows:

10 Sec. 1. This article applies to a proceeding in the
11 prosecution of a defendant for an offense under the following
12 provisions of the Penal Code, if committed against a child under 17
13 years of age:

14 (1) Chapter 21 (Sexual Offenses);

15 (2) Chapter 22 (Assaultive Offenses);

16 (3) Section 25.02 (Prohibited Sexual Conduct);

17 (4) Section 43.25 (Sexual Performance by a Child);

18 ~~[or]~~

19 (5) Section 43.05(a)(2) (Compelling Prostitution);

20 (6) Sections 20A.02(b) and (d) (Trafficking of
21 Persons); or

22 (7) an attempt or conspiracy to commit an offense
23 listed in this section.

24 SECTION 2.07. Section 54.031(a), Family Code, is amended to
25 read as follows:

26 (a) This section applies to a hearing under this title in
27 which a child is alleged to be a delinquent child on the basis of a

1 violation of any of the following provisions of the Penal Code, if a
2 child 12 years of age or younger or a person with a disability is the
3 alleged victim of the violation:

4 (1) Chapter 21 (Sexual Offenses) or 22 (Assaultive
5 Offenses);

6 (2) Section 25.02 (Prohibited Sexual Conduct); ~~[or]~~

7 (3) Section 43.25 (Sexual Performance by a Child);

8 (4) Section 43.05(a)(2) (Compelling Prostitution); or

9 (5) Sections 20A.02(c) and (d) (Trafficking of
10 Persons).

11 SECTION 2.08. Section 33.009, Family Code, is amended to
12 read as follows:

13 Sec. 33.009. OTHER REPORTS OF SEXUAL ABUSE OF A MINOR. A
14 court or the guardian ad litem or attorney ad litem for the minor
15 shall report conduct reasonably believed to violate Section
16 20A.02(d), 21.02, 22.011, 22.021, or 25.02, Penal Code, based on
17 information obtained during a confidential court proceeding held
18 under this chapter to:

19 (1) any local or state law enforcement agency;

20 (2) the Department of Family and Protective Services,
21 if the alleged conduct involves a person responsible for the care,
22 custody, or welfare of the child;

23 (3) the state agency that operates, licenses,
24 certifies, or registers the facility in which the alleged conduct
25 occurred, if the alleged conduct occurred in a facility operated,
26 licensed, certified, or registered by a state agency; or

27 (4) an appropriate agency designated by the court.

1 SECTION 2.09. Section 33.010, Family Code, is amended to
2 read as follows:

3 Sec. 33.010. CONFIDENTIALITY. Notwithstanding any other
4 law, information obtained by the Department of Family and
5 Protective Services or another entity under Section 33.008 or
6 33.009 is confidential except to the extent necessary to prove a
7 violation of Section 20A.02(d), 21.02, 22.011, 22.021, or 25.02,
8 Penal Code.

9 SECTION 2.10. Section 161.001, Family Code, is amended to
10 read as follows:

11 Sec. 161.001. INVOLUNTARY TERMINATION OF PARENT-CHILD
12 RELATIONSHIP. The court may order termination of the parent-child
13 relationship if the court finds by clear and convincing evidence:

14 (1) that the parent has:

15 (A) voluntarily left the child alone or in the
16 possession of another not the parent and expressed an intent not to
17 return;

18 (B) voluntarily left the child alone or in the
19 possession of another not the parent without expressing an intent
20 to return, without providing for the adequate support of the child,
21 and remained away for a period of at least three months;

22 (C) voluntarily left the child alone or in the
23 possession of another without providing adequate support of the
24 child and remained away for a period of at least six months;

25 (D) knowingly placed or knowingly allowed the
26 child to remain in conditions or surroundings which endanger the
27 physical or emotional well-being of the child;

1 (E) engaged in conduct or knowingly placed the
2 child with persons who engaged in conduct which endangers the
3 physical or emotional well-being of the child;

4 (F) failed to support the child in accordance
5 with the parent's ability during a period of one year ending within
6 six months of the date of the filing of the petition;

7 (G) abandoned the child without identifying the
8 child or furnishing means of identification, and the child's
9 identity cannot be ascertained by the exercise of reasonable
10 diligence;

11 (H) voluntarily, and with knowledge of the
12 pregnancy, abandoned the mother of the child beginning at a time
13 during her pregnancy with the child and continuing through the
14 birth, failed to provide adequate support or medical care for the
15 mother during the period of abandonment before the birth of the
16 child, and remained apart from the child or failed to support the
17 child since the birth;

18 (I) contumaciously refused to submit to a
19 reasonable and lawful order of a court under Subchapter D, Chapter
20 261;

21 (J) been the major cause of:

22 (i) the failure of the child to be enrolled
23 in school as required by the Education Code; or

24 (ii) the child's absence from the child's
25 home without the consent of the parents or guardian for a
26 substantial length of time or without the intent to return;

27 (K) executed before or after the suit is filed an

1 unrevoked or irrevocable affidavit of relinquishment of parental
2 rights as provided by this chapter;

3 (L) been convicted or has been placed on
4 community supervision, including deferred adjudication community
5 supervision, for being criminally responsible for the death or
6 serious injury of a child under the following sections of the Penal
7 Code or adjudicated under Title 3 for conduct that caused the death
8 or serious injury of a child and that would constitute a violation
9 of one of the following Penal Code sections:

- 10 (i) Section 19.02 (murder);
- 11 (ii) Section 19.03 (capital murder);
- 12 (iii) Section 19.04 (manslaughter);
- 13 (iv) Section 21.11 (indecent with a
14 child);
- 15 (v) Section 22.01 (assault);
- 16 (vi) Section 22.011 (sexual assault);
- 17 (vii) Section 22.02 (aggravated assault);
- 18 (viii) Section 22.021 (aggravated sexual
19 assault);
- 20 (ix) Section 22.04 (injury to a child,
21 elderly individual, or disabled individual);
- 22 (x) Section 22.041 (abandoning or
23 endangering child);
- 24 (xi) Section 25.02 (prohibited sexual
25 conduct);
- 26 (xii) Section 43.25 (sexual performance by
27 a child);

1 (xiii) Section 43.26 (possession or
2 promotion of child pornography); ~~and~~

3 (xiv) Section 21.02 (continuous sexual
4 abuse of young child or children);

5 (xv) Section 43.05(a)(2) (compelling
6 prostitution);

7 (xvi) Section 43.02 (prostitution); and

8 (xvii) Section 20A.02(d) (trafficking of
9 persons);

10 (M) had his or her parent-child relationship
11 terminated with respect to another child based on a finding that the
12 parent's conduct was in violation of Paragraph (D) or (E) or
13 substantially equivalent provisions of the law of another state;

14 (N) constructively abandoned the child who has
15 been in the permanent or temporary managing conservatorship of the
16 Department of Family and Protective Services or an authorized
17 agency for not less than six months, and:

18 (i) the department or authorized agency has
19 made reasonable efforts to return the child to the parent;

20 (ii) the parent has not regularly visited
21 or maintained significant contact with the child; and

22 (iii) the parent has demonstrated an
23 inability to provide the child with a safe environment;

24 (O) failed to comply with the provisions of a
25 court order that specifically established the actions necessary for
26 the parent to obtain the return of the child who has been in the
27 permanent or temporary managing conservatorship of the Department

1 of Family and Protective Services for not less than nine months as a
2 result of the child's removal from the parent under Chapter 262 for
3 the abuse or neglect of the child;

4 (P) used a controlled substance, as defined by
5 Chapter 481, Health and Safety Code, in a manner that endangered the
6 health or safety of the child, and:

7 (i) failed to complete a court-ordered
8 substance abuse treatment program; or

9 (ii) after completion of a court-ordered
10 substance abuse treatment program, continued to abuse a controlled
11 substance;

12 (Q) knowingly engaged in criminal conduct that
13 has resulted in the parent's:

14 (i) conviction of an offense; and

15 (ii) confinement or imprisonment and
16 inability to care for the child for not less than two years from the
17 date of filing the petition;

18 (R) been the cause of the child being born
19 addicted to alcohol or a controlled substance, other than a
20 controlled substance legally obtained by prescription, as defined
21 by Section 261.001;

22 (S) voluntarily delivered the child to a
23 designated emergency infant care provider under Section 262.302
24 without expressing an intent to return for the child; or

25 (T) been convicted of:

26 (i) the murder of the other parent of the
27 child under Section 19.02 or 19.03, Penal Code, or under a law of

1 another state, federal law, the law of a foreign country, or the
2 Uniform Code of Military Justice that contains elements that are
3 substantially similar to the elements of an offense under Section
4 19.02 or 19.03, Penal Code;

5 (ii) criminal attempt under Section 15.01,
6 Penal Code, or under a law of another state, federal law, the law of
7 a foreign country, or the Uniform Code of Military Justice that
8 contains elements that are substantially similar to the elements of
9 an offense under Section 15.01, Penal Code, to commit the offense
10 described by Subparagraph (i); or

11 (iii) criminal solicitation under Section
12 15.03, Penal Code, or under a law of another state, federal law, the
13 law of a foreign country, or the Uniform Code of Military Justice
14 that contains elements that are substantially similar to the
15 elements of an offense under Section 15.03, Penal Code, of the
16 offense described by Subparagraph (i); and

17 (2) that termination is in the best interest of the
18 child.

19 SECTION 2.11. Section 261.001(1), Family Code, is amended
20 to read as follows:

21 (1) "Abuse" includes the following acts or omissions
22 by a person:

23 (A) mental or emotional injury to a child that
24 results in an observable and material impairment in the child's
25 growth, development, or psychological functioning;

26 (B) causing or permitting the child to be in a
27 situation in which the child sustains a mental or emotional injury

1 that results in an observable and material impairment in the
2 child's growth, development, or psychological functioning;

3 (C) physical injury that results in substantial
4 harm to the child, or the genuine threat of substantial harm from
5 physical injury to the child, including an injury that is at
6 variance with the history or explanation given and excluding an
7 accident or reasonable discipline by a parent, guardian, or
8 managing or possessory conservator that does not expose the child
9 to a substantial risk of harm;

10 (D) failure to make a reasonable effort to
11 prevent an action by another person that results in physical injury
12 that results in substantial harm to the child;

13 (E) sexual conduct harmful to a child's mental,
14 emotional, or physical welfare, including conduct that constitutes
15 the offense of continuous sexual abuse of young child or children
16 under Section 21.02, Penal Code, indecency with a child under
17 Section 21.11, Penal Code, sexual assault under Section 22.011,
18 Penal Code, ~~[ex]~~ aggravated sexual assault under Section 22.021,
19 Penal Code, or prostitution under Section 43.02(a)(2), Penal Code;

20 (F) failure to make a reasonable effort to
21 prevent sexual conduct harmful to a child;

22 (G) compelling or encouraging the child to engage
23 in sexual conduct as defined by Section 43.01, Penal Code,
24 including conduct that constitutes an offense of trafficking of
25 persons for sexual services under Section 20A.02(d), Penal Code, or
26 compelling prostitution under Section 43.05(a)(2), Penal Code;

27 (H) causing, permitting, encouraging, engaging

1 in, or allowing the photographing, filming, or depicting of the
2 child if the person knew or should have known that the resulting
3 photograph, film, or depiction of the child is obscene as defined by
4 Section 43.21, Penal Code, or pornographic;

5 (I) the current use by a person of a controlled
6 substance as defined by Chapter 481, Health and Safety Code, in a
7 manner or to the extent that the use results in physical, mental, or
8 emotional injury to a child;

9 (J) causing, expressly permitting, or
10 encouraging a child to use a controlled substance as defined by
11 Chapter 481, Health and Safety Code; ~~or~~

12 (K) causing, permitting, encouraging, engaging
13 in, or allowing a sexual performance by a child as defined by
14 Section 43.25, Penal Code; or

15 (L) knowingly causing, permitting, encouraging,
16 engaging in, or allowing conduct that constitutes an offense of
17 trafficking of persons under Section 20A.02(c), Penal Code, or the
18 failure to make a reasonable effort to prevent conduct that
19 constitutes the offense of trafficking of persons under Section
20 20A.02(c), Penal Code.

21 SECTION 2.12. Section 262.2015(b), Family Code, is amended
22 to read as follows:

23 (b) The court may find under Subsection (a) that a parent
24 has subjected the child to aggravated circumstances if:

25 (1) the parent abandoned the child without
26 identification or a means for identifying the child;

27 (2) the child is a victim of serious bodily injury or

1 sexual abuse inflicted by the parent or by another person with the
2 parent's consent;

3 (3) the parent has engaged in conduct against the
4 child that would constitute an offense under the following
5 provisions of the Penal Code:

6 (A) Section 19.02 (murder);

7 (B) Section 19.03 (capital murder);

8 (C) Section 19.04 (manslaughter);

9 (D) Section 21.11 (indecenty with a child);

10 (E) Section 22.011 (sexual assault);

11 (F) Section 22.02 (aggravated assault);

12 (G) Section 22.021 (aggravated sexual assault);

13 (H) Section 22.04 (injury to a child, elderly
14 individual, or disabled individual);

15 (I) Section 22.041 (abandoning or endangering
16 child);

17 (J) Section 25.02 (prohibited sexual conduct);

18 (K) Section 43.25 (sexual performance by a
19 child);

20 (L) Section 43.26 (possession or promotion of
21 child pornography); ~~or~~

22 (M) Section 21.02 (continuous sexual abuse of
23 young child or children);

24 (N) Section 43.02 (prostitution);

25 (O) Section 43.05(a)(2) (compelling
26 prostitution); or

27 (P) Section 20A.02(d) (trafficking of persons);

1 (4) the parent voluntarily left the child alone or in
2 the possession of another person not the parent of the child for at
3 least six months without expressing an intent to return and without
4 providing adequate support for the child;

5 (5) the parent's parental rights with regard to
6 another child have been involuntarily terminated based on a finding
7 that the parent's conduct violated Section 161.001(1)(D) or (E) or
8 a substantially equivalent provision of another state's law;

9 (6) the parent has been convicted for:

10 (A) the murder of another child of the parent and
11 the offense would have been an offense under 18 U.S.C. Section
12 1111(a) if the offense had occurred in the special maritime or
13 territorial jurisdiction of the United States;

14 (B) the voluntary manslaughter of another child
15 of the parent and the offense would have been an offense under 18
16 U.S.C. Section 1112(a) if the offense had occurred in the special
17 maritime or territorial jurisdiction of the United States;

18 (C) aiding or abetting, attempting, conspiring,
19 or soliciting an offense under Subdivision (A) or (B); or

20 (D) the felony assault of the child or another
21 child of the parent that resulted in serious bodily injury to the
22 child or another child of the parent; or

23 (7) the parent's parental rights with regard to two
24 other children have been involuntarily terminated.

25 SECTION 2.13. Section 25.026, Tax Code, is amended to read
26 as follows:

27 Sec. 25.026. CONFIDENTIALITY OF CERTAIN [~~VIOLENCE~~] SHELTER

1 CENTER AND SEXUAL ASSAULT PROGRAM ADDRESS INFORMATION. (a) In this
2 section:

3 (1) "Family violence shelter center" has the meaning
4 assigned by Section 51.002, Human Resources Code.

5 (2) "Sexual assault program" has the meaning assigned
6 by Section 420.003, Government Code.

7 (3) "Victims of trafficking shelter center" means a
8 program that:

9 (A) is operated by a public or private nonprofit
10 organization; and

11 (B) provides comprehensive residential and
12 nonresidential services to victims of trafficking of persons under
13 Section 20A.02, Penal Code.

14 (b) Information in appraisal records under Section 25.02 is
15 confidential and is available only for the official use of the
16 appraisal district, this state, the comptroller, and taxing units
17 and political subdivisions of this state if the information
18 identifies the address of a family violence shelter center, ~~or~~ a
19 sexual assault program, or a victims of trafficking shelter center.

20 ARTICLE 3. ADDITIONAL CIVIL CONSEQUENCES

21 OF TRAFFICKING OF PERSONS

22 SECTION 3.01. Section 16.0045(a), Civil Practice and
23 Remedies Code, is amended to read as follows:

24 (a) A person must bring suit for personal injury not later
25 than five years after the day the cause of action accrues if the
26 injury arises as a result of conduct that violates:

27 (1) Section 22.011, Penal Code (sexual assault);

1 (2) Section 22.021, Penal Code (aggravated sexual
2 assault); ~~[or]~~

3 (3) Section 21.02, Penal Code (continuous sexual abuse
4 of young child or children);

5 (4) Section 43.05, Penal Code (compelling
6 prostitution); or

7 (5) any section under Chapter 20A, Penal Code
8 (trafficking of persons).

9 SECTION 3.02. Section 33.013(b), Civil Practice and
10 Remedies Code, is amended to read as follows:

11 (b) Notwithstanding Subsection (a), each liable defendant
12 is, in addition to his liability under Subsection (a), jointly and
13 severally liable for the damages recoverable by the claimant under
14 Section 33.012 with respect to a cause of action if:

15 (1) the percentage of responsibility attributed to the
16 defendant with respect to a cause of action is greater than 50
17 percent; or

18 (2) the defendant, with the specific intent to do harm
19 to others, acted in concert with another person to engage in the
20 conduct described in the following provisions of the Penal Code and
21 in so doing proximately caused the damages legally recoverable by
22 the claimant:

23 (A) Section 19.02 (murder);

24 (B) Section 19.03 (capital murder);

25 (C) Section 20.04 (aggravated kidnapping);

26 (D) Section 22.02 (aggravated assault);

27 (E) Section 22.011 (sexual assault);

- 1 (F) Section 22.021 (aggravated sexual assault);
2 (G) Section 22.04 (injury to a child, elderly
3 individual, or disabled individual);
4 (H) Section 32.21 (forgery);
5 (I) Section 32.43 (commercial bribery);
6 (J) Section 32.45 (misapplication of fiduciary
7 property or property of financial institution);
8 (K) Section 32.46 (securing execution of
9 document by deception);
10 (L) Section 32.47 (fraudulent destruction,
11 removal, or concealment of writing);
12 (M) conduct described in Chapter 31 the
13 punishment level for which is a felony of the third degree or
14 higher; ~~or~~
15 (N) Section 21.02 (continuous sexual abuse of
16 young child or children);
17 (O) Section 43.05 (compelling prostitution); or
18 (P) Section 20A.02 (trafficking of persons).

19 SECTION 3.03. Section 98.002(a), Civil Practice and
20 Remedies Code, is amended to read as follows:

21 (a) A defendant who engages in the trafficking of persons,
22 ~~or~~ who intentionally or knowingly receives a benefit ~~[benefits]~~
23 from participating in a venture that traffics another person, or
24 who is criminally responsible under Section 7.02, Penal Code, for
25 the conduct of another person who engages in the conduct described
26 by this section is liable to the person trafficked, as provided by
27 this chapter, for damages arising from the trafficking of that

1 person by, as applicable, the defendant, the [~~or~~] venture, or the
2 other person for whose conduct the defendant is criminally
3 responsible.

4 SECTION 3.04. Section 98.005, Civil Practice and Remedies
5 Code, is amended to read as follows:

6 Sec. 98.005. JOINT AND SEVERAL LIABILITY. A person who
7 engages in the trafficking of persons, [~~or~~] who intentionally or
8 knowingly receives a benefit [~~benefits~~] from participating in a
9 venture that traffics another person, or who is criminally
10 responsible under Section 7.02, Penal Code, for the conduct of
11 another person who engages in the conduct described by this section
12 and who is found liable under this chapter or other law for any
13 amount of damages arising from the trafficking is jointly liable
14 with any other defendant for the entire amount of damages arising
15 from the trafficking.

16 SECTION 3.05. Section 125.0015(a), Civil Practice and
17 Remedies Code, is amended to read as follows:

18 (a) A person who maintains a place to which persons
19 habitually go for the following purposes and who knowingly
20 tolerates the activity and furthermore fails to make reasonable
21 attempts to abate the activity maintains a common nuisance:

22 (1) discharge of a firearm in a public place as
23 prohibited by the Penal Code;

24 (2) reckless discharge of a firearm as prohibited by
25 the Penal Code;

26 (3) engaging in organized criminal activity as a
27 member of a combination as prohibited by the Penal Code;

1 (4) delivery, possession, manufacture, or use of a
2 controlled substance in violation of Chapter 481, Health and Safety
3 Code;

4 (5) gambling, gambling promotion, or communicating
5 gambling information as prohibited by the Penal Code;

6 (6) prostitution, promotion of prostitution, or
7 aggravated promotion of prostitution as prohibited by the Penal
8 Code;

9 (7) compelling prostitution as prohibited by the Penal
10 Code;

11 (8) commercial manufacture, commercial distribution,
12 or commercial exhibition of obscene material as prohibited by the
13 Penal Code;

14 (9) aggravated assault as described by Section 22.02,
15 Penal Code;

16 (10) sexual assault as described by Section 22.011,
17 Penal Code;

18 (11) aggravated sexual assault as described by Section
19 22.021, Penal Code;

20 (12) robbery as described by Section 29.02, Penal
21 Code;

22 (13) aggravated robbery as described by Section 29.03,
23 Penal Code;

24 (14) unlawfully carrying a weapon as described by
25 Section 46.02, Penal Code;

26 (15) murder as described by Section 19.02, Penal Code;

27 (16) capital murder as described by Section 19.03,

1 Penal Code;

2 (17) continuous sexual abuse of young child or
3 children as described by Section 21.02, Penal Code; ~~[or]~~

4 (18) massage therapy or other massage services in
5 violation of Chapter 455, Occupations Code; or

6 (19) trafficking of persons as described by Chapter
7 20A, Penal Code.

8 ARTICLE 4. TRANSITION; EFFECTIVE DATE

9 SECTION 4.01. The change in law made by this Act applies
10 only to an offense committed on or after the effective date of this
11 Act. An offense committed before the effective date of this Act is
12 governed by the law in effect on the date the offense was committed,
13 and the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense occurred
16 before that date.

17 SECTION 4.02. This Act takes effect September 1, 2011.