

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Thompson, Branch, Raymond,  
S. Davis of Harris, Bonnen, et al.

H.B. No. 2014

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to certain criminal and civil consequences of trafficking  
3 of persons, compelling prostitution, and certain other related  
4 criminal offenses and to the prevention, prosecution, and  
5 punishment of those offenses.

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

7 ARTICLE 1. CHANGES RELATING TO ALCOHOLIC BEVERAGE CODE

8 SECTION 1.01. Section 11.44(b), Alcoholic Beverage Code, is  
9 amended to read as follows:

10 (b) The commission or administrator shall refuse to issue  
11 for a period of three years a permit or license for any location to  
12 an applicant who submitted a prior application that expired or was  
13 voluntarily surrendered before the hearing on the application was  
14 held on a protest involving allegations of prostitution, a  
15 shooting, stabbing, or other violent act, or an offense involving  
16 drugs or trafficking of persons. The three-year period commences  
17 on the date the prior application expired or was voluntarily  
18 surrendered.

19 SECTION 1.02. Section 11.46(c), Alcoholic Beverage Code, is  
20 amended to read as follows:

21 (c) The commission or administrator shall refuse to issue  
22 for a period of one year after cancellation a mixed beverage permit  
23 or private club registration permit for a premises where a license  
24 or permit has been canceled during the preceding 12 months as a

1 result of a shooting, stabbing, or other violent act, or as a result  
2 of an offense involving drugs, prostitution, or trafficking of  
3 persons.

4 SECTION 1.03. Section 11.64(a), Alcoholic Beverage Code, is  
5 amended to read as follows:

6 (a) When the commission or administrator is authorized to  
7 suspend a permit or license under this code, the commission or  
8 administrator shall give the permittee or licensee the opportunity  
9 to pay a civil penalty rather than have the permit or license  
10 suspended, unless the basis for the suspension is a violation of  
11 Section 11.61(b)(14), 22.12, 28.11, 32.17(a)(2), 32.17(a)(3),  
12 61.71(a)(5), 61.71(a)(6), 61.74(a)(14), 69.13, 71.09, 101.04,  
13 101.63, 106.03, 106.06, or 106.15, the sale or offer for sale of an  
14 alcoholic beverage during hours prohibited by Chapter 105,  
15 consumption or the permitting of consumption of an alcoholic  
16 beverage on the person's licensed or permitted premises during  
17 hours prohibited by Chapter 105 or Section 32.17(a)(7), or an  
18 offense relating to prostitution, trafficking of persons, or  
19 gambling, in which case the commission or administrator shall  
20 determine whether the permittee or licensee may have the  
21 opportunity to pay a civil penalty rather than have the permit or  
22 license suspended. The commission shall adopt rules addressing  
23 when suspension may be imposed pursuant to this section without the  
24 opportunity to pay a civil penalty. In adopting rules under this  
25 subsection, the commission shall consider the type of license or  
26 permit held, the type of violation, any aggravating or ameliorating  
27 circumstances concerning the violation, and any past violations of

1 this code by the permittee or licensee. In cases in which a civil  
2 penalty is assessed, the commission or administrator shall  
3 determine the amount of the penalty. The amount of the civil  
4 penalty may not be less than \$150 or more than \$25,000 for each day  
5 the permit or license was to have been suspended. If the licensee  
6 or permittee does not pay the penalty before the sixth day after the  
7 commission or administrator notifies him of the amount, the  
8 commission or administrator shall impose the suspension.

9 SECTION 1.04. Section 61.42(c), Alcoholic Beverage Code, is  
10 amended to read as follows:

11 (c) The county judge, commission, or administrator shall  
12 refuse to approve or issue for a period of one year a retail  
13 dealer's on-premise license or a wine and beer retailer's permit for  
14 a premises where a license or permit has been canceled during the  
15 preceding 12 months as a result of a shooting, stabbing, or other  
16 violent act, or as a result of an offense involving drugs,  
17 prostitution, or trafficking of persons.

18 ARTICLE 2. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

19 SECTION 2.01. Article 17.153(a), Code of Criminal  
20 Procedure, is amended to read as follows:

21 (a) This article applies to a defendant charged with a  
22 felony offense under any of the following provisions of the Penal  
23 Code, if committed against a child younger than 14 years of age:

- 24 (1) Chapter 21 (Sexual Offenses);  
25 (2) Section 25.02 (Prohibited Sexual Conduct); [~~or~~]  
26 (3) Section 43.25 (Sexual Performance by a Child);  
27 (4) Section 20A.02 (Trafficking of Persons), if the

1 defendant is alleged to have:

2 (A) trafficked the child with the intent or  
3 knowledge that the child would engage in sexual conduct, as defined  
4 by Section 43.25, Penal Code; or

5 (B) benefited from participating in a venture  
6 that involved a trafficked child engaging in sexual conduct, as  
7 defined by Section 43.25, Penal Code; or

8 (5) Section 43.05(a)(2) (Compelling Prostitution).

9 SECTION 2.02. Chapter 42, Code of Criminal Procedure, is  
10 amended by adding Article 42.0372 to read as follows:

11 Art. 42.0372. MANDATORY RESTITUTION FOR CHILD VICTIMS OF  
12 TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION. (a) The court  
13 shall order a defendant convicted of an offense under Section  
14 20A.02 or 43.05(a)(2), Penal Code, to pay restitution in an amount  
15 equal to the cost of necessary rehabilitation, including medical,  
16 psychiatric, and psychological care and treatment, for any victim  
17 of the offense who is younger than 18 years of age.

18 (b) The court shall, after considering the financial  
19 circumstances of the defendant, specify in a restitution order  
20 issued under Subsection (a) the manner in which the defendant must  
21 pay the restitution.

22 (c) A restitution order issued under Subsection (a) may be  
23 enforced by the state, or by a victim named in the order to receive  
24 the restitution, in the same manner as a judgment in a civil action.

25 (d) The court may hold a hearing, make findings of fact, and  
26 amend a restitution order issued under Subsection (a) if the  
27 defendant fails to pay the victim named in the order in the manner

1 specified by the court.

2 SECTION 2.03. Section 13B(b), Article 42.12, Code of  
3 Criminal Procedure, is amended to read as follows:

4 (b) This section applies to a defendant placed on community  
5 supervision for an offense:

6 (1) under Section 43.05(a)(2), 43.25, or 43.26, Penal  
7 Code;

8 (2) under Section 21.08, 21.11, 22.011, 22.021, or  
9 25.02, Penal Code;

10 (3) under Section 20.04(a)(4), Penal Code, if the  
11 defendant committed the offense with the intent to violate or abuse  
12 the victim sexually; ~~or~~

13 (4) under Section 30.02, Penal Code, punishable under  
14 Subsection (d) of that section, if the defendant committed the  
15 offense with the intent to commit a felony listed in Subdivision (2)  
16 or (3) of this subsection; or

17 (5) under Section 20A.02, Penal Code, if the  
18 defendant:

19 (A) trafficked the victim with the intent or  
20 knowledge that the victim would engage in sexual conduct, as  
21 defined by Section 43.25, Penal Code; or

22 (B) benefited from participating in a venture  
23 that involved a trafficked victim engaging in sexual conduct, as  
24 defined by Section 43.25, Penal Code.

25 SECTION 2.04. Section 19(e), Article 42.12, Code of  
26 Criminal Procedure, is amended to read as follows:

27 (e) If the judge grants community supervision to a defendant

1 convicted of an offense under Section 21.08, 21.11, 22.011, 22.021,  
2 25.02, 43.05(a)(2), 43.25, or 43.26, Penal Code, or under Section  
3 20A.02, Penal Code, if the defendant committed the offense in the  
4 manner described by Section 13B(b)(5), regardless of the age of the  
5 victim of the offense, the judge shall require as a condition of  
6 community supervision that the defendant pay to the community  
7 corrections and supervision department officer supervising the  
8 defendant a community supervision fee of \$5 each month during the  
9 period of community supervision. The fee is in addition to court  
10 costs or any other fee imposed on the defendant.

11 SECTION 2.05. Article 59.01(2), Code of Criminal Procedure,  
12 as amended by Chapters 153 (S.B. 2225), 1130 (H.B. 2086), and 1357  
13 (S.B. 554), Acts of the 81st Legislature, Regular Session, 2009, is  
14 reenacted and amended to read as follows:

15 (2) "Contraband" means property of any nature,  
16 including real, personal, tangible, or intangible, that is:

17 (A) used in the commission of:

18 (i) any first or second degree felony under  
19 the Penal Code;

20 (ii) any felony under Section 15.031(b),  
21 20.05, 21.11, 38.04, or [~~Subchapter B of~~] Chapter 43, 20A, [~~or~~  
22 ~~Chapter~~] 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

23 (iii) any felony under The Securities Act  
24 (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

25 (iv) any offense under Chapter 49, Penal  
26 Code, that is punishable as a felony of the third degree or state  
27 jail felony, if the defendant has been previously convicted three

1 times of an offense under that chapter;

2 (B) used or intended to be used in the commission  
3 of:

4 (i) any felony under Chapter 481, Health  
5 and Safety Code (Texas Controlled Substances Act);

6 (ii) any felony under Chapter 483, Health  
7 and Safety Code;

8 (iii) a felony under Chapter 153, Finance  
9 Code;

10 (iv) any felony under Chapter 34, Penal  
11 Code;

12 (v) a Class A misdemeanor under Subchapter  
13 B, Chapter 365, Health and Safety Code, if the defendant has been  
14 previously convicted twice of an offense under that subchapter;

15 (vi) any felony under Chapter 152, Finance  
16 Code;

17 (vii) any felony under Chapter 32, Human  
18 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that  
19 involves the state Medicaid program;

20 (viii) a Class B misdemeanor under Chapter  
21 522, Business & Commerce Code;

22 (ix) a Class A misdemeanor under Section  
23 306.051, Business & Commerce Code; ~~or~~

24 (x) any offense under Section 42.10, Penal  
25 Code;

26 (xi) ~~[(\*)]~~ any offense under Section  
27 46.06(a)(1) or 46.14, Penal Code; or

1                    (xii) [~~(x)~~] any offense under Chapter 71,  
2 Penal Code;

3                    (C) the proceeds gained from the commission of a  
4 felony listed in Paragraph (A) or (B) of this subdivision, a  
5 misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii)  
6 [~~(B)(viii) or (x)~~] of this subdivision, or a crime of violence;

7                    (D) acquired with proceeds gained from the  
8 commission of a felony listed in Paragraph (A) or (B) of this  
9 subdivision, a misdemeanor listed in Paragraph (B)(viii), (x),  
10 (xi), or (xii) [~~(B)(viii) or (x)~~] of this subdivision, or a crime of  
11 violence; [~~or~~]

12                    (E) used to facilitate or intended to be used to  
13 facilitate the commission of a felony under Section 15.031 or  
14 43.25, Penal Code; or

15                    (F) used to facilitate or intended to be used to  
16 facilitate the commission of a felony under Section 20A.02 or  
17 Chapter 43, Penal Code.

18                    SECTION 2.06. Article 60.051(g), Code of Criminal  
19 Procedure, is amended to read as follows:

20                    (g) In addition to the information described by Subsections  
21 (a)-(f), information in the computerized criminal history system  
22 must include the age of the victim of the offense if the defendant  
23 was arrested for or charged with an offense under:

24                    (1) Section 21.02 (Continuous sexual abuse of young  
25 child or children), Penal Code;

26                    (2) Section 21.11 (Indecency with a child), Penal  
27 Code;



1           (3) Section 22.011 (Sexual assault) or 22.021  
2 (Aggravated sexual assault), Penal Code;

3           (4) Section 43.25 (Sexual performance by a child),  
4 Penal Code;

5           (5) Section 20.04(a)(4) (Aggravated kidnapping),  
6 Penal Code, if the defendant committed the offense with intent to  
7 violate or abuse the victim sexually; ~~[or]~~

8           (6) Section 30.02 (Burglary), Penal Code, if the  
9 offense is punishable under Subsection (d) of that section and the  
10 defendant committed the offense with intent to commit an offense  
11 described by Subdivision (2), (3), or (5);

12           (7) Section 20A.02 (Trafficking of persons), Penal  
13 Code, if the defendant:

14                   (A) trafficked a person with the intent or  
15 knowledge that the person would engage in sexual conduct, as  
16 defined by Section 43.25, Penal Code; or

17                   (B) benefited from participating in a venture  
18 that involved a trafficked person engaging in sexual conduct, as  
19 defined by Section 43.25, Penal Code; or

20           (8) Section 43.05(a)(2) (Compelling prostitution).

21           SECTION 2.07. The heading to Article 102.0186, Code of  
22 Criminal Procedure, is amended to read as follows:

23           Art. 102.0186. ADDITIONAL COSTS ATTENDANT TO CERTAIN SEXUAL  
24 OFFENSES COMMITTED AGAINST CHILDREN [~~CHILD SEXUAL ASSAULT AND~~  
25 ~~RELATED CONVICTIONS~~].

26           SECTION 2.08. Article 102.0186(a), Code of Criminal  
27 Procedure, is amended to read as follows:

1 (a) A person convicted of an offense under any of the  
2 following provisions of the Penal Code shall pay \$100 on  
3 conviction:

4 (1) Section 21.02, 21.11, 22.011(a)(2),  
5 22.021(a)(1)(B), 43.05(a)(2), 43.25, 43.251, or 43.26; or

6 (2) Section 20A.02 if the defendant:

7 (A) trafficked a person younger than 18 years of  
8 age with the intent or knowledge that the person would engage in  
9 sexual conduct, as defined by Section 43.25, Penal Code; or

10 (B) benefited from participating in a venture  
11 that involved a trafficked person younger than 18 years of age  
12 engaging in sexual conduct, as defined by Section 43.25, Penal  
13 Code~~[, shall pay \$100 on conviction of the offense].~~

14 SECTION 2.09. Subchapter A, Chapter 102, Code of Criminal  
15 Procedure, is amended by adding Article 102.0187 to read as  
16 follows:

17 Art. 102.0187. ADDITIONAL COSTS ATTENDANT TO CERTAIN  
18 TRAFFICKING OF PERSONS AND COMPELLING PROSTITUTION CONVICTIONS.

19 (a) A person convicted of an offense under Section 20A.02 or 43.05,  
20 Penal Code, shall pay \$100 on conviction of the offense.

21 (b) Costs imposed under this article are imposed without  
22 regard to whether the defendant is placed on community supervision  
23 after being convicted of the offense or receives deferred  
24 adjudication for the offense.

25 (c) Court costs under this article are collected in the same  
26 manner as other fines or costs. An officer collecting the costs  
27 shall keep separate records of the money collected as costs under

1 this article and shall deposit the money in the county treasury.

2 (d) The custodian of a county treasury shall:

3 (1) keep records of the amount of money on deposit  
4 collected under this article;

5 (2) send to the comptroller, before the last day of the  
6 first month following each calendar quarter, 50 percent of the  
7 money collected under this article during the preceding quarter;  
8 and

9 (3) deposit the remaining 50 percent of the money  
10 collected under this article during the preceding quarter in a  
11 trafficking of persons and compelling prostitution prevention fund  
12 to be used only to pay for programs related to the prevention of  
13 offenses involving the trafficking of persons or compelling  
14 prostitution that are operated in the county in which the court is  
15 located.

16 (e) The trafficking of persons and compelling prostitution  
17 prevention fund shall be administered by or under the direction of  
18 the commissioners court.

19 ARTICLE 3. CHANGES RELATING TO GOVERNMENT CODE

20 SECTION 3.01. Subchapter C, Chapter 71, Government Code, is  
21 amended by adding Section 71.0353 to read as follows:

22 Sec. 71.0353. TRAFFICKING OF PERSONS INFORMATION. As a  
23 component of the official monthly report submitted to the Office of  
24 Court Administration of the Texas Judicial System, a district court  
25 or county court at law shall report the number of cases filed for  
26 the following offenses:

27 (1) trafficking of persons under Section 20A.02, Penal

1 Code;

2 (2) prostitution under Section 43.02, Penal Code; and

3 (3) compelling prostitution under Section 43.05,

4 Penal Code.

5 SECTION 3.02. Subchapter B, Chapter 102, Government Code,  
6 is amended by adding Section 102.0219 to read as follows:

7 Sec. 102.0219. ADDITIONAL COURT COSTS: CODE OF CRIMINAL  
8 PROCEDURE. A defendant who is convicted of an offense under Section  
9 20A.02 or 43.05, Penal Code, shall pay a cost on conviction, in  
10 addition to all other costs, to help fund the prevention of offenses  
11 involving the trafficking of persons or compelling prostitution  
12 (Art. 102.0187, Code of Criminal Procedure) . . . \$100.

13 SECTION 3.03. Section 411.042(b), Government Code, is  
14 amended to read as follows:

15 (b) The bureau of identification and records shall:

16 (1) procure and file for record photographs, pictures,  
17 descriptions, fingerprints, measurements, and other pertinent  
18 information of all persons arrested for or charged with a criminal  
19 offense or convicted of a criminal offense, regardless of whether  
20 the conviction is probated;

21 (2) collect information concerning the number and  
22 nature of offenses reported or known to have been committed in the  
23 state and the legal steps taken in connection with the offenses, and  
24 other information useful in the study of crime and the  
25 administration of justice, including information that enables the  
26 bureau to create a statistical breakdown of:

27 (A) offenses in which family violence was

1 involved;

2 (B) [~~and a statistical breakdown of~~] offenses  
3 under Sections 22.011 and 22.021, Penal Code; and

4 (C) offenses under Sections 20A.02 and 43.05,  
5 Penal Code;

6 (3) make ballistic tests of bullets and firearms and  
7 chemical analyses of bloodstains, cloth, materials, and other  
8 substances for law enforcement officers of the state;

9 (4) cooperate with identification and crime records  
10 bureaus in other states and the United States Department of  
11 Justice;

12 (5) maintain a list of all previous background checks  
13 for applicants for any position regulated under Chapter 1702,  
14 Occupations Code, who have undergone a criminal history background  
15 check under Section 411.119, if the check indicates a Class B  
16 misdemeanor or equivalent offense or a greater offense;

17 (6) collect information concerning the number and  
18 nature of protective orders and all other pertinent information  
19 about all persons on active protective orders. Information in the  
20 law enforcement information system relating to an active protective  
21 order shall include:

22 (A) the name, sex, race, date of birth, personal  
23 descriptors, address, and county of residence of the person to whom  
24 the order is directed;

25 (B) any known identifying number of the person to  
26 whom the order is directed, including the person's social security  
27 number or driver's license number;

1 (C) the name and county of residence of the  
2 person protected by the order;

3 (D) the residence address and place of employment  
4 or business of the person protected by the order, unless that  
5 information is excluded from the order under Section 85.007, Family  
6 Code;

7 (E) the child-care facility or school where a  
8 child protected by the order normally resides or which the child  
9 normally attends, unless that information is excluded from the  
10 order under Section 85.007, Family Code;

11 (F) the relationship or former relationship  
12 between the person who is protected by the order and the person to  
13 whom the order is directed; and

14 (G) the date the order expires;

15 (7) grant access to criminal history record  
16 information in the manner authorized under Subchapter F;

17 (8) collect and disseminate information regarding  
18 offenders with mental impairments in compliance with Chapter 614,  
19 Health and Safety Code; and

20 (9) record data and maintain a state database for a  
21 computerized criminal history record system and computerized  
22 juvenile justice information system that serves:

23 (A) as the record creation point for criminal  
24 history record information and juvenile justice information  
25 maintained by the state; and

26 (B) as the control terminal for the entry of  
27 records, in accordance with federal law and regulations, federal

1 executive orders, and federal policy, into the federal database  
2 maintained by the Federal Bureau of Investigation.

3 SECTION 3.04. Section 508.187(a), Government Code, is  
4 amended to read as follows:

5 (a) This section applies only to a releasee serving a  
6 sentence for an offense under:

7 (1) Section 43.25 or 43.26, Penal Code;

8 (2) Section 21.02, 21.11, 22.011, 22.021, or 25.02,  
9 Penal Code;

10 (3) Section 20.04(a)(4), Penal Code, if the releasee  
11 committed the offense with the intent to violate or abuse the victim  
12 sexually; ~~or~~

13 (4) Section 30.02, Penal Code, punishable under  
14 Subsection (d) of that section, if the releasee committed the  
15 offense with the intent to commit a felony listed in Subdivision (2)  
16 or (3);

17 (5) Section 43.05(a)(2), Penal Code; or

18 (6) Section 20A.02, Penal Code, if the defendant:

19 (A) trafficked the victim with the intent or  
20 knowledge that the victim would engage in sexual conduct, as  
21 defined by Section 43.25, Penal Code; or

22 (B) benefited from participating in a venture  
23 that involved a trafficked victim engaging in sexual conduct, as  
24 defined by Section 43.25, Penal Code.

25 SECTION 3.05. Sections 772.006(e) and (f), Government Code,  
26 are amended to read as follows:

27 (e) The legislature may appropriate money from the

1 trafficking of persons investigation and prosecution account  
2 created under Subsection (d) only to the criminal justice division  
3 for the purposes of this subsection. The division may use the  
4 appropriated money solely to distribute grants to qualified  
5 applicants, as determined by the division, that:

6 (1) [~~counties that apply for the grants and that~~] have  
7 dedicated full-time or part-time personnel to identify, prevent,  
8 investigate, or prosecute offenses under Chapter 20A, Penal Code;  
9 or [~~and~~]

10 (2) [~~nongovernmental organizations that apply for the~~  
11 ~~grants and that~~] provide comprehensive services in this state to  
12 prevent the commission of offenses under Chapter 20A, Penal Code,  
13 or to address the needs of victims of those offenses, including  
14 public awareness activities, community outreach and training,  
15 victim identification services, legal services, and other services  
16 designed to assist victims.

17 (f) The total amount of grants that may be distributed under  
18 this section [~~to counties and nongovernmental organizations~~] from  
19 the trafficking of persons investigation and prosecution account  
20 during each state fiscal year may not exceed \$10 million.

21 ARTICLE 4. CHANGES RELATING TO PENAL CODE

22 SECTION 4.01. Section 15.031(b), Penal Code, is amended to  
23 read as follows:

24 (b) A person commits an offense if, with intent that an  
25 offense under Section 20A.02, 21.02, 21.11, 22.011, 22.021, 43.02,  
26 43.05, or 43.25 be committed, the person by any means requests,  
27 commands, or attempts to induce a minor or another whom the person



1 believes to be a minor to engage in specific conduct that, under the  
2 circumstances surrounding the actor's conduct as the actor believes  
3 them to be, would constitute an offense under one of those sections  
4 or would make the minor or other believed by the person to be a minor  
5 a party to the commission of an offense under one of those sections.

6 SECTION 4.02. Section 25.08(c), Penal Code, is amended to  
7 read as follows:

8 (c) An offense under this section is a felony of the third  
9 degree, except that the offense is a felony of the second degree if  
10 the actor commits the offense with intent to commit an offense under  
11 Section 20A.02, 43.02, 43.05, or 43.25.

12 SECTION 4.03. Section 43.02(c), Penal Code, is amended to  
13 read as follows:

14 (c) An offense under this section is a Class B misdemeanor,  
15 except that the offense is:

16 (1) a Class A misdemeanor if [~~unless~~] the actor has  
17 previously been convicted one or two times of an offense under this  
18 section;

19 (2) a state jail felony if [~~, in which event it is a~~  
20 Class A misdemeanor. If] the actor has previously been convicted  
21 three or more times of an offense under this section;

22 (3) a felony of the third degree if the person  
23 solicited is 14 years of age or older and younger than 18 years of  
24 age; or

25 (4) a felony of the second degree if the person  
26 solicited is younger than 14 years of age [~~, the offense is a state~~  
27 jail felony].

1 SECTION 4.04. Section 43.251(c), Penal Code, is amended to  
2 read as follows:

3 (c) An offense under this section is a felony of the second  
4 degree, except that the offense is a felony of the first degree if  
5 the child is younger than 14 years of age at the time the offense is  
6 committed [~~Class A misdemeanor~~].

7 ARTICLE 5. TRANSITION; EFFECTIVE DATE

8 SECTION 5.01. Except as provided by Section 5.02 of this  
9 Act, the changes in law made by this Act apply only to an offense  
10 committed on or after the effective date of this Act. An offense  
11 committed before the effective date of this Act is covered by the  
12 law in effect when the offense was committed, and the former law is  
13 continued in effect for that purpose. For purposes of this section,  
14 an offense was committed before the effective date of this Act if  
15 any element of the offense occurred before that date.

16 SECTION 5.02. The changes in law made by this Act to  
17 Sections 11.44, 11.46, 11.64, and 61.42, Alcoholic Beverage Code,  
18 apply only to an application for a license filed on or after the  
19 effective date of this Act. An application for a license filed  
20 before the effective date of this Act is governed by the law in  
21 effect on the date the application was filed, and the former law is  
22 continued in effect for that purpose.

23 SECTION 5.03. To the extent of any conflict, this Act  
24 prevails over another Act of the 82nd Legislature, Regular Session,  
25 2011, relating to nonsubstantive additions to and corrections in  
26 enacted codes.

27 SECTION 5.04. This Act takes effect September 1, 2011.

ADOPTED

MAY 13 2011

*Atty. Gen.*  
Secretary of the Senate

By: *Patricia VandePutte*

H.B. No. 2014

Substitute the following for H.B. No. 2014 :

By: *J. J. King*

C.S. H.B. No. 2014

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23 or private club registration permit for a premises where a license  
24 or permit has been canceled during the preceding 12 months as a

1 result of a shooting, stabbing, or other violent act, or as a result  
2 of an offense involving drugs, prostitution, or trafficking of  
3 persons.

4 SECTION 1.03. Section 11.64(a), Alcoholic Beverage Code, is  
5 amended to read as follows:

6 (a) When the commission or administrator is authorized to  
7 suspend a permit or license under this code, the commission or  
8 administrator shall give the permittee or licensee the opportunity  
9 to pay a civil penalty rather than have the permit or license  
10 suspended, unless the basis for the suspension is a violation of  
11 Section 11.61(b)(14), 22.12, 28.11, 32.17(a)(2), 32.17(a)(3),  
12 61.71(a)(5), 61.71(a)(6), 61.74(a)(14), 69.13, 71.09, 101.04,  
13 101.63, 106.03, 106.06, or 106.15, the sale or offer for sale of an  
14 alcoholic beverage during hours prohibited by Chapter 105,  
15 consumption or the permitting of consumption of an alcoholic  
16 beverage on the person's licensed or permitted premises during  
17 hours prohibited by Chapter 105 or Section 32.17(a)(7), or an  
18 offense relating to prostitution, trafficking of persons, or  
19 gambling, in which case the commission or administrator shall  
20 determine whether the permittee or licensee may have the  
21 opportunity to pay a civil penalty rather than have the permit or  
22 license suspended. The commission shall adopt rules addressing  
23 when suspension may be imposed pursuant to this section without the  
24 opportunity to pay a civil penalty. In adopting rules under this  
25 subsection, the commission shall consider the type of license or  
26 permit held, the type of violation, any aggravating or ameliorating  
27 circumstances concerning the violation, and any past violations of

1 this code by the permittee or licensee. In cases in which a civil  
2 penalty is assessed, the commission or administrator shall  
3 determine the amount of the penalty. The amount of the civil  
4 penalty may not be less than \$150 or more than \$25,000 for each day  
5 the permit or license was to have been suspended. If the licensee  
6 or permittee does not pay the penalty before the sixth day after the  
7 commission or administrator notifies him of the amount, the  
8 commission or administrator shall impose the suspension.

9 SECTION 1.04. Section 61.42(c), Alcoholic Beverage Code, is  
10 amended to read as follows:

11 (c) The county judge, commission, or administrator shall  
12 refuse to approve or issue for a period of one year a retail  
13 dealer's on-premise license or a wine and beer retailer's permit for  
14 a premises where a license or permit has been canceled during the  
15 preceding 12 months as a result of a shooting, stabbing, or other  
16 violent act, or as a result of an offense involving drugs,  
17 prostitution, or trafficking of persons.

18 ARTICLE 2. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

19 SECTION 2.01. Article 17.153(a), Code of Criminal  
20 Procedure, is amended to read as follows:

21 (a) This article applies to a defendant charged with a  
22 felony offense under any of the following provisions of the Penal  
23 Code, if committed against a child younger than 14 years of age:

- 24 (1) Chapter 21 (Sexual Offenses);  
25 (2) Section 25.02 (Prohibited Sexual Conduct); ~~[ex]~~  
26 (3) Section 43.25 (Sexual Performance by a Child);  
27 (4) Section 20A.02 (Trafficking of Persons), if the

1 defendant is alleged to have:

2 (A) trafficked the child with the intent or  
3 knowledge that the child would engage in sexual conduct, as defined  
4 by Section 43.25, Penal Code; or

5 (B) benefited from participating in a venture  
6 that involved a trafficked child engaging in sexual conduct, as  
7 defined by Section 43.25, Penal Code; or

8 (5) Section 43.05(a)(2) (Compelling Prostitution).

9 SECTION 2.02. Chapter 42, Code of Criminal Procedure, is  
10 amended by adding Article 42.0372 to read as follows:

11 Art. 42.0372. MANDATORY RESTITUTION FOR CHILD VICTIMS OF  
12 TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION. (a) The court  
13 shall order a defendant convicted of an offense under Section  
14 20A.02 or 43.05(a)(2), Penal Code, to pay restitution in an amount  
15 equal to the cost of necessary rehabilitation, including medical,  
16 psychiatric, and psychological care and treatment, for any victim  
17 of the offense who is younger than 18 years of age.

18 (b) The court shall, after considering the financial  
19 circumstances of the defendant, specify in a restitution order  
20 issued under Subsection (a) the manner in which the defendant must  
21 pay the restitution.

22 (c) A restitution order issued under Subsection (a) may be  
23 enforced by the state, or by a victim named in the order to receive  
24 the restitution, in the same manner as a judgment in a civil action.

25 (d) The court may hold a hearing, make findings of fact, and  
26 amend a restitution order issued under Subsection (a) if the  
27 defendant fails to pay the victim named in the order in the manner

1 specified by the court.

2 SECTION 2.03. Section 13B(b), Article 42.12, Code of  
3 Criminal Procedure, is amended to read as follows:

4 (b) This section applies to a defendant placed on community  
5 supervision for an offense:

6 (1) under Section 43.05(a)(2), 43.25, or 43.26, Penal  
7 Code;

8 (2) under Section 21.08, 21.11, 22.011, 22.021, or  
9 25.02, Penal Code;

10 (3) under Section 20.04(a)(4), Penal Code, if the  
11 defendant committed the offense with the intent to violate or abuse  
12 the victim sexually; ~~or~~

13 (4) under Section 30.02, Penal Code, punishable under  
14 Subsection (d) of that section, if the defendant committed the  
15 offense with the intent to commit a felony listed in Subdivision (2)  
16 or (3) of this subsection; or

17 (5) under Section 20A.02, Penal Code, if the  
18 defendant:

19 (A) trafficked the victim with the intent or  
20 knowledge that the victim would engage in sexual conduct, as  
21 defined by Section 43.25, Penal Code; or

22 (B) benefited from participating in a venture  
23 that involved a trafficked victim engaging in sexual conduct, as  
24 defined by Section 43.25, Penal Code.

25 SECTION 2.04. Article 59.01(2), Code of Criminal Procedure,  
26 as amended by Chapters 153 (S.B. 2225), 1130 (H.B. 2086), and 1357  
27 (S.B. 554), Acts of the 81st Legislature, Regular Session, 2009, is

1 reenacted and amended to read as follows:

2 (2) "Contraband" means property of any nature,  
3 including real, personal, tangible, or intangible, that is:

4 (A) used in the commission of:

5 (i) any first or second degree felony under  
6 the Penal Code;

7 (ii) any felony under Section 15.031(b),  
8 20.05, 21.11, 38.04, or [~~Subchapter B of~~] Chapter 43, 20A, [~~or~~  
9 ~~Chapter~~] 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

10 (iii) any felony under The Securities Act  
11 (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

12 (iv) any offense under Chapter 49, Penal  
13 Code, that is punishable as a felony of the third degree or state  
14 jail felony, if the defendant has been previously convicted three  
15 times of an offense under that chapter;

16 (B) used or intended to be used in the commission  
17 of:

18 (i) any felony under Chapter 481, Health  
19 and Safety Code (Texas Controlled Substances Act);

20 (ii) any felony under Chapter 483, Health  
21 and Safety Code;

22 (iii) a felony under Chapter 153, Finance  
23 Code;

24 (iv) any felony under Chapter 34, Penal  
25 Code;

26 (v) a Class A misdemeanor under Subchapter  
27 B, Chapter 365, Health and Safety Code, if the defendant has been



1 previously convicted twice of an offense under that subchapter;  
2 (vi) any felony under Chapter 152, Finance  
3 Code;  
4 (vii) any felony under Chapter 32, Human  
5 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that  
6 involves the state Medicaid program;  
7 (viii) a Class B misdemeanor under Chapter  
8 522, Business & Commerce Code;  
9 (ix) a Class A misdemeanor under Section  
10 306.051, Business & Commerce Code; ~~[or]~~  
11 (x) any offense under Section 42.10, Penal  
12 Code;  
13 (xi) ~~[(x)]~~ any offense under Section  
14 46.06(a)(1) or 46.14, Penal Code; or  
15 (xii) ~~[(x)]~~ any offense under Chapter 71,  
16 Penal Code;  
17 (C) the proceeds gained from the commission of a  
18 felony listed in Paragraph (A) or (B) of this subdivision, a  
19 misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii)  
20 ~~[(B)(viii) or (x)]~~ of this subdivision, or a crime of violence;  
21 (D) acquired with proceeds gained from the  
22 commission of a felony listed in Paragraph (A) or (B) of this  
23 subdivision, a misdemeanor listed in Paragraph (B)(viii), (x),  
24 (xi), or (xii) ~~[(B)(viii) or (x)]~~ of this subdivision, or a crime of  
25 violence; ~~[or]~~  
26 (E) used to facilitate or intended to be used to  
27 facilitate the commission of a felony under Section 15.031 or

1 43.25, Penal Code; or

2 (F) used to facilitate or intended to be used to  
3 facilitate the commission of a felony under Section 20A.02 or  
4 Chapter 43, Penal Code.

5 SECTION 2.05. Article 60.051(g), Code of Criminal  
6 Procedure, is amended to read as follows:

7 (g) In addition to the information described by Subsections  
8 (a)-(f), information in the computerized criminal history system  
9 must include the age of the victim of the offense if the defendant  
10 was arrested for or charged with an offense under:

11 (1) Section 21.02 (Continuous sexual abuse of young  
12 child or children), Penal Code;

13 (2) Section 21.11 (Indecency with a child), Penal  
14 Code;

15 (3) Section 22.011 (Sexual assault) or 22.021  
16 (Aggravated sexual assault), Penal Code;

17 (4) Section 43.25 (Sexual performance by a child),  
18 Penal Code;

19 (5) Section 20.04(a)(4) (Aggravated kidnapping),  
20 Penal Code, if the defendant committed the offense with intent to  
21 violate or abuse the victim sexually; ~~or~~

22 (6) Section 30.02 (Burglary), Penal Code, if the  
23 offense is punishable under Subsection (d) of that section and the  
24 defendant committed the offense with intent to commit an offense  
25 described by Subdivision (2), (3), or (5);

26 (7) Section 20A.02 (Trafficking of persons), Penal  
27 Code, if the defendant:

1           (A) trafficked a person with the intent or  
2 knowledge that the person would engage in sexual conduct, as  
3 defined by Section 43.25, Penal Code; or

4           (B) benefited from participating in a venture  
5 that involved a trafficked person engaging in sexual conduct, as  
6 defined by Section 43.25, Penal Code; or

7           (8) Section 43.05(a)(2) (Compelling prostitution),  
8 Penal Code.

9           ARTICLE 3. CHANGES RELATING TO GOVERNMENT CODE

10          SECTION 3.01. Subchapter C, Chapter 71, Government Code, is  
11 amended by adding Section 71.0353 to read as follows:

12          Sec. 71.0353. TRAFFICKING OF PERSONS INFORMATION. As a  
13 component of the official monthly report submitted to the Office of  
14 Court Administration of the Texas Judicial System, a district court  
15 or county court at law shall report the number of cases filed for  
16 the following offenses:

17           (1) trafficking of persons under Section 20A.02, Penal  
18 Code;

19           (2) prostitution under Section 43.02, Penal Code; and

20           (3) compelling prostitution under Section 43.05,  
21 Penal Code.

22          SECTION 3.02. Section 411.042(b), Government Code, is  
23 amended to read as follows:

24          (b) The bureau of identification and records shall:

25           (1) procure and file for record photographs, pictures,  
26 descriptions, fingerprints, measurements, and other pertinent  
27 information of all persons arrested for or charged with a criminal

1 offense or convicted of a criminal offense, regardless of whether  
2 the conviction is probated;

3 (2) collect information concerning the number and  
4 nature of offenses reported or known to have been committed in the  
5 state and the legal steps taken in connection with the offenses, and  
6 other information useful in the study of crime and the  
7 administration of justice, including information that enables the  
8 bureau to create a statistical breakdown of:

9 (A) offenses in which family violence was  
10 involved;

11 (B) [~~and a statistical breakdown of~~] offenses  
12 under Sections 22.011 and 22.021, Penal Code; and

13 (C) offenses under Sections 20A.02 and 43.05,  
14 Penal Code;

15 (3) make ballistic tests of bullets and firearms and  
16 chemical analyses of bloodstains, cloth, materials, and other  
17 substances for law enforcement officers of the state;

18 (4) cooperate with identification and crime records  
19 bureaus in other states and the United States Department of  
20 Justice;

21 (5) maintain a list of all previous background checks  
22 for applicants for any position regulated under Chapter 1702,  
23 Occupations Code, who have undergone a criminal history background  
24 check under Section 411.119, if the check indicates a Class B  
25 misdemeanor or equivalent offense or a greater offense;

26 (6) collect information concerning the number and  
27 nature of protective orders and all other pertinent information

1 about all persons on active protective orders. Information in the  
2 law enforcement information system relating to an active protective  
3 order shall include:

4 (A) the name, sex, race, date of birth, personal  
5 descriptors, address, and county of residence of the person to whom  
6 the order is directed;

7 (B) any known identifying number of the person to  
8 whom the order is directed, including the person's social security  
9 number or driver's license number;

10 (C) the name and county of residence of the  
11 person protected by the order;

12 (D) the residence address and place of employment  
13 or business of the person protected by the order, unless that  
14 information is excluded from the order under Section 85.007, Family  
15 Code;

16 (E) the child-care facility or school where a  
17 child protected by the order normally resides or which the child  
18 normally attends, unless that information is excluded from the  
19 order under Section 85.007, Family Code;

20 (F) the relationship or former relationship  
21 between the person who is protected by the order and the person to  
22 whom the order is directed; and

23 (G) the date the order expires;

24 (7) grant access to criminal history record  
25 information in the manner authorized under Subchapter F;

26 (8) collect and disseminate information regarding  
27 offenders with mental impairments in compliance with Chapter 614,

1 Health and Safety Code; and

2 (9) record data and maintain a state database for a  
3 computerized criminal history record system and computerized  
4 juvenile justice information system that serves:

5 (A) as the record creation point for criminal  
6 history record information and juvenile justice information  
7 maintained by the state; and

8 (B) as the control terminal for the entry of  
9 records, in accordance with federal law and regulations, federal  
10 executive orders, and federal policy, into the federal database  
11 maintained by the Federal Bureau of Investigation.

12 SECTION 3.03. Section 508.187(a), Government Code, is  
13 amended to read as follows:

14 (a) This section applies only to a releasee serving a  
15 sentence for an offense under:

16 (1) Section 43.25 or 43.26, Penal Code;

17 (2) Section 21.02, 21.11, 22.011, 22.021, or 25.02,  
18 Penal Code;

19 (3) Section 20.04(a)(4), Penal Code, if the releasee  
20 committed the offense with the intent to violate or abuse the victim  
21 sexually; ~~or~~

22 (4) Section 30.02, Penal Code, punishable under  
23 Subsection (d) of that section, if the releasee committed the  
24 offense with the intent to commit a felony listed in Subdivision (2)  
25 or (3);

26 (5) Section 43.05(a)(2), Penal Code; or

27 (6) Section 20A.02, Penal Code, if the defendant:

1                    (A) trafficked the victim with the intent or  
2 knowledge that the victim would engage in sexual conduct, as  
3 defined by Section 43.25, Penal Code; or

4                    (B) benefited from participating in a venture  
5 that involved a trafficked victim engaging in sexual conduct, as  
6 defined by Section 43.25, Penal Code.

7            SECTION 3.04. Sections 772.006(e) and (f), Government Code,  
8 are amended to read as follows:

9            (e) The legislature may appropriate money from the  
10 trafficking of persons investigation and prosecution account  
11 created under Subsection (d) only to the criminal justice division  
12 for the purposes of this subsection. The division may use the  
13 appropriated money solely to distribute grants to qualified  
14 applicants, as determined by the division, that:

15                    (1) [~~counties that apply for the grants and that~~] have  
16 dedicated full-time or part-time personnel to identify, prevent,  
17 investigate, or prosecute offenses under Chapter 20A, Penal Code;  
18 or [and]

19                    (2) [~~nongovernmental organizations that apply for the~~  
20 ~~grants and that~~] provide comprehensive services in this state to  
21 prevent the commission of offenses under Chapter 20A, Penal Code,  
22 or to address the needs of victims of those offenses, including  
23 public awareness activities, community outreach and training,  
24 victim identification services, legal services, and other services  
25 designed to assist victims.

26            (f) The total amount of grants that may be distributed under  
27 this section [~~to counties and nongovernmental organizations~~] from

1 the trafficking of persons investigation and prosecution account  
2 during each state fiscal year may not exceed \$10 million.

3 ARTICLE 4. CHANGES RELATING TO PENAL CODE

4 SECTION 4.01. Section 25.08(c), Penal Code, is amended to  
5 read as follows:

6 (c) An offense under this section is a felony of the third  
7 degree, except that the offense is a felony of the second degree if  
8 the actor commits the offense with intent to commit an offense under  
9 Section 20A.02, 43.02, 43.05, or 43.25.

10 SECTION 4.02. Section 43.02(c), Penal Code, is amended to  
11 read as follows:

12 (c) An offense under this section is a Class B misdemeanor,  
13 except that the offense is:

14 (1) a Class A misdemeanor if [unless] the actor has  
15 previously been convicted one or two times of an offense under this  
16 section;

17 (2) a state jail felony if[, in which event it is a  
18 Class A misdemeanor. If] the actor has previously been convicted  
19 three or more times of an offense under this section;

20 (3) a felony of the third degree if the person  
21 solicited is 14 years of age or older and younger than 18 years of  
22 age; or

23 (4) a felony of the second degree if the person  
24 solicited is younger than 14 years of age[, the offense is a state  
25 jail felony].

26 SECTION 4.03. Section 43.251(c), Penal Code, is amended to  
27 read as follows:



1 (c) An offense under this section is a felony of the second  
2 degree, except that the offense is a felony of the first degree if  
3 the child is younger than 14 years of age at the time the offense is  
4 committed [~~Class A misdemeanor~~].

5 ARTICLE 5. TRANSITION; EFFECTIVE DATE

6 SECTION 5.01. Except as provided by Section 5.02 of this  
7 Act, the changes in law made by this Act apply only to an offense  
8 committed on or after the effective date of this Act. An offense  
9 committed before the effective date of this Act is covered by the  
10 law in effect when the offense was committed, and the former law is  
11 continued in effect for that purpose. For purposes of this section,  
12 an offense was committed before the effective date of this Act if  
13 any element of the offense occurred before that date.

14 SECTION 5.02. The changes in law made by this Act to  
15 Sections 11.44, 11.46, 11.64, and 61.42, Alcoholic Beverage Code,  
16 apply only to an application for a license filed on or after the  
17 effective date of this Act. An application for a license filed  
18 before the effective date of this Act is governed by the law in  
19 effect on the date the application was filed, and the former law is  
20 continued in effect for that purpose.

21 SECTION 5.03. To the extent of any conflict, this Act  
22 prevails over another Act of the 82nd Legislature, Regular Session,  
23 2011, relating to nonsubstantive additions to and corrections in  
24 enacted codes.

25 SECTION 5.04. This Act takes effect September 1, 2011.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 13, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2014** by Thompson (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend various chapters in the Alcoholic Beverage Code, the Code of Criminal Procedure, the Government Code, and the Penal Code, regarding certain criminal and civil consequences of the trafficking of persons, compelling prostitution, and other related criminal offenses.

Under the provisions of the bill, a conviction for a crime involving trafficking of persons or prostitution would be a factor in the Texas Alcoholic Beverage Commission or a county judge issuing, suspending or denying a permit or license. The bill would also add trafficking of a child or compelling prostitution of a child to the list of offenses for which bail can be revoked for a violation, for which a child safety zone would be established, for which contraband would be seized, for which the victims age must be stored in the offenders computerized criminal history, and to the list of offenses tracked by the bureau of identification at the Department of Public Safety. The bill would amend the Code of Criminal Procedure by adding mandatory restitution for child victims of trafficking of persons or compelling prostitution.

The bill would further require the Office of Court Administration to amend the official monthly report submitted by a district court or a county court-at-law to include a category for trafficking, prostitution and compelling prostitution, which OCA would thereafter be required to maintain. The bill would also enhance the sale or purchase of a child to a second degree felony if the child was sold or purchased with the intent to commit trafficking of persons, prostitution, compelling prostitution, or sexual performance by a child. Under the provisions of the bill, prostitution would be enhanced to a Class A misdemeanor for one or two previous convictions, a state jail felony for three or more previous convictions, a third degree felony if the person solicited was between 14 and 18 years of age, and a second degree felony if the person solicited was younger than 14 years of age. The bill would also enhance employment harmful to children to a second degree felony and provide for additional enhancement to a first degree felony if the child was younger than 14 years of age at the time of the offense.

The Texas Alcoholic Beverage Commission, the Office of the Governor, the Department of Criminal Justice, and the Comptroller of Public Accounts indicate no significant fiscal impact as a result of complying with the provisions of the bill. The Office of Court Administration and the Department of Public Safety indicate costs would be incurred as a result of complying with the provisions of the bill but it is assumed these costs can be covered within existing resources.

The bill would take effect on September 1, 2011 and apply to offenses committed on or after that date.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 696 Department of Criminal Justice

**LBB Staff:** JOB, SD, LM, JT, GG, JM, DAR, TB, ESi, AI, JJO

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 6, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2014** by Thompson (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend various chapters in the Alcoholic Beverage Code, the Code of Criminal Procedure, the Government Code, and the Penal Code, regarding certain criminal and civil consequences of the trafficking of persons, compelling prostitution, and other related criminal offenses.

Under the provisions of the bill, a conviction for a crime involving trafficking of persons or prostitution would be a factor in the Texas Alcoholic Beverage Commission or a county judge issuing, suspending or denying a permit or license. The bill would also add trafficking of a child or compelling prostitution of a child to the list of offenses for which bail can be revoked for a violation, for which a child safety zone would be established, for which contraband would be seized, for which the victims age must be stored in the offenders computerized criminal history, and to the list of offenses tracked by the bureau of identification at the Department of Public Safety. The bill would amend the Code of Criminal Procedure by adding mandatory restitution for child victims of trafficking of persons or compelling prostitution.

The bill would further require the Office of Court Administration to amend the official monthly report submitted by a district court or a county court-at-law to include a category for trafficking, prostitution and compelling prostitution, which OCA would thereafter be required to maintain. The bill would also enhance the sale or purchase of a child to a second degree felony if the child was sold or purchased with the intent to commit trafficking of persons, prostitution, compelling prostitution, or sexual performance by a child. Under the provisions of the bill, prostitution would be enhanced to a Class A misdemeanor for one or two previous convictions, a state jail felony for three or more previous convictions, a third degree felony if the person solicited was between 14 and 18 years of age, and a second degree felony if the person solicited was younger than 14 years of age. The bill would also enhance employment harmful to children to a second degree felony and provide for additional enhancement to a first degree felony if the child was younger than 14 years of age at the time of the offense.

The Texas Alcoholic Beverage Commission, the Office of the Governor, the Department of Criminal Justice, and the Comptroller of Public Accounts indicate no significant fiscal impact as a result of complying with the provisions of the bill. The Office of Court Administration and the Department of Public Safety indicate costs would be incurred as a result of complying with the provisions of the bill but it is assumed these costs can be covered within existing resources.

The bill would take effect on September 1, 2011 and apply to offenses committed on or after that date.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 696 Department of Criminal Justice

**LBB Staff:** JOB, LM, JT, GG, JM, DAR, TB, ESi, AI, JJO

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 3, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2014** by Thompson (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend various chapters in the Alcoholic Beverage Code, the Code of Criminal Procedure, the Government Code, and the Penal Code, regarding certain criminal and civil consequences of the trafficking of persons, compelling prostitution, and other related criminal offenses.

Under the provisions of the bill, a conviction for a crime involving trafficking of persons or prostitution would be a factor in the Texas Alcoholic Beverage Commission or a county judge issuing, suspending or denying a permit or license. The bill would also add trafficking of a child or compelling prostitution of a child to the list of offenses for which bail can be revoked for a violation, for which a child safety zone would be established, for which contraband would be seized, for which the victims age must be stored in the offenders computerized criminal history, for which offenses are tracked by the bureau of identification at the Department of Public Safety, and for which criminal solicitation of a minor could be applied. The bill would amend the Code of Criminal Procedure by adding mandatory restitution for child victims of trafficking of persons or compelling prostitution. The bill would also make a person convicted of certain crimes involving the trafficking of persons or compelling prostitution subject to a court cost of \$100. The county treasurer would be required to keep records on the revenue collected from the additional court cost and quarterly send 50 percent of the monies collected to the Comptroller's Office. The remaining 50 percent would be deposited in a trafficking of persons and compelling prostitution prevention fund. According to the Comptroller of Public Accounts (CPA), there were 12 convictions in fiscal year 2010 that met the provisions in the bill. Based on this relatively small number of convictions this bill, the CPA reports it would have no significant impact on state or local revenues.

The bill would further require the Office of Court Administration to amend the official monthly report submitted by a district court or a county court-at-law to include a category for trafficking, prostitution and compelling prostitution, which OCA would thereafter be required to maintain. Under the provisions of the bill, an individual convicted of compelling prostitution of a child or certain trafficking of persons offenses and placed on community supervision would be subject to a \$5 monthly fee. The bill would also enhance the sale or purchase of a child to a second degree felony if the child was sold or purchased with the intent to commit trafficking of persons, prostitution, compelling prostitution, or sexual performance by a child. Under the provisions of the bill, prostitution would be enhanced to a Class A misdemeanor for one or two previous convictions, a state jail felony for three or more previous convictions, a third degree felony if the person solicited was between 14 and 18 years of age, and a second degree felony if the person solicited was younger than 14 years of age. The bill would also enhance employment harmful to children to a second degree felony and provide for additional enhancement to a first degree felony if the child was younger than 14 years of age at the time of the offense.

The Texas Alcoholic Beverage Commission, the Office of the Governor, the Department of Criminal

Justice, and the Comptroller of Public Accounts indicate no significant fiscal impact as a result of complying with the provisions of the bill. The Office of Court Administration and the Department of Public Safety indicate costs would be incurred as a result of complying with the provisions of the bill but it is assumed these costs can be covered within existing resources.

The bill would take effect on September 1, 2011 and apply to offenses committed on or after that date.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 696 Department of Criminal Justice

**LBB Staff:** JOB, LM, JT, GG, JM, DAR, TB, ESi, AI, JJO

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 28, 2011**

**TO:** Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2014** by Thompson (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend various chapters in the Alcoholic Beverage Code, the Code of Criminal Procedure, the Government Code, and the Penal Code, regarding certain criminal and civil consequences of the trafficking of persons, compelling prostitution, and other related criminal offenses.

Under the provisions of the bill, a conviction for a crime involving trafficking of persons or prostitution would be a factor in the Texas Alcoholic Beverage Commission or a county judge issuing, suspending or denying a permit or license. The bill would also add trafficking of a child or compelling prostitution of a child to the list of offenses for which bail can be revoked for a violation, for which a child safety zone would be established, for which contraband would be seized, for which the victims age must be stored in the offenders computerized criminal history, for which offenses are tracked by the bureau of identification at the Department of Public Safety, and for which criminal solicitation of a minor could be applied. The bill would amend the Code of Criminal Procedure by adding mandatory restitution for child victims of trafficking of persons or compelling prostitution. The bill would also make a person convicted of certain crimes involving the trafficking of persons or compelling prostitution subject to a court cost of \$100. The county treasurer would be required to keep records on the revenue collected from the additional court cost and quarterly send 50 percent of the monies collected to the Comptroller's Office. The remaining 50 percent would be deposited in a trafficking of persons and compelling prostitution prevention fund. According to the Comptroller of Public Accounts (CPA), there were 12 convictions in fiscal year 2010 that met the provisions in the bill. Based on this relatively small number of convictions this bill, the CPA reports it would have no significant impact on state or local revenues.

The bill would further require the Office of Court Administration to amend the official monthly report to include a category for trafficking, prostitution and compelling prostitution, which OCA would thereafter be required to maintain. Under the provisions of the bill, an individual convicted of compelling prostitution of a child or certain trafficking of persons offenses and placed on community supervision would be subject to a \$5 monthly fee. The bill would also enhance the sale or purchase of a child to a second degree felony if the child was sold or purchased with the intent to commit trafficking of persons, prostitution, compelling prostitution, or sexual performance by a child. Under the provisions of the bill, prostitution would be enhanced to a Class A misdemeanor for one or two previous convictions, a state jail felony for three or more previous convictions, a third degree felony if the person solicited was between 14 and 18 years of age, and a second degree felony if the person solicited was younger than 14 years of age. The bill would also enhance employment harmful to children to a second degree felony and provide for additional enhancement to a first degree felony if the child was younger than 14 years of age at the time of the offense.

The Texas Alcoholic Beverage Commission, the Office of the Governor, the Department of Criminal Justice, and the Comptroller of Public Accounts indicate no significant fiscal impact as a result of complying with the provisions of the bill. The Office of Court Administration and the Department of Public Safety indicate costs would be incurred as a result of complying with the provisions of the bill but it is assumed these costs can be covered within existing resources.

The bill would take effect on September 1, 2011 and apply to offenses committed on or after that date.



**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 696 Department of Criminal Justice

**LBB Staff:** JOB, JT, GG, LM, JM, DAR, TB, ESi, AI, JJO

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**82ND LEGISLATIVE REGULAR SESSION**

**May 6, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2014** by Thompson (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.), **Committee Report 2nd House, Substituted**

The bill would amend various chapters in the Alcoholic Beverage Code, the Code of Criminal Procedure, the Government Code, and the Penal Code, regarding certain criminal and civil consequences of the trafficking of persons, compelling prostitution, and other related criminal offenses. The provisions of the bill that create new punishment or enhance existing punishment for criminal offenses are the subject of this analysis. The bill would also enhance sale or purchase of a child to a second degree felony if the child was sold or purchased with the intent to commit trafficking of persons, prostitution, compelling prostitution, or sexual performance by a child. Prostitution would be enhanced to a Class A misdemeanor for one or two previous convictions, a state jail felony for three or more previous convictions, a third degree felony if the person solicited was between 14 and 18 years of age, and a second degree felony if the person solicited was younger than 14 years of age. At present, prostitution is punishable at the misdemeanor and felony level with the punishment dependent on the number of previous convictions. Under current statute, the punishment for prostitution does not take into account the age of the person solicited. The bill would also enhance employment harmful to children to a second degree felony and provide for additional enhancement to a first degree felony if the child was younger than 14 years of age at the time of the offense. At present employment harmful to children is a Class A Misdemeanor.

Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jails or prison. When an offense is changed from a misdemeanor to a felony, there is a transfer of the burden of confinement of convicted offenders from the counties to the State. In fiscal year 2010, less than ten people were arrested, placed on felony community supervision or admitted to prison for trafficking of persons. Although the number who engaged in the offenses with the intent to sell or purchase a child is unknown, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies. In fiscal year 2010, less than five people were arrested, placed on misdemeanor community supervision for employment harmful to children. Although the number who engaged in employment harmful to children where the child was younger than 14 at the time of the offense is unknown, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies. In fiscal year 2010, 1,423 people were arrested for Prostitution (1,385 Class B Misdemeanor, 32 Class A Misdemeanor, and 6 state jail felony). Of those arrested for prostitution in fiscal year 2010, 195 were placed on misdemeanor community supervision. Although the number who engaged in prostitution where the person solicited was between 14 years of age and 18 years of age or where the person solicited was less than 14 years of age is unknown, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

**Source Agencies:**

**LBB Staff:** JOB, LM, GG

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**82ND LEGISLATIVE REGULAR SESSION**

**May 3, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2014** by Thompson (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.), **As Engrossed**

The bill would amend various chapters in the Alcoholic Beverage Code, the Code of Criminal Procedure, the Government Code, and the Penal Code, regarding certain criminal and civil consequences of the trafficking of persons, compelling prostitution, and other related criminal offenses. The provisions of the bill that create new punishment or enhance existing punishment for criminal offenses are the subject of this analysis. Under the provisions of the bill, certain trafficking of persons offenses and certain prostitution offenses would be added to the list of offenses for which criminal solicitation of a minor could be applied. The bill would also enhance sale or purchase of a child to a second degree felony if the child was sold or purchased with the intent to commit trafficking of persons, prostitution, compelling prostitution, or sexual performance by a child. Prostitution would be enhanced to a Class A misdemeanor for one or two previous convictions, a state jail felony for three or more previous convictions, a third degree felony if the person solicited was between 14 and 18 years of age, and a second degree felony if the person solicited was younger than 14 years of age. At present, prostitution is punishable at the misdemeanor and felony level with the punishment dependent on the number of previous convictions. Under current statute, the punishment for prostitution does not take into account the age of the person solicited. The bill would also enhance employment harmful to children to a second degree felony and provide for additional enhancement to a first degree felony if the child was younger than 14 years of age at the time of the offense. At present employment harmful to children is a Class A Misdemeanor.

Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jails or prison. When an offense is changed from a misdemeanor to a felony, there is a transfer of the burden of confinement of convicted offenders from the counties to the State. In fiscal year 2010, less than ten people were arrested, placed on felony community supervision or admitted to prison for trafficking of persons. Although the number who engaged in the offenses with the intent to sell or purchase a child is unknown, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies. In fiscal year 2010, less than five people were arrested, placed on misdemeanor community supervision for employment harmful to children. Although the number who engaged in employment harmful to children where the child was younger than 14 at the time of the offense is unknown, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies. In fiscal year 2010, 1,423 people were arrested for Prostitution (1,385 Class B Misdemeanor, 32 Class A Misdemeanor, and 6 state jail felony). Of those arrested for prostitution in fiscal year 2010, 195 were placed on misdemeanor community supervision. Although the number who engaged in prostitution where the person solicited was between 14 years of age and 18 years of age or where the person solicited was less than 14 years of age is unknown, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

**Source Agencies:**

**LBB Staff: JOB, LM, GG**

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**82ND LEGISLATIVE REGULAR SESSION**

**March 28, 2011**

**TO:** Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2014** by Thompson (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.), **As Introduced**

The bill would amend various chapters in the Alcoholic Beverage Code, the Code of Criminal Procedure, the Government Code, and the Penal Code, regarding certain criminal and civil consequences of the trafficking of persons, compelling prostitution, and other related criminal offenses. The provisions of the bill that create new punishment or enhance existing punishment for criminal offenses are the subject of this analysis. Under the provisions of the bill, certain trafficking of persons offenses and certain prostitution offenses would be added to the list of offenses for which criminal solicitation of a minor could be applied. The bill would also enhance sale or purchase of a child to a second degree felony if the child was sold or purchased with the intent to commit trafficking of persons, prostitution, compelling prostitution, or sexual performance by a child. Prostitution would be enhanced to a Class A misdemeanor for one or two previous convictions, a state jail felony for three or more previous convictions, a third degree felony if the person solicited was between 14 and 18 years of age, and a second degree felony if the person solicited was younger than 14 years of age. At present, prostitution is punishable at the misdemeanor and felony level with the punishment dependent on the number of previous convictions. Under current statute, the punishment for prostitution does not take into account the age of the person solicited. The bill would also enhance employment harmful to children to a second degree felony and provide for additional enhancement to a first degree felony if the child was younger than 14 years of age at the time of the offense. At present employment harmful to children is a Class A Misdemeanor.

Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jails or prison. When an offense is changed from a misdemeanor to a felony, there is a transfer of the burden of confinement of convicted offenders from the counties to the State. In fiscal year 2010, less than ten people were arrested, placed on felony community supervision or admitted to prison for trafficking of persons. Although the number who engaged in the offenses with the intent to sell or purchase a child is unknown, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies. In fiscal year 2010, less than five people were arrested, placed on misdemeanor community supervision for employment harmful to children. Although the number who engaged in employment harmful to children where the child was younger than 14 at the time of the offense is unknown, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies. In fiscal year 2010, 1,423 people were arrested for Prostitution (1,385 Class B Misdemeanor, 32 Class A Misdemeanor, and 6 state jail felony). Of those arrested for prostitution in fiscal year 2010, 195 were placed on misdemeanor community supervision. Although the number who engaged in prostitution where the person solicited was between 14 years of age and 18 years of age or where the person solicited was less than 14 years of age is unknown, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

**Source Agencies:**

**LBB Staff:** JOB, GG, LM