

SENATE AMENDMENTS

2nd Printing

By: Thompson of Harris, Hunter, Munoz, Jr.,
Burkett, N. Gonzalez of El Paso, et al.

H.B. No. 8

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of offenses related to
trafficking of persons and to certain protections for victims of
trafficking of persons.

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

SECTION 1. The heading to Chapter 7A, Code of Criminal
Procedure, is amended to read as follows:

CHAPTER 7A. PROTECTIVE ORDER FOR [~~CERTAIN~~] VICTIMS OF [~~TRAFFICKING~~
~~OR~~] SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING

SECTION 2. Article 7A.01(a), Code of Criminal Procedure, as
amended by Chapters 1 (S.B. 24) and 135 (S.B. 250), Acts of the 82nd
Legislature, Regular Session, 2011, is reenacted and amended to
read as follows:

(a) The following persons may file an application for a
protective order under this chapter without regard to the
relationship between the applicant and the alleged offender:

(1) a person who is the victim of an offense under
Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

(2) a person who is the victim of an offense under
Section 20A.02 [~~20A.02(a)(3), (4), (7), or (8)~~] or [~~Section~~] 43.05,
Penal Code;

(3) a parent or guardian acting on behalf of a person
younger than 17 [~~18~~] years of age who is the victim of an offense
listed in Subdivision (1);

1 (4) 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 ~~(4)~~ (2); or

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

6 SECTION 3. Article 7A.02, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 7A.02. TEMPORARY EX PARTE ORDER. If the court finds
9 from the information contained in an application for a protective
10 order that there is a clear and present danger of sexual assault or
11 abuse, stalking, trafficking, or other harm to the applicant, the
12 court, without further notice to the alleged offender and without a
13 hearing, may enter a temporary ex parte order for the protection of
14 the applicant or any other member of the applicant's family or
15 household.

16 SECTION 4. Article 7A.03, Code of Criminal Procedure, as
17 amended by Chapters 135 (S.B. 250) and 238 (H.B. 649), Acts of the
18 82nd Legislature, Regular Session, 2011, is reenacted and amended
19 to read as follows:

20 Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
21 ORDER. (a) At the close of a hearing on an application for a
22 protective order under this chapter, the court shall find whether
23 there are reasonable grounds to believe that the applicant is the
24 victim of sexual assault or abuse, ~~or~~ stalking, or trafficking.

25 (b) If the court makes a finding described by Subsection (a)
26 ~~[(a)(1) or (2)]~~, the court shall issue a protective order that
27 includes a statement of the required findings.

SECTION 5. Article 7A.07(b), Code of Criminal Procedure, is amended to read as follows:

(b) The following persons may file at any time an application with the court to rescind the protective order:

(1) a victim of an offense listed in Article 7A.01(a)(1) ~~[A-victim]~~ who is 17 years of age or older or a parent or guardian acting on behalf of a victim who is younger than 17 years of age; or

(2) a victim of an offense listed in Article 7A.01(a)(2) or a parent or guardian acting on behalf of a victim who is younger than 18 years of age ~~[may file at any time an application with the court to rescind the protective order]~~.

SECTION 6. Article 12.01, Code of Criminal Procedure, as amended by Chapters 1 (S.B. 24), 122 (H.B. 3000), 222 (H.B. 253), and 620 (S.B. 688), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

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

(1) no limitation:

(A) murder and manslaughter;

(B) sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code;

(C) sexual assault, if during the investigation of the offense biological matter is collected and subjected to forensic DNA testing and the testing results show that the matter

1 does not match the victim or any other person whose identity is
2 readily ascertained;

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

5 (E) indecency with a child under Section 21.11,
6 Penal Code;

7 (F) an offense involving leaving the scene of an
8 accident under Section 550.021, Transportation Code, if the
9 accident resulted in the death of a person; ~~or~~

10 (G) trafficking of persons under Section
11 20A.02(a)(7) or (8), Penal Code;

12 (H) ~~[(G)]~~ continuous trafficking of persons
13 under Section 20A.03, Penal Code; or

14 (I) compelling prostitution under Section
15 43.05(a)(2), Penal Code;

16 (2) ten years from the date of the commission of the
17 offense:

18 (A) theft of any estate, real, personal or mixed,
19 by an executor, administrator, guardian or trustee, with intent to
20 defraud any creditor, heir, legatee, ward, distributee,
21 beneficiary or settlor of a trust interested in such estate;

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

24 (C) forgery or the uttering, using or passing of
25 forged instruments;

26 (D) injury to an elderly or disabled individual
27 punishable as a felony of the first degree under Section 22.04,

1 Penal Code;
2 (E) sexual assault, except as provided by
3 Subdivision (1);
4 (F) arson;
5 (G) trafficking of persons under Section
6 20A.02(a)(1), (2), (3), or (4), Penal Code; or
7 (H) compelling prostitution under Section
8 43.05(a)(1), Penal Code;
9 (3) seven years from the date of the commission of the
10 offense:
11 (A) misapplication of fiduciary property or
12 property of a financial institution;
13 (B) securing execution of document by deception;
14 (C) a felony violation under Chapter 162, Tax
15 Code;
16 (D) false statement to obtain property or credit
17 under Section 32.32, Penal Code;
18 (E) money laundering;
19 (F) credit card or debit card abuse under Section
20 32.31, Penal Code;
21 (G) fraudulent use or possession of identifying
22 information under Section 32.51, Penal Code; ~~[or]~~
23 (H) Medicaid fraud under Section 35A.02, Penal
24 Code; or
25 (I) ~~[(H)]~~ bigamy under Section 25.01, Penal
26 Code, except as provided by Subdivision (6);
27 (4) five years from the date of the commission of the

offense:

(A) theft or robbery;

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

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

(D) abandoning or endangering a child; or

(E) insurance fraud;

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

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

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

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

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

(A) trafficking of persons under Section 20A.02(a)(5) or (6), Penal Code;

(B) injury to a child under Section 22.04, Penal Code; or

(C) ~~[compelling prostitution under Section 43.05(a)(2), Penal Code; or~~

~~(B)]~~ bigamy under Section 25.01, Penal Code, if the investigation of the offense shows that the person, other than the legal spouse of the defendant, whom the defendant marries or purports to marry or with whom the defendant lives under the appearance of being married is younger than 18 years of age at the time the offense is committed; or

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

SECTION 7. Section 4(d), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(d) A defendant is not eligible for community supervision under this section if the defendant:

(1) is sentenced to a term of imprisonment that exceeds 10 years;

(2) is convicted of a state jail felony for which suspension of the imposition of the sentence occurs automatically under Section 15(a);

(3) does not file a sworn motion under Subsection (e) of this section or for whom the jury does not enter in the verdict a finding that the information contained in the motion is true;

(4) is convicted of an offense for which punishment is increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously

convicted of an offense for which punishment was increased under any one of those subsections;

(5) is convicted of an offense listed in Section 3g(a)(1)(C), (E), or (H), if the victim of the offense was younger than 14 years of age at the time the offense was committed;

(6) is convicted of an offense listed in Section 3g(a)(1)(D), if the victim of the offense was younger than 14 years of age at the time the offense was committed and the actor committed the offense with the intent to violate or abuse the victim sexually;

(7) is convicted of an offense listed in Section 3g(a)(1)(J), (L), or (M); or

(8) is adjudged guilty of an offense under Section 19.02, Penal Code.

SECTION 8. Article 56.32(a), Code of Criminal Procedure, is amended by adding Subdivision (14) to read as follows:

(14) "Trafficking of persons" means any offense that results in a person engaging in forced labor or services and that may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code.

SECTION 9. Article 56.42(d), Code of Criminal Procedure, is amended to read as follows:

(d) A victim who is a victim of family violence, a victim of trafficking of persons, or a victim of sexual assault who is assaulted in the victim's place of residence may receive a onetime-only assistance payment in an amount not to exceed:

(1) \$2,000 to be used for relocation expenses, including expenses for rental deposit, utility connections,

1 expenses relating to the moving of belongings, motor vehicle
2 mileage expenses, and for out-of-state moves, transportation,
3 lodging, and meals; and

4 (2) \$1,800 to be used for housing rental expenses.

5 SECTION 10. Article 56.81, Code of Criminal Procedure, is
6 amended by adding Subdivision (7) to read as follows:

7 (7) "Trafficking of persons" means any offense that
8 results in a person engaging in forced labor or services and that
9 may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.04,
10 43.05, 43.25, 43.251, or 43.26, Penal Code.

11 SECTION 11. Article 56.82(a), Code of Criminal Procedure,
12 is amended to read as follows:

13 (a) The attorney general shall establish an address
14 confidentiality program, as provided by this subchapter, to assist
15 a victim of family violence, trafficking of persons, or an offense
16 under Section 22.011, 22.021, 25.02, or 42.072, Penal Code, in
17 maintaining a confidential address.

18 SECTION 12. Articles 56.83(a), (b), and (e), Code of
19 Criminal Procedure, are amended to read as follows:

20 (a) To be eligible to participate in the program, an
21 applicant must:

22 (1) meet with a victim's assistance counselor from a
23 state or local agency or other entity, whether for-profit or
24 nonprofit that is identified by the attorney general as an entity
25 that provides counseling and shelter services to victims of family
26 violence, trafficking of persons, or an offense under Section
27 22.011, 22.021, 25.02, or 42.072, Penal Code;

1 (2) file an application for participation with the
2 attorney general or a state or local agency or other entity
3 identified by the attorney general under Subdivision (1);

4 (3) designate the attorney general as agent to receive
5 service of process and mail on behalf of the applicant; and

6 (4) live at a residential address, or relocate to a
7 residential address, that is unknown to the person who committed or
8 is alleged to have committed the family violence, trafficking of
9 persons, or an offense under Section 22.011, 22.021, 25.02, or
10 42.072, Penal Code.

11 (b) An application under Subsection (a)(2) must contain:

12 (1) a signed, sworn statement by the applicant stating
13 that the applicant fears for the safety of the applicant, the
14 applicant's child, or another person in the applicant's household
15 because of a threat of immediate or future harm caused by the person
16 who committed or is alleged to have committed the family violence,
17 the trafficking of persons, or an offense under Section 22.011,
18 22.021, 25.02, or 42.072, Penal Code;

19 (2) the applicant's true residential address and, if
20 applicable, the applicant's business and school addresses; and

21 (3) a statement by the applicant of whether there is an
22 existing court order or a pending court case for child support or
23 child custody or visitation that involves the applicant and, if so,
24 the name and address of:

25 (A) the legal counsel of record; and

26 (B) each parent involved in the court order or
27 pending case.

1 (e) The attorney general by rule may establish additional
2 eligibility requirements for participation in the program that are
3 consistent with the purpose of the program as stated in Article
4 56.82(a). The attorney general may establish procedures for
5 requiring an applicant, in appropriate circumstances, to submit
6 with the application under Subsection (a)(2) independent
7 documentary evidence of family violence, trafficking of persons, or
8 an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal
9 Code, in the form of:

10 (1) an active or recently issued protective order;

11 (2) an incident report or other record maintained by a
12 law enforcement agency or official;

13 (3) a statement of a physician or other health care
14 provider regarding the applicant's medical condition as a result of
15 the family violence, trafficking of persons, or offense; or

16 (4) a statement of a mental health professional, a
17 member of the clergy, an attorney or other legal advocate, a trained
18 staff member of a family violence center, or another professional
19 who has assisted the applicant in addressing the effects of the
20 family violence, trafficking of persons, or offense.

21 SECTION 13. Article 62.001(5), Code of Criminal Procedure,
22 is amended to read as follows:

23 (5) "Reportable conviction or adjudication" means a
24 conviction or adjudication, including an adjudication of
25 delinquent conduct or a deferred adjudication, that, regardless of
26 the pendency of an appeal, is a conviction for or an adjudication
27 for or based on:

1 (A) a violation of Section 21.02 (Continuous
2 sexual abuse of young child or children), 21.11 (Indecency with a
3 child), 22.011 (Sexual assault), 22.021 (Aggravated sexual
4 assault), or 25.02 (Prohibited sexual conduct), Penal Code;

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

8 (C) a violation of Section 20.04(a)(4)
9 (Aggravated kidnapping), Penal Code, if the actor committed the
10 offense or engaged in the conduct with intent to violate or abuse
11 the victim sexually;

12 (D) a violation of Section 30.02 (Burglary),
13 Penal Code, if the offense or conduct is punishable under
14 Subsection (d) of that section and the actor committed the offense
15 or engaged in the conduct with intent to commit a felony listed in
16 Paragraph (A) or (C);

17 (E) a violation of Section 20.02 (Unlawful
18 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
19 Penal Code, if, as applicable:

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

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

25 (F) the second violation of Section 21.08
26 (Indecent exposure), Penal Code, but not if the second violation
27 results in a deferred adjudication;

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

4 (H) a violation of the laws of another state,
5 federal law, the laws of a foreign country, or the Uniform Code of
6 Military Justice for or based on the violation of an offense
7 containing elements that are substantially similar to the elements
8 of an offense listed under Paragraph (A), (B), (C), (D), (E), (G),
9 (J), or (K), but not if the violation results in a deferred
10 adjudication;

11 (I) the second violation of the laws of another
12 state, federal law, the laws of a foreign country, or the Uniform
13 Code of Military Justice for or based on the violation of an offense
14 containing elements that are substantially similar to the elements
15 of the offense of indecent exposure, but not if the second violation
16 results in a deferred adjudication;

17 (J) a violation of Section 33.021 (Online
18 solicitation of a minor), Penal Code; ~~[or]~~

19 (K) a violation of Section 20A.02(a)(3), (4),
20 (7), or (8) (Trafficking of persons), Penal Code;

21 (L) a violation of Section
22 43.02(a)(2) (Prostitution), Penal Code, if the offense was
23 punishable under Section 43.02(c)(3) of that code; or

24 (M) a violation of Section
25 43.05(a)(2) (Compelling prostitution), Penal Code.

26 SECTION 14. Section 508.145(d)(1), Government Code, is
27 amended to read as follows:

1 (1) An inmate serving a sentence for an offense
2 described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H),
3 (I), (J), ~~[or]~~ (K), (L), or (M), Article 42.12, Code of Criminal
4 Procedure, ~~[or for]~~ an offense for which the judgment contains an
5 affirmative finding under Section 3g(a)(2) of that article, or
6 ~~[for]~~ an offense under Section 20A.03, Penal Code, is not eligible
7 for release on parole until the inmate's actual calendar time
8 served, without consideration of good conduct time, equals one-half
9 of the sentence or 30 calendar years, whichever is less, but in no
10 event is the inmate eligible for release on parole in less than two
11 calendar years.

12 SECTION 15. The heading to Section 38.112, Penal Code, is
13 amended to read as follows:

14 Sec. 38.112. VIOLATION OF PROTECTIVE ORDER ISSUED ON BASIS
15 OF SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING.

16 SECTION 16. Section 43.02(c), Penal Code, is amended to
17 read as follows:

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

20 (1) a Class A misdemeanor if the actor has previously
21 been convicted one or two times of an offense under this section;

22 (2) a state jail felony if the actor has previously
23 been convicted three or more times of an offense under this section;

24 or

25 (3) ~~[a felony of the third degree if the person~~
26 ~~solicited is 14 years of age or older and younger than 18 years of~~
27 ~~age, or~~

1 ~~[(4)]~~ a felony of the second degree if the person
2 solicited is younger than 18 ~~[14]~~ years of age, regardless of
3 whether the actor knows the age of the person solicited at the time
4 the actor commits the offense.

5 SECTION 17. Section 43.03(b), Penal Code, is amended to
6 read as follows:

7 (b) An offense under this section is a Class A misdemeanor,
8 except that the offense is a felony of the second degree if the
9 actor:

10 (1) solicits a person younger than 18 years of age to
11 engage in prostitution with another; or

12 (2) receives money or other property pursuant to an
13 agreement to participate in the proceeds of prostitution services
14 rendered by a person younger than 18 years of age.

15 SECTION 18. Section 43.04(b), Penal Code, is amended to
16 read as follows:

17 (b) An offense under this section is a felony of the third
18 degree, except that the offense is a felony of the first degree if
19 the prostitution enterprise uses as a prostitute one or more
20 persons younger than 18 years of age.

21 SECTION 19. Section 43.251(c), Penal Code, as amended by
22 Chapters 515 (H.B. 2014) and 938 (H.B. 290), Acts of the 82nd
23 Legislature, Regular Session, 2011, is reenacted and amended to
24 read as follows:

25 (c) An offense under this section is a felony of the second
26 degree, except that the offense is a felony of the first degree if
27 the child is younger than 14 years of age at the time the offense is

1 committed.

2 ~~[(1) a state jail felony if it is shown on the trial of~~
3 ~~the offense that the defendant has been previously convicted one~~
4 ~~time of an offense under this section; and~~

5 ~~[(2) a felony of the third degree if it is shown on the~~
6 ~~trial of the offense that the defendant has been previously~~
7 ~~convicted two or more times of an offense under this section.]~~

8 SECTION 20. Section 43.23(h), Penal Code, is amended to
9 read as follows:

10 (h) The punishment for an offense under Subsection (a) or
11 ~~[is increased to the punishment for a felony of the third degree and~~
12 ~~the punishment for an offense under Subsection]~~ (c) is increased to
13 the punishment for a ~~[state jail]~~ felony of the second degree if it
14 is shown on the trial of the offense that obscene material that is
15 the subject of the offense visually depicts activities described by
16 Section 43.21(a)(1)(B) engaged in by:

17 (1) a child younger than 18 years of age at the time
18 the image of the child was made;

19 (2) an image that to a reasonable person would be
20 virtually indistinguishable from the image of a child younger than
21 18 years of age; or

22 (3) an image created, adapted, or modified to be the
23 image of an identifiable child.

24 SECTION 21. Sections 43.26(a) and (h), Penal Code, are
25 amended to read as follows:

26 (a) A person commits an offense if:

27 (1) the person knowingly or intentionally possesses _____

1 or knowingly or intentionally accesses with intent to view, visual
2 material that visually depicts a child younger than 18 years of age
3 at the time the image of the child was made who is engaging in sexual
4 conduct, including a child who engages in sexual conduct as a victim
5 of an offense under Section 20A.02(a)(5), (6), (7), or (8); and

6 (2) the person knows that the material depicts the
7 child as described by Subdivision (1).

8 (h) It is a defense to prosecution under Subsection (a) or
9 (e) that the actor is a law enforcement officer or a school
10 administrator who:

11 (1) possessed or accessed the visual material in good
12 faith solely as a result of an allegation of a violation of Section
13 43.261;

14 (2) allowed other law enforcement or school
15 administrative personnel to possess or access the material only as
16 appropriate based on the allegation described by Subdivision (1);
17 and

18 (3) took reasonable steps to destroy the material
19 within an appropriate period following the allegation described by
20 Subdivision (1).

21 SECTION 22. Section 71.02(a), Penal Code, as amended by
22 Chapters 68 (S.B. 934) and 223 (H.B. 260), Acts of the 82nd
23 Legislature, Regular Session, 2011, is reenacted and amended to
24 read as follows:

25 (a) A person commits an offense if, with the intent to
26 establish, maintain, or participate in a combination or in the
27 profits of a combination or as a member of a criminal street gang,

1 the person commits or conspires to commit one or more of the
2 following:

3 (1) murder, capital murder, arson, aggravated
4 robbery, robbery, burglary, theft, aggravated kidnapping,
5 kidnapping, aggravated assault, aggravated sexual assault, sexual
6 assault, continuous sexual abuse of young child or children,
7 solicitation of a minor, forgery, deadly conduct, assault
8 punishable as a Class A misdemeanor, burglary of a motor vehicle, or
9 unauthorized use of a motor vehicle;

10 (2) any gambling offense punishable as a Class A
11 misdemeanor;

12 (3) promotion of prostitution, aggravated promotion
13 of prostitution, or compelling prostitution;

14 (4) unlawful manufacture, transportation, repair, or
15 sale of firearms or prohibited weapons;

16 (5) unlawful manufacture, delivery, dispensation, or
17 distribution of a controlled substance or dangerous drug, or
18 unlawful possession of a controlled substance or dangerous drug
19 through forgery, fraud, misrepresentation, or deception;

20 (5-a) causing the unlawful delivery, dispensation, or
21 distribution of a controlled substance or dangerous drug in
22 violation of Subtitle B, Title 3, Occupations Code;

23 (6) any unlawful wholesale promotion or possession of
24 any obscene material or obscene device with the intent to wholesale
25 promote the same;

26 (7) any offense under Subchapter B, Chapter 43,
27 depicting or involving conduct by or directed toward a child

1 younger than 18 years of age;

2 (8) any felony offense under Chapter 32;

3 (9) any offense under Chapter 36;

4 (10) any offense under Chapter 34, 35, or 35A;

5 (11) any offense under Section 37.11(a);

6 (12) any offense under Chapter 20A;

7 (13) any offense under Section 37.10;

8 (14) any offense under Section 38.06, 38.07, 38.09, or
9 38.11;

10 (15) any offense under Section 42.10;

11 (16) any offense under Section 46.06(a)(1) or 46.14;

12 [~~or~~]

13 (17) any offense under Section 20.05; or

14 (18) [~~(17)~~] any offense classified as a felony under
15 the Tax Code.

16 SECTION 23. Chapter 7B, Code of Criminal Procedure, is
17 repealed.

18 SECTION 24. (a) The changes in law made by this Act in
19 amending Chapter 7A, Code of Criminal Procedure, and repealing
20 Chapter 7B, Code of Criminal Procedure, apply only to a protective
21 order issued on or after the effective date of this Act. A
22 protective order issued before the effective date of this Act is
23 governed by the law in effect on the date the order is issued, and
24 the former law is continued in effect for that purpose.

25 (b) The changes in law made by this Act apply only to an
26 offense committed on or after the effective date of this Act. An
27 offense committed before the effective date of this Act is governed

1 by the law in effect on the date the offense was committed, and the
2 former law is continued in effect for that purpose. For purposes of
3 this subsection, an offense was committed before the effective date
4 of this Act if any element of the offense occurred before that date.

5 SECTION 25. The change in law made by this Act to Section
6 43.26, Penal Code, applies only to an offense committed on or after
7 the effective date of this Act. An offense committed before the
8 effective date of this Act is governed by the law in effect on the
9 date the offense was committed, and the former law is continued in
10 effect for that purpose. For purposes of this section, an offense
11 was committed before the effective date of this Act if any element
12 of the offense occurred before that date.

13 SECTION 26. This Act takes effect September 1, 2013.

ADOPTED

MAY 21 2013

Atty. Gen.
Secretary of the Senate

By: Reticia VandePutte

H.B. No. 8

Substitute the following for C. B. No. :

By: C.S. B. No.

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution and punishment of offenses related to
3 trafficking of persons and to certain protections for victims of
4 trafficking of persons.

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

6 SECTION 1. The heading to Chapter 7A, Code of Criminal
7 Procedure, is amended to read as follows:

8 CHAPTER 7A. PROTECTIVE ORDER FOR [~~CERTAIN~~] VICTIMS OF [~~TRAFFICKING~~
9 ~~OR~~] SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING

10 SECTION 2. Article 7A.01(a), Code of Criminal Procedure, as
11 amended by Chapters 1 (S.B. 24) and 135 (S.B. 250), Acts of the 82nd
12 Legislature, Regular Session, 2011, is reenacted and amended to
13 read as follows:

14 (a) The following persons may file an application for a
15 protective order under this chapter without regard to the
16 relationship between the applicant and the alleged offender:

17 (1) a person who is the victim of an offense under
18 Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

19 (2) a person who is the victim of an offense under
20 Section 20A.02 [~~20A.02(a)(3), (4), (7), or (8)~~] or [~~Section~~] 43.05,
21 Penal Code;

22 (3) a parent or guardian acting on behalf of a person
23 younger than 17 [~~18~~] years of age who is the victim of an offense
24 listed in Subdivision (1);

1 (4) 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 ~~(4)~~ (2); or

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

6 SECTION 3. Article 7A.02, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 7A.02. TEMPORARY EX PARTE ORDER. If the court finds
9 from the information contained in an application for a protective
10 order that there is a clear and present danger of sexual assault or
11 abuse, stalking, trafficking, or other harm to the applicant, the
12 court, without further notice to the alleged offender and without a
13 hearing, may enter a temporary ex parte order for the protection of
14 the applicant or any other member of the applicant's family or
15 household.

16 SECTION 4. Article 7A.03, Code of Criminal Procedure, as
17 amended by Chapters 135 (S.B. 250) and 238 (H.B. 649), Acts of the
18 82nd Legislature, Regular Session, 2011, is reenacted and amended
19 to read as follows:

20 Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
21 ORDER. (a) At the close of a hearing on an application for a
22 protective order under this chapter, the court shall find whether
23 there are reasonable grounds to believe that the applicant is the
24 victim of sexual assault or abuse, ~~(4)~~ stalking, or trafficking.

25 (b) If the court makes a finding described by Subsection (a)
26 ~~[(a)(1) or (2)]~~, the court shall issue a protective order that
27 includes a statement of the required findings.

1 SECTION 5. Article 7A.07(b), Code of Criminal Procedure, is
2 amended to read as follows:

3 (b) The following persons may file at any time an
4 application with the court to rescind the protective order:

5 (1) a victim of an offense listed in Article
6 7A.01(a)(1) [A victim] who is 17 years of age or older or a parent or
7 guardian acting on behalf of a victim who is younger than 17 years
8 of age; or

9 (2) a victim of an offense listed in Article
10 7A.01(a)(2) or a parent or guardian acting on behalf of a victim who
11 is younger than 18 years of age ~~[may file at any time an application~~
12 ~~with the court to rescind the protective order]~~.

13 SECTION 6. Section 4(d), Article 42.12, Code of Criminal
14 Procedure, is amended to read as follows:

15 (d) A defendant is not eligible for community supervision
16 under this section if the defendant:

17 (1) is sentenced to a term of imprisonment that
18 exceeds 10 years;

19 (2) is convicted of a state jail felony for which
20 suspension of the imposition of the sentence occurs automatically
21 under Section 15(a);

22 (3) does not file a sworn motion under Subsection (e)
23 of this section or for whom the jury does not enter in the verdict a
24 finding that the information contained in the motion is true;

25 (4) is convicted of an offense for which punishment is
26 increased under Section 481.134(c), (d), (e), or (f), Health and
27 Safety Code, if it is shown that the defendant has been previously

1 convicted of an offense for which punishment was increased under
2 any one of those subsections;

3 (5) is convicted of an offense listed in Section
4 3g(a)(1)(C), (E), or (H), if the victim of the offense was younger
5 than 14 years of age at the time the offense was committed;

6 (6) is convicted of an offense listed in Section
7 3g(a)(1)(D), if the victim of the offense was younger than 14 years
8 of age at the time the offense was committed and the actor committed
9 the offense with the intent to violate or abuse the victim sexually;

10 (7) is convicted of an offense listed in Section
11 3g(a)(1)(J), (L), or (M); or

12 (8) is adjudged guilty of an offense under Section
13 19.02, Penal Code.

14 SECTION 7. Chapter 48, Code of Criminal Procedure, is
15 amended by adding Article 48.06 to read as follows:

16 Art. 48.06. EDUCATIONAL MATERIALS CONCERNING PARDONS FOR
17 CERTAIN VICTIMS OF TRAFFICKING OF PERSONS. (a) The Board of
18 Pardons and Paroles shall develop educational materials
19 specifically for persons convicted of or placed on deferred
20 adjudication community supervision for an offense the person
21 committed solely as a victim of trafficking of persons under
22 Section 20A.02, Penal Code. The board shall include in the
23 educational materials a detailed description of the process by
24 which the person may submit a request to the board for a written
25 signed recommendation advising the governor to grant the person a
26 pardon.

27 (b) The Board of Pardons and Paroles shall post educational

1 materials described by Subsection (a) on the board's Internet
2 website.

3 SECTION 8. Article 56.32(a), Code of Criminal Procedure, is
4 amended by adding Subdivision (14) to read as follows:

5 (14) "Trafficking of persons" means any offense that
6 results in a person engaging in forced labor or services and that
7 may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.04,
8 43.05, 43.25, 43.251, or 43.26, Penal Code.

9 SECTION 9. Article 56.42(d), Code of Criminal Procedure, is
10 amended to read as follows:

11 (d) A victim who is a victim of family violence, a victim of
12 trafficking of persons, or a victim of sexual assault who is
13 assaulted in the victim's place of residence may receive a
14 onetime-only assistance payment in an amount not to exceed:

15 (1) \$2,000 to be used for relocation expenses,
16 including expenses for rental deposit, utility connections,
17 expenses relating to the moving of belongings, motor vehicle
18 mileage expenses, and for out-of-state moves, transportation,
19 lodging, and meals; and

20 (2) \$1,800 to be used for housing rental expenses.

21 SECTION 10. Article 56.81, Code of Criminal Procedure, is
22 amended by adding Subdivision (7) to read as follows:

23 (7) "Trafficking of persons" means any offense that
24 may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.04,
25 43.05, 43.25, 43.251, or 43.26, Penal Code, and that results in a
26 person:

27 (A) engaging in forced labor or services; or

1 (B) otherwise becoming a victim of the offense.

2 SECTION 11. Article 56.82(a), Code of Criminal Procedure,
3 is amended to read as follows:

4 (a) The attorney general shall establish an address
5 confidentiality program, as provided by this subchapter, to assist
6 a victim of family violence, trafficking of persons, or an offense
7 under Section 22.011, 22.021, 25.02, or 42.072, Penal Code, in
8 maintaining a confidential address.

9 SECTION 12. Articles 56.83(a), (b), and (e), Code of
10 Criminal Procedure, are amended to read as follows:

11 (a) To be eligible to participate in the program, an
12 applicant must:

13 (1) meet with a victim's assistance counselor from a
14 state or local agency or other entity, whether for-profit or
15 nonprofit that is identified by the attorney general as an entity
16 that provides counseling and shelter services to victims of family
17 violence, trafficking of persons, or an offense under Section
18 22.011, 22.021, 25.02, or 42.072, Penal Code;

19 (2) file an application for participation with the
20 attorney general or a state or local agency or other entity
21 identified by the attorney general under Subdivision (1);

22 (3) designate the attorney general as agent to receive
23 service of process and mail on behalf of the applicant; and

24 (4) live at a residential address, or relocate to a
25 residential address, that is unknown to the person who committed or
26 is alleged to have committed the family violence, trafficking of
27 persons, or an offense under Section 22.011, 22.021, 25.02, or

1 42.072, Penal Code.

2 (b) An application under Subsection (a)(2) must contain:

3 (1) a signed, sworn statement by the applicant stating
4 that the applicant fears for the safety of the applicant, the
5 applicant's child, or another person in the applicant's household
6 because of a threat of immediate or future harm caused by the person
7 who committed or is alleged to have committed the family violence,
8 the trafficking of persons, or an offense under Section 22.011,
9 22.021, 25.02, or 42.072, Penal Code;

10 (2) the applicant's true residential address and, if
11 applicable, the applicant's business and school addresses; and

12 (3) a statement by the applicant of whether there is an
13 existing court order or a pending court case for child support or
14 child custody or visitation that involves the applicant and, if so,
15 the name and address of:

16 (A) the legal counsel of record; and

17 (B) each parent involved in the court order or
18 pending case.

19 (e) The attorney general by rule may establish additional
20 eligibility requirements for participation in the program that are
21 consistent with the purpose of the program as stated in Article
22 56.82(a). The attorney general may establish procedures for
23 requiring an applicant, in appropriate circumstances, to submit
24 with the application under Subsection (a)(2) independent
25 documentary evidence of family violence, trafficking of persons, or
26 an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal
27 Code, in the form of:

- 1 (1) an active or recently issued protective order;
- 2 (2) an incident report or other record maintained by a
- 3 law enforcement agency or official;
- 4 (3) a statement of a physician or other health care
- 5 provider regarding the applicant's medical condition as a result of
- 6 the family violence, trafficking of persons, or offense; or
- 7 (4) a statement of a mental health professional, a
- 8 member of the clergy, an attorney or other legal advocate, a trained
- 9 staff member of a family violence center, or another professional
- 10 who has assisted the applicant in addressing the effects of the
- 11 family violence, trafficking of persons, or offense.

12 SECTION 13. Section 508.145(d)(1), Government Code, is

13 amended to read as follows:

14 (1) An inmate serving a sentence for an offense

15 described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H),

16 (I), (J), ~~or~~ (K), (L), or (M), Article 42.12, Code of Criminal

17 Procedure, ~~or for~~ an offense for which the judgment contains an

18 affirmative finding under Section 3g(a)(2) of that article, or

19 ~~for~~ an offense under Section 20A.03, Penal Code, is not eligible

20 for release on parole until the inmate's actual calendar time

21 served, without consideration of good conduct time, equals one-half

22 of the sentence or 30 calendar years, whichever is less, but in no

23 event is the inmate eligible for release on parole in less than two

24 calendar years.

25 SECTION 14. The heading to Section 38.112, Penal Code, is

26 amended to read as follows:

27 Sec. 38.112. VIOLATION OF PROTECTIVE ORDER ISSUED ON BASIS

1 OF SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING.

2 SECTION 15. Section 43.02, Penal Code, is amended by
3 amending Subsections (a), (b), and (c) and adding Subsection (e) to
4 read as follows:

5 (a) A person commits an offense if the person ~~[he]~~
6 knowingly:

7 (1) offers to engage, agrees to engage, or engages in
8 sexual conduct for a fee; or

9 (2) solicits another in a public place to engage with
10 the person ~~[him]~~ in sexual conduct for hire.

11 (b) An offense is established under Subsection (a)(1)
12 whether the actor is to receive or pay a fee. An offense is
13 established under Subsection (a)(2) whether the actor solicits a
14 person to hire the actor ~~[him]~~ or offers to hire the person
15 solicited.

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

18 (1) a Class A misdemeanor if the actor has previously
19 been convicted one or two times of an offense under this section;

20 (2) a state jail felony if the actor has previously
21 been convicted three or more times of an offense under this section;
22 or

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

26 ~~[(4)]~~ a felony of the second degree if the person
27 solicited is younger than 18 ~~[14]~~ years of age, regardless of

1 whether the actor knows the age of the person solicited at the time
2 the actor commits the offense.

3 (e) A conviction may be used for purposes of enhancement
4 under this section or enhancement under Subchapter D, Chapter 12,
5 but not under both this section and Subchapter D, Chapter 12. For
6 purposes of enhancement of penalties under this section or
7 Subchapter D, Chapter 12, a defendant is previously convicted of an
8 offense under this section if the defendant was adjudged guilty of
9 the offense or entered a plea of guilty or nolo contendere in return
10 for a grant of deferred adjudication, regardless of whether the
11 sentence for the offense was ever imposed or whether the sentence
12 was probated and the defendant was subsequently discharged from
13 community supervision.

14 SECTION 16. Section 43.03(b), Penal Code, is amended to
15 read as follows:

16 (b) An offense under this section is a Class A misdemeanor,
17 except that the offense is:

18 (1) a state jail felony if the actor has been
19 previously convicted of an offense under this section; or

20 (2) a felony of the second degree if the actor engages
21 in conduct described by Subsection (a)(1) or (2) involving a person
22 younger than 18 years of age engaging in prostitution, regardless
23 of whether the actor knows the age of the person at the time the
24 actor commits the offense.

25 SECTION 17. Section 43.04(b), Penal Code, is amended to
26 read as follows:

27 (b) An offense under this section is a felony of the third

1 degree, except that the offense is a felony of the first degree if
2 the prostitution enterprise uses as a prostitute one or more
3 persons younger than 18 years of age, regardless of whether the
4 actor knows the age of the person at the time the actor commits the
5 offense.

6 SECTION 18. Section 43.251(c), Penal Code, as amended by
7 Chapters 515 (H.B. 2014) and 938 (H.B. 290), Acts of the 82nd
8 Legislature, Regular Session, 2011, is reenacted and amended to
9 read as follows:

10 (c) An offense under this section is a felony of the second
11 degree, except that the offense is a felony of the first degree if
12 the child is younger than 14 years of age at the time the offense is
13 committed.

14 ~~[(1) a state jail felony if it is shown on the trial of~~
15 ~~the offense that the defendant has been previously convicted one~~
16 ~~time of an offense under this section, and~~

17 ~~[(2) a felony of the third degree if it is shown on the~~
18 ~~trial of the offense that the defendant has been previously~~
19 ~~convicted two or more times of an offense under this section.]~~

20 SECTION 19. Section 43.23(h), Penal Code, is amended to
21 read as follows:

22 (h) The punishment for an offense under Subsection (a) or
23 ~~[is increased to the punishment for a felony of the third degree and~~
24 ~~the punishment for an offense under Subsection]~~ (c) is increased to
25 the punishment for a ~~[state jail]~~ felony of the second degree if it
26 is shown on the trial of the offense that obscene material that is
27 the subject of the offense visually depicts activities described by

1 Section 43.21(a)(1)(B) engaged in by:

2 (1) a child younger than 18 years of age at the time
3 the image of the child was made;

4 (2) an image that to a reasonable person would be
5 virtually indistinguishable from the image of a child younger than
6 18 years of age; or

7 (3) an image created, adapted, or modified to be the
8 image of an identifiable child.

9 SECTION 20. Section 71.02(a), Penal Code, as amended by
10 Chapters 68 (S.B. 934) and 223 (H.B. 260), Acts of the 82nd
11 Legislature, Regular Session, 2011, is reenacted and amended to
12 read as follows:

13 (a) A person commits an offense if, with the intent to
14 establish, maintain, or participate in a combination or in the
15 profits of a combination or as a member of a criminal street gang,
16 the person commits or conspires to commit one or more of the
17 following:

18 (1) murder, capital murder, arson, aggravated
19 robbery, robbery, burglary, theft, aggravated kidnapping,
20 kidnapping, aggravated assault, aggravated sexual assault, sexual
21 assault, continuous sexual abuse of young child or children,
22 solicitation of a minor, forgery, deadly conduct, assault
23 punishable as a Class A misdemeanor, burglary of a motor vehicle, or
24 unauthorized use of a motor vehicle;

25 (2) any gambling offense punishable as a Class A
26 misdemeanor;

27 (3) promotion of prostitution, aggravated promotion

1 of prostitution, or compelling prostitution;
2 (4) unlawful manufacture, transportation, repair, or
3 sale of firearms or prohibited weapons;
4 (5) unlawful manufacture, delivery, dispensation, or
5 distribution of a controlled substance or dangerous drug, or
6 unlawful possession of a controlled substance or dangerous drug
7 through forgery, fraud, misrepresentation, or deception;
8 (5-a) causing the unlawful delivery, dispensation, or
9 distribution of a controlled substance or dangerous drug in
10 violation of Subtitle B, Title 3, Occupations Code;
11 (6) any unlawful wholesale promotion or possession of
12 any obscene material or obscene device with the intent to wholesale
13 promote the same;
14 (7) any offense under Subchapter B, Chapter 43,
15 depicting or involving conduct by or directed toward a child
16 younger than 18 years of age;
17 (8) any felony offense under Chapter 32;
18 (9) any offense under Chapter 36;
19 (10) any offense under Chapter 34, 35, or 35A;
20 (11) any offense under Section 37.11(a);
21 (12) any offense under Chapter 20A;
22 (13) any offense under Section 37.10;
23 (14) any offense under Section 38.06, 38.07, 38.09, or
24 38.11;
25 (15) any offense under Section 42.10;
26 (16) any offense under Section 46.06(a)(1) or 46.14;
27 [~~or~~]

1 (17) any offense under Section 20.05; or
2 (18) [~~(17)~~] any offense classified as a felony under
3 the Tax Code.

4 SECTION 21. Chapter 7B, Code of Criminal Procedure, is
5 repealed.

6 SECTION 22. (a) The changes in law made by this Act in
7 amending Chapter 7A, Code of Criminal Procedure, and repealing
8 Chapter 7B, Code of Criminal Procedure, apply only to a protective
9 order issued on or after the effective date of this Act. A
10 protective order issued before the effective date of this Act is
11 governed by the law in effect on the date the order is issued, and
12 the former law is continued in effect for that purpose.

13 (b) The changes in law made by this Act apply only to an
14 offense committed on or after the effective date of this Act. An
15 offense committed before the effective date of this Act is governed
16 by the law in effect on the date the offense was committed, and the
17 former law is continued in effect for that purpose. For purposes of
18 this subsection, an offense was committed before the effective date
19 of this Act if any element of the offense occurred before that date.

20 SECTION 23. The Board of Pardons and Paroles not later than
21 October 1, 2013, shall post on its Internet website the educational
22 materials described by Article 48.06(a), Code of Criminal
23 Procedure, as added by this Act.

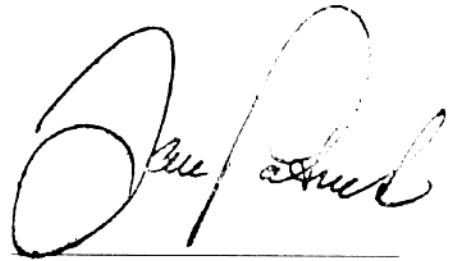
24 SECTION 24. This Act takes effect September 1, 2013.

ADOPTED

MAY 21 2013

Atty Gen
Secretary of the Senate

BY:



FLOOR AMENDMENT NO. 1

1 Amend C.S.H.B. No. 8 (committee printing) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Sections 43.26(a) and (h), Penal Code, are
5 amended to read as follows:

6 (a) A person commits an offense if:

7 (1) the person knowingly or intentionally possesses,
8 or knowingly or intentionally accesses with intent to view, visual
9 material that visually depicts a child younger than 18 years of age
10 at the time the image of the child was made who is engaging in sexual
11 conduct, including a child who engages in sexual conduct as a victim
12 of an offense under Section 20A.02(a)(5), (6), (7), or (8); and

13 (2) the person knows that the material depicts the
14 child as described by Subdivision (1).

15 (h) It is a defense to prosecution under Subsection (a) or
16 (e) that the actor is a law enforcement officer or a school
17 administrator who:

18 (1) possessed or accessed the visual material in good
19 faith solely as a result of an allegation of a violation of Section
20 43.261;

21 (2) allowed other law enforcement or school
22 administrative personnel to possess or access the material only as
23 appropriate based on the allegation described by Subdivision (1);
24 and

25 (3) took reasonable steps to destroy the material
26 within an appropriate period following the allegation described by
27 Subdivision (1).

28 SECTION _____. The change in law made by this Act to Section
29 43.26, Penal Code, applies only to an offense committed on or after

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 22, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB8 by Thompson, Senfronia (Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

This bill would revise statutes relating to protective orders issued for victims of human trafficking and the offense of human trafficking. The bill would define "trafficking of persons" in the Code of Criminal Procedure as any offense that results in a person engaging in forced labor or services that may be prosecuted under certain sections of the Penal Code. The bill would designate certain offenses of soliciting a person under 18 to engage in prostitution or receiving proceeds from the prostitution of a person under 18, as a state jail felony or second degree felony rather than a Class A misdemeanor. The bill would require the Board of Pardons and Paroles to develop educational materials for persons convicted of or placed on deferred adjudication for an offense committed as a victim of trafficking and post these materials on their website. The bill would amend the Penal Code as it relates to the offense of possession or promotion of child pornography. The bill would authorize trafficking victims to conceal their addresses through the Address Confidentiality Program and include victims of trafficking to the list of people eligible to receive rent and relocation benefits from the Crime Victims' Compensation Program, both at the Office of the Attorney General.

The Comptroller of Public Accounts determined the revenue gain from the difference in court costs that would result from provisions of the bill that enhance penalties cannot be estimated. Based on Legislative Budget Board staff analysis of the number of offenders convicted under this statute, the fiscal impact of this is not expected to be significant.

The Board of Pardons and Paroles, Office of Court Administration, and Office of the Attorney General indicate they could absorb the costs associated with the bill within current resources. Based on analysis of the number of offenders convicted under this statute, this analysis assumes implementing the provisions of the bill 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.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: UP, MMe, ESi, CL, JI, LM, JJO, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB8 by Thompson, Senfronia (Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

This bill would revise statutes relating to protective orders issued for victims of human trafficking and the offense of human trafficking. The bill would define "trafficking of persons" in the Code of Criminal Procedure as any offense that results in a person engaging in forced labor or services that may be prosecuted under certain sections of the Penal Code. The bill would designate certain offenses of soliciting a person under 18 to engage in prostitution or receiving proceeds from the prostitution of a person under 18, as a state jail felony or second degree felony rather than a Class A misdemeanor. The bill would require the Board of Pardons and Paroles to develop educational materials for persons convicted of or placed on deferred adjudication for an offense committed as a victim of trafficking and post these materials on their website. The bill would authorize trafficking victims to conceal their addresses through the Address Confidentiality Program and include victims of trafficking to the list of people eligible to receive rent and relocation benefits from the Crime Victims' Compensation Program, both at the Office of the Attorney General.

The Comptroller of Public Accounts determined the revenue gain from the difference in court costs that would result from provisions of the bill that enhance penalties cannot be estimated. Based on Legislative Budget Board staff analysis of the number of offenders convicted under this statute, the fiscal impact of this is not expected to be significant.

The Board of Pardons and Paroles, Office of Court Administration, and Office of the Attorney General indicate they could absorb the costs associated with the bill within current resources. Based on analysis of the number of offenders convicted under this statute, this analysis assumes implementing the provisions of the bill 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.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: UP, MMe, ESi, CL, JI, LM, JJO, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB8 by Thompson, Senfronia (Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

This bill would revise statutes relating to protective orders issued for victims of human trafficking and the offense of human trafficking. The bill would define "trafficking of persons" in the Code of Criminal Procedure as any offense that results in a person engaging in forced labor or services that may be prosecuted under certain sections of the Penal Code. The bill would designate the offense of soliciting a person under 18 to engage in prostitution or receiving proceeds from the prostitution of a person under 18, as a second degree felony rather than a Class A misdemeanor. The bill would amend the Penal Code as it relates to the offense of possession or promotion of child pornography. The bill would authorize trafficking victims to conceal their addresses through the Address Confidentiality Program and include victims of trafficking to the list of people eligible to receive rent and relocation benefits from the Crime Victims' Compensation Program, both at the Office of the Attorney General.

The Comptroller of Public Accounts reports state consolidated court costs are \$83 for a Class A misdemeanor and \$133 for a second degree felony. The Comptroller determined the revenue gain from the difference in court costs that would result from the provisions of the bill cannot be estimated. Based on analysis of the number of offenders convicted under this statute, the fiscal impact of this is not expected to be significant.

The Office of Court Administration and Office of the Attorney General indicate they could absorb the costs associated with the bill within current resources. Based on analysis of the number of offenders convicted under this statute, this analysis assumes implementing the provisions of the bill 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.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: UP, ESi, CL, JI, MMe, LM, JJO, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 27, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB8 by Thompson, Senfronia (Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

This bill would revise statutes relating to protective orders issued for victims of human trafficking and the offense of human trafficking. The bill would define "trafficking of persons" in the Code of Criminal Procedure as any offense that results in a person engaging in forced labor or services that may be prosecuted under certain sections of the Penal Code. The bill would designate the offense of soliciting a person under 18 to engage in prostitution or receiving proceeds from the prostitution of a person under 18, as a second degree felony rather than a Class A misdemeanor. The bill would authorize trafficking victims to conceal their addresses through the Address Confidentiality Program and include victims of trafficking to the list of people eligible to receive rent and relocation benefits from the Crime Victims' Compensation Program, both at the Office of the Attorney General.

The Comptroller of Public Accounts reports state consolidated court costs are \$83 for a Class A misdemeanor and \$133 for a second degree felony. The Comptroller determined the revenue gain from the difference in court costs that would result from the provisions of the bill cannot be estimated. Based on Legislative Budget Board staff analysis of the number of offenders convicted under this statute, the fiscal impact of this is not expected to be significant.

The Office of Court Administration and Office of the Attorney General indicate they could absorb the costs associated with the bill within current resources. Based on the Legislative Budget Board staff analysis of the number of offenders convicted under this statute, implementing the provisions of the bill 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.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: UP, CL, JI, MMe, LM, JJO, KKR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 18, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee On Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB8 by Thompson, Senfronia (Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>

This bill would revise statutes relating to protective orders issued for victims of human trafficking and the offense of human trafficking. The bill would define "trafficking of persons" in the Code of Criminal Procedure as any offense that results in a person engaging in forced labor or services that may be prosecuted under certain sections of the Penal Code. The bill would designate the offense of soliciting a person under 18 to engage in prostitution or receiving proceeds from the prostitution of a person under 18, as a second degree felony rather than a Class A misdemeanor. The bill would authorize trafficking victims to conceal their addresses through the Address Confidentiality Program and include victims of trafficking to the list of people eligible to receive rent and relocation benefits from the Crime Victims' Compensation Program, both at the Office of the Attorney General.

The Comptroller of Public Accounts reports state consolidated court costs are \$83 for a Class A misdemeanor and \$133 for a second degree felony. The Comptroller determined the revenue gain from the difference in court costs that would result from the provisions of the bill cannot be estimated. Based on Legislative Budget Board staff analysis of the number of offenders convicted under this statute, the fiscal impact of this is not expected to be significant.

The Office of Court Administration and Office of the Attorney General indicate they could absorb the costs associated with the bill within current resources. Based on the Legislative Budget Board staff analysis of the number of offenders convicted under this statute, implementing the provisions of the bill 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.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: UP, CL, JI, MMe, LM, JJO, KKR

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

May 22, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB8 by Thompson, Senfronia (Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.), **As Passed 2nd House**

The bill would amend the Code of Criminal Procedure as it relates to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons. The provisions of the bill that relate to the punishment for felony criminal offenses are the subject of this analysis. Under the provisions of the bill, compelling prostitution and trafficking of persons would be added to the list of offenses not eligible for community supervision cases decided by juries and not eligible for release to parole supervision; the penalty for solicitation of a minor for sex offenses would be enhanced; previous convictions for solicitation of a minor could be used for enhancements under one but not multiple sections of the Penal Code with deferred adjudications considered as previous convictions; the penalty for aggravated promotion of prostitution offenses would span the misdemeanor and felony level with the punishment contingent on the number of previous convictions and the specific nature of the offense; the penalty for obscenity offenses involving a minor would be enhanced to a second degree felony; and continuous sexual abuse of young children and solicitation of a minor would be added to the list of engaging in organized criminal activity offenses.

The bill would amend the Penal Code as it relates to the offense of possession or promotion of child pornography. Under current law it is an offense for a person to knowingly or intentionally possess child pornography. The bill adds knowingly or intentionally access with intent to view to the definition of this offense. The offense of possession or promotion of child pornography is a second or third degree felony, depending upon the circumstances.

A state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years and, in addition to confinement, an optional fine not to exceed \$10,000 or Class A Misdemeanor punishment (mandatory post conviction community supervision). A felony of the third degree is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the second degree is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the first degree is punishable by confinement in prison for life or a term from 5 to 99 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a penalty is applied or enhancing the punishment 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 jail, state jail, or prison. In fiscal year 2012, 179 people were arrested, less than 30 people were placed on community supervision, and less than 10 were incarcerated in state jail or prison for the human trafficking-related offenses covered under the provisions of the bill. In the case of the bill, 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: UP, LM, CL, GG, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB8 by Thompson, Senfronia (Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.), **Committee Report 2nd House, Substituted**

The bill would amend the Code of Criminal Procedure as it relates to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons. The provisions of the bill that relate to the punishment for felony criminal offenses are the subject of this analysis. Under the provisions of the bill, compelling prostitution and trafficking of persons would be added to the list of offenses not eligible for community supervision cases decided by juries and not eligible for release to parole supervision; the penalty for solicitation of a minor for sex offenses would be enhanced; previous convictions for solicitation of a minor could be used for enhancements under one but not multiple sections of the Penal Code with deferred adjudications considered as previous convictions; the penalty for aggravated promotion of prostitution offenses would span the misdemeanor and felony level with the punishment contingent on the number of previous convictions and the specific nature of the offense; the penalty for obscenity offenses involving a minor would be enhanced to a second degree felony; and continuous sexual abuse of young children and solicitation of a minor would be added to the list of engaging in organized criminal activity offenses.

A state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years and, in addition to confinement, an optional fine not to exceed \$10,000 or Class A Misdemeanor punishment (mandatory post conviction community supervision). A felony of the third degree is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the second degree is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the first degree is punishable by confinement in prison for life or a term from 5 to 99 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a penalty is applied or enhancing the punishment 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 jail, state jail, or prison. In fiscal year 2012, 179 people were arrested, less than 30 people were placed on community supervision, and less than 10 were incarcerated in state jail or prison for the human trafficking-related offenses covered under the provisions of the bill. In the case of the bill, 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: UP, LM, CL, GG, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB8 by Thompson, Senfronia (Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.), **As Engrossed**

The bill would amend the Code of Criminal Procedure as it relates to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons. The provisions of the bill that relate to the punishment for felony criminal offenses are the subject of this analysis. Under the provisions of the bill, compelling the prostitution of a minor would be added to the list of offenses for which there is not statute of limitations; compelling prostitution and trafficking of persons would be added to the list of offenses not eligible for community supervision cases decided by juries and not eligible for release to parole supervision; certain prostitution and certain compelling prostitution offenses would be added to the list of offenses for which registration is required; the penalty for solicitation of a minor for sex would be enhanced to a second degree felony; the penalty for aggravated promotion of prostitution offenses involving one or more minors would be enhanced to a first degree felony; the penalty for obscenity offenses involving a minor would be enhanced to a second degree felony; and continuous sexual abuse of young children and solicitation of a minor would be added to the list of engaging in organized criminal activity offenses.

The bill would amend the Penal Code as it relates to the offense of possession or promotion of child pornography. Under current law it is an offense for a person to knowingly or intentionally possess child pornography. The bill adds knowingly or intentionally access with intent to view to the definition of this offense. The offense of possession or promotion of child pornography is a second or third degree felony, depending upon the circumstances.

A felony of the third degree is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the second degree is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the first degree is punishable by confinement in prison for life or a term from 5 to 99 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a penalty is applied or enhancing the punishment 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

jail, state jail, or prison. In fiscal year 2012, 179 people were arrested, less than 30 people were placed on community supervision, and less than 10 were incarcerated in state jail or prison for the human trafficking-related offenses covered under the provisions of the bill. Additionally, in fiscal year 2012, there were 784 arrests, 304 community supervision placements, and 88 admissions to prison for the offense of possession or promotion of child pornography. In the case of the bill, it is assumed that 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: UP, CL, LM, GG, ESi

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

Revision 1

April 2, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB8 by Thompson, Senfronia (Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.), **Committee Report 1st House, Substituted**

The bill would amend the Code of Criminal Procedure as it relates to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons. The provisions of the bill that relate to the punishment for felony criminal offenses are the subject of this analysis. Under the provisions of the bill, compelling the prostitution of a minor would be added to the list of offenses for which there is not statute of limitations; compelling prostitution and trafficking of persons would be added to the list of offenses not eligible for community supervision cases decided by juries and not eligible for release to parole supervision; certain prostitution and certain compelling prostitution offenses would be added to the list of offenses for which registration is required; the penalty for solicitation of a minor for sex would be enhanced to a second degree felony; the penalty for aggravated promotion of prostitution offenses involving one or more minors would be enhanced to a first degree felony; the penalty for obscenity offenses involving a minor would be enhanced to a second degree felony; and continuous sexual abuse of young children and solicitation of a minor would be added to the list of engaging in organized criminal activity offenses.

A felony of the third degree is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the second degree is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the first degree is punishable by confinement in prison for life or a term from 5 to 99 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a penalty is applied or enhancing the punishment 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 jail, state jail, or prison. In fiscal year 2012, 179 people were arrested, less than 30 people were placed on community supervision, and less than 10 were incarcerated in state jail or prison for the offenses covered under the provisions of the bill. In the case of the bill, it is assumed that 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: UP, CL, LM, GG, ESi

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

March 27, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB8 by Thompson, Senfronia (), **Committee Report 1st House, Substituted**

The bill would amend the Code of Criminal Procedure as it relates to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons. The provisions of the bill that relate to the punishment for felony criminal offenses are the subject of this analysis. Under the provisions of the bill, compelling the prostitution of a minor would be added to the list of offenses for which there is not statute of limitations; compelling prostitution and trafficking of persons would be added to the list of offenses not eligible for community supervision cases decided by juries and not eligible for release to parole supervision; certain prostitution and certain compelling prostitution offenses would be added to the list of offenses for which registration is required; the penalty for solicitation of a minor for sex would be enhanced to a second degree felony; the penalty for aggravated promotion of prostitution offenses involving one or more minors would be enhanced to a first degree felony; the penalty for obscenity offenses involving a minor would be enhanced to a second degree felony; and continuous sexual abuse of young children and solicitation of a minor would be added to the list of engaging in organized criminal activity offenses.

A felony of the third degree is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the second degree is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the first degree is punishable by confinement in prison for life or a term from 5 to 99 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a penalty is applied or enhancing the punishment 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 jail, state jail, or prison. In fiscal year 2012, 179 people were arrested, less than 30 people were placed on community supervision, and less than 10 were incarcerated in state jail or prison for the offenses covered under the provisions of the bill. In the case of the bill, it is assumed that 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: UP, GG, LM, ESi

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

March 18, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee On Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB8 by Thompson, Senfronia (Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.), **As Introduced**

The bill would amend the Code of Criminal Procedure as it relates to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons. The provisions of the bill that relate to the punishment for felony criminal offenses are the subject of this analysis. Under the provisions of the bill, compelling the prostitution of a minor would be added to the list of offenses for which there is not statute of limitations; compelling prostitution and trafficking of persons would be added to the list of offenses not eligible for community supervision cases decided by juries and not eligible for release to parole supervision; certain prostitution and certain compelling prostitution offenses would be added to the list of offenses for which registration is required; the penalty for solicitation of a minor for sex would be enhanced to a second degree felony; the penalty for aggravated promotion of prostitution offenses involving one or more minors would be enhanced to a first degree felony; the penalty for obscenity offenses involving a minor would be enhanced to a second degree felony; and continuous sexual abuse of young children and solicitation of a minor would be added to the list of engaging in organized criminal activity offenses.

A felony of the third degree is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the second degree is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the first degree is punishable by confinement in prison for life or a term from 5 to 99 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a penalty is applied or enhancing the punishment 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 jail, state jail, or prison. In fiscal year 2012, 179 people were arrested, less than 30 people were placed on community supervision, and less than 10 were incarcerated in state jail or prison for the offenses covered under the provisions of the bill. In the case of the bill, it is assumed that 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: UP, GG, LM, ESi