

SENATE AMENDMENTS

2nd Printing

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H.B. No. 10

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; to the prevention, prosecution, and punishment
5 of those offenses, and to compensation paid to victims of those
6 offenses.

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

8 SECTION 1. Article 12.01, Code of Criminal Procedure, is
9 amended to read as follows:

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

13 (1) no limitation:

14 (A) murder and manslaughter;

15 (B) sexual assault under Section 22.011(a)(2),
16 Penal Code, or aggravated sexual assault under Section
17 22.021(a)(1)(B), Penal Code;

18 (C) sexual assault, if during the investigation
19 of the offense biological matter is collected and subjected to
20 forensic DNA testing and the testing results show that the matter
21 does not match the victim or any other person whose identity is
22 readily ascertained;

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

1 (E) indecency with a child under Section 21.11,
2 Penal Code;

3 (F) an offense involving leaving the scene of an
4 accident under Section 550.021, Transportation Code, if the
5 accident resulted in the death of a person;

6 (G) trafficking of persons under Section
7 20A.02(a)(7) or (8), Penal Code; ~~[or]~~

8 (H) continuous trafficking of persons under
9 Section 20A.03, Penal Code; or

10 (I) compelling prostitution under Section
11 43.05(a)(2), Penal Code;

12 (2) ten years from the date of the commission of the
13 offense:

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

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

20 (C) forgery or the uttering, using or passing of
21 forged instruments;

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

25 (E) sexual assault, except as provided by
26 Subdivision (1);

27 (F) arson;

1 (G) trafficking of persons under Section
2 20A.02(a)(1), (2), (3), or (4), Penal Code; or

3 (H) compelling prostitution under Section
4 43.05(a)(1), Penal Code;

5 (3) seven years from the date of the commission of the
6 offense:

7 (A) misapplication of fiduciary property or
8 property of a financial institution;

9 (B) securing execution of document by deception;

10 (C) a felony violation under Chapter 162, Tax
11 Code;

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

14 (E) money laundering;

15 (F) credit card or debit card abuse under Section
16 32.31, Penal Code;

17 (G) fraudulent use or possession of identifying
18 information under Section 32.51, Penal Code;

19 (H) Medicaid fraud under Section 35A.02, Penal
20 Code; or

21 (I) bigamy under Section 25.01, Penal Code,
22 except as provided by Subdivision (6);

23 (4) five years from the date of the commission of the
24 offense:

25 (A) theft or robbery;

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

1 (C) injury to an elderly or disabled individual
2 that is not punishable as a felony of the first degree under Section
3 22.04, Penal Code;

4 (D) abandoning or endangering a child; or

5 (E) insurance fraud;

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

10 (A) sexual performance by a child under Section
11 43.25, Penal Code;

12 (B) aggravated kidnapping under Section
13 20.04(a)(4), Penal Code, if the defendant committed the offense
14 with the intent to violate or abuse the victim sexually; or

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

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

22 (A) trafficking of persons under Section
23 20A.02(a)(5) or (6), Penal Code;

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

26 (C) [~~compelling prostitution under Section~~
27 ~~43.05(a)(2), Penal Code; or~~

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

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

9 SECTION 2. Article 56.32(a)(14), Code of Criminal
10 Procedure, is amended to read as follows:

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

15 SECTION 3. Article 56.41, Code of Criminal Procedure, is
16 amended by adding Subsection (b-1) to read as follows:

17 (b-1) Subsection (b)(3) does not apply to a claimant or
18 victim who seeks compensation for criminally injurious conduct that
19 is:

20 (1) in violation of Section 20A.02(a)(7), Penal Code;
21 or

22 (2) trafficking of persons, other than an offense
23 described by Subdivision (1), if the criminally injurious conduct
24 the claimant or victim participated in was the result of force,
25 fraud, or coercion.

26 SECTION 4. Article 56.45, Code of Criminal Procedure, is
27 amended to read as follows:

1 Art. 56.45. DENIAL OR REDUCTION OF AWARD. (a) The attorney
2 general may deny or reduce an award otherwise payable:

3 (1) if the claimant or victim has not substantially
4 cooperated with an appropriate law enforcement agency;

5 (2) if the claimant or victim bears a share of the
6 responsibility for the act or omission giving rise to the claim
7 because of the claimant's or victim's behavior;

8 (3) to the extent that pecuniary loss is recouped from
9 a collateral source; or

10 (4) if the claimant or victim was engaging in an
11 activity that at the time of the criminally injurious conduct was
12 prohibited by law or a rule made under law.

13 (b) Subsection (a)(4) does not apply to a claimant or victim
14 who seeks compensation for criminally injurious conduct that is:

15 (1) in violation of Section 20A.02(a)(7), Penal Code;
16 or

17 (2) trafficking of persons, other than an offense
18 described by Subdivision (1), if the activity the claimant or
19 victim engaged in was the result of force, fraud, or coercion.

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

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

27 (A) a violation of Section 21.02 (Continuous

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

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

7 (B-1) a violation of Section 43.02
8 (Prostitution), Penal Code, if the offense is punishable under
9 Subsection (c)(3) of that section;

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

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

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

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

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

27 (F) the second violation of Section 21.08

1 (Indecent exposure), Penal Code, but not if the second violation
2 results in a deferred adjudication;

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

6 (H) a violation of the laws of another state,
7 federal law, the laws of a foreign country, or the Uniform Code of
8 Military Justice for or based on the violation of an offense
9 containing elements that are substantially similar to the elements
10 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
11 (G), (J), or (K), but not if the violation results in a deferred
12 adjudication;

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

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

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

23 SECTION 6. Section 38.004(a), Education Code, is amended to
24 read as follows:

25 (a) The agency shall develop a policy governing the reports
26 of child abuse or neglect, including reports related to the
27 trafficking of a child under Section 20A.02(a)(5), (6), (7), or

1 (8), Penal Code, as required by Chapter 261, Family Code, for ~~[of]~~
2 school districts, open-enrollment charter schools, and their
3 employees. The policy must provide for cooperation with law
4 enforcement child abuse investigations without the consent of the
5 child's parents if necessary, including investigations by the
6 Department of Family and Protective Services. The policy must
7 require each school district and open-enrollment charter school
8 employee to report child abuse or neglect, including the
9 trafficking of a child under Section 20A.02(a)(5) or (7), Penal
10 Code, in the manner required by Chapter 261, Family Code. Each
11 school district and open-enrollment charter school shall adopt the
12 policy.

13 SECTION 7. Section 22.011, Government Code, is amended to
14 read as follows:

15 Sec. 22.011. JUDICIAL INSTRUCTION RELATED TO FAMILY
16 VIOLENCE, SEXUAL ASSAULT, TRAFFICKING OF PERSONS, AND CHILD ABUSE.

17 (a) The supreme court shall provide judicial training related to
18 the problems of family violence, sexual assault, trafficking of
19 persons, and child abuse and to issues concerning sex offender
20 characteristics.

21 (d) The instruction must include information about:

22 (1) statutory and case law relating to videotaping a
23 child's testimony and relating to competency of children to
24 testify;

25 (2) methods for eliminating the trauma to the child
26 caused by the court process;

27 (3) case law, statutory law, and procedural rules

1 relating to family violence, sexual assault, trafficking of
2 persons, and child abuse;

3 (4) methods for providing protection for victims of
4 family violence, sexual assault, trafficking of persons, or child
5 abuse;

6 (5) available community and state resources for
7 counseling and other aid to victims and to offenders;

8 (6) gender bias in the judicial process;

9 (7) dynamics and effects of being a victim of family
10 violence, sexual assault, trafficking of persons, or child abuse;
11 and

12 (8) issues concerning sex offender characteristics.

13 SECTION 8. The heading to Section 22.110, Government Code,
14 is amended to read as follows:

15 Sec. 22.110. JUDICIAL INSTRUCTION RELATED TO FAMILY
16 VIOLENCE, SEXUAL ASSAULT, TRAFFICKING OF PERSONS, AND CHILD ABUSE
17 AND NEGLECT.

18 SECTION 9. Sections 22.110(a), (b), and (d), Government
19 Code, are amended to read as follows:

20 (a) The court of criminal appeals shall assure that judicial
21 training related to the problems of family violence, sexual
22 assault, trafficking of persons, and child abuse and neglect is
23 provided.

24 (b) The court of criminal appeals shall adopt the rules
25 necessary to accomplish the purposes of this section. The rules
26 must require each district judge, judge of a statutory county
27 court, associate judge appointed under Chapter 54A of this code or

1 Chapter 201, Family Code, master, referee, and magistrate to
2 complete at least 12 hours of the training within the judge's first
3 term of office or the judicial officer's first four years of service
4 and provide a method for certification of completion of that
5 training. At least four hours of the training must be dedicated to
6 issues related to trafficking of persons and child abuse and
7 neglect and must cover at least two of the topics described in
8 Subsections (d)(8)-(12). At least six hours of the training must be
9 dedicated to the training described by Subsections (d)(5), (6), and
10 (7). The rules must require each judge and judicial officer to
11 complete an additional five hours of training during each
12 additional term in office or four years of service. At least two
13 hours of the additional training must be dedicated to issues
14 related to trafficking of persons and child abuse and neglect. The
15 rules must exempt from the training requirement of this subsection
16 each judge or judicial officer who files an affidavit stating that
17 the judge or judicial officer does not hear any cases involving
18 family violence, sexual assault, trafficking of persons, or child
19 abuse and neglect.

20 (d) The instruction must include information about:

21 (1) statutory and case law relating to videotaping a
22 child's testimony and relating to competency of children to
23 testify;

24 (2) methods for eliminating the trauma to the child
25 caused by the court process;

26 (3) case law, statutory law, and procedural rules
27 relating to family violence, sexual assault, trafficking of

1 persons, and child abuse and neglect;

2 (4) methods for providing protection for victims of
3 family violence, sexual assault, trafficking of persons, and child
4 abuse and neglect;

5 (5) available community and state resources for
6 counseling and other aid to victims and to offenders;

7 (6) gender bias in the judicial process;

8 (7) dynamics and effects of being a victim of family
9 violence, sexual assault, trafficking of persons, or child abuse
10 and neglect;

11 (8) dynamics of sexual abuse of children, including
12 child abuse accommodation syndrome and grooming;

13 (9) impact of substance abuse on an unborn child and on
14 a person's ability to care for a child;

15 (10) issues of attachment and bonding between children
16 and caregivers;

17 (11) issues of child development that pertain to
18 trafficking of persons and child abuse and neglect; and

19 (12) medical findings regarding physical abuse,
20 sexual abuse, trafficking of persons, and child abuse and neglect.

21 SECTION 10. Section 402.035, Government Code, is amended by
22 amending Subsections (c), (d), and (h) and adding Subsections (f-1)
23 and (f-2) to read as follows:

24 (c) The task force is composed of the following:

25 (1) the governor or the governor's designee;

26 (2) the attorney general or the attorney general's
27 designee;

1 (3) the executive commissioner of the Health and Human
2 Services Commission or the executive commissioner's designee;

3 (4) the commissioner of the Department of Family and
4 Protective Services or the commissioner's designee;

5 (5) the commissioner of the Department of State Health
6 Services or the commissioner's designee;

7 (6) the public safety director of the Department of
8 Public Safety or the director's designee;

9 (7) one representative from each of the following
10 state agencies, appointed by the chief administrative officer of
11 the respective agency:

12 (A) the Texas Workforce Commission;

13 (B) the Texas Department of Criminal Justice;

14 (C) the Texas Juvenile Justice Department [~~Youth~~
15 ~~Commission~~];

16 (D) the Texas Education Agency [~~Juvenile~~
17 ~~Probation Commission~~]; [and]

18 (E) the Texas Alcoholic Beverage Commission;
19 [and]

20 (F) the Texas Parks and Wildlife Department; and

21 (G) the Supreme Court of Texas Permanent Judicial
22 Commission for Children, Youth and Families; and

23 (8) as appointed by the attorney general:

24 (A) a chief public defender employed by a public
25 defender's office, as defined by Article 26.044(a), Code of
26 Criminal Procedure, or an attorney designated by the chief public
27 defender;

- 1 (B) an attorney representing the state;
- 2 (C) a representative of:
- 3 (i) a hotel and motel association;
- 4 (ii) a district and county attorneys
- 5 association; and
- 6 (iii) a state police association;
- 7 (D) representatives of sheriff's departments;
- 8 (E) representatives of local law enforcement
- 9 agencies affected by human trafficking; and
- 10 (F) representatives of nongovernmental entities
- 11 making comprehensive efforts to combat human trafficking by:
- 12 (i) identifying human trafficking victims;
- 13 (ii) providing legal or other services to
- 14 human trafficking victims;
- 15 (iii) participating in community outreach
- 16 or public awareness efforts regarding human trafficking;
- 17 (iv) providing or developing training
- 18 regarding the prevention of human trafficking; or
- 19 (v) engaging in other activities designed
- 20 to prevent human trafficking.
- 21 (d) The task force shall:
- 22 (1) collaborate, as needed to fulfill the duties of
- 23 the task force, with:
- 24 (A) United States Attorneys' Offices [~~attorneys~~]
- 25 for all of the federal districts of Texas; and
- 26 (B) special agents or customs and border
- 27 protection officers and border patrol agents of:

- 1 (i) the Federal Bureau of Investigation;
- 2 (ii) the United States Drug Enforcement
3 Administration;
- 4 (iii) the Bureau of Alcohol, Tobacco,
5 Firearms and Explosives;
- 6 (iv) United States Immigration and Customs
7 Enforcement; or
- 8 (v) the United States Department of
9 Homeland Security;

10 (2) collect, organize, and periodically publish
11 statistical data on the nature and extent of human trafficking in
12 this state, including data described by Subdivisions (4)(A), (B),
13 (C), (D), and (E);

14 (3) solicit cooperation and assistance from state and
15 local governmental agencies, political subdivisions of the state,
16 nongovernmental organizations, and other persons, as appropriate,
17 for the purpose of collecting and organizing statistical data under
18 Subdivision (2);

19 (4) ensure that each state or local governmental
20 agency and political subdivision of the state and each state or
21 local law enforcement agency, district attorney, or county attorney
22 that assists in the prevention of human trafficking collects
23 statistical data related to human trafficking, including, as
24 appropriate:

25 (A) the number of investigations concerning,
26 arrests and prosecutions for, and convictions of:

- 27 (i) the offense of trafficking of persons;

1 and

2 (ii) the offense of forgery or an offense
3 under Chapter 43, Penal Code, if committed as part of a criminal
4 episode involving the trafficking of persons;

5 (B) demographic information on persons who are
6 convicted of offenses described by Paragraph (A) and persons who
7 are the victims of those offenses;

8 (C) geographic routes by which human trafficking
9 victims are trafficked, including routes by which victims are
10 trafficked across this state's international border, and
11 geographic patterns in human trafficking, including the country or
12 state of origin and the country or state of destination;

13 (D) means of transportation and methods used by
14 persons who engage in trafficking to transport their victims; and

15 (E) social and economic factors that create a
16 demand for the labor or services that victims of human trafficking
17 are forced to provide;

18 (5) work with the Texas Commission on Law Enforcement
19 [~~Officer Standards and Education~~] to develop and conduct training
20 for law enforcement personnel, victim service providers, and
21 medical service providers to identify victims of human trafficking;

22 (6) work with the Texas Education Agency, the
23 Department of Family and Protective Services, and the Health and
24 Human Services Commission to:

25 (A) develop a list of key indicators that a
26 person is a victim of human trafficking;

27 (B) develop a standardized curriculum for

1 training doctors, nurses, emergency medical services personnel,
2 teachers, school counselors, school administrators, and personnel
3 from the Department of Family and Protective Services and the
4 Health and Human Services Commission to identify and assist victims
5 of human trafficking;

6 (C) train doctors, nurses, emergency medical
7 services personnel, teachers, school counselors, school
8 administrators, and personnel from the Department of Family and
9 Protective Services and the Health and Human Services Commission to
10 identify and assist victims of human trafficking;

11 (D) develop and conduct training for personnel
12 from the Department of Family and Protective Services and the
13 Health and Human Services Commission on methods for identifying
14 children in foster care who may be at risk of becoming victims of
15 human trafficking; and

16 (E) develop a process for referring identified
17 human trafficking victims and individuals at risk of becoming
18 victims to appropriate entities for services;

19 (7) on the request of a judge of a county court, county
20 court at law, or district court or a county attorney, district
21 attorney, or criminal district attorney, assist and train the judge
22 or the judge's staff or the attorney or the attorney's staff in the
23 recognition and prevention of human trafficking;

24 (8) examine training protocols related to human
25 trafficking issues, as developed and implemented by federal, state,
26 and local law enforcement agencies;

27 (9) collaborate with state and local governmental

1 agencies, political subdivisions of the state, and nongovernmental
2 organizations to implement a media awareness campaign in
3 communities affected by human trafficking;

4 (10) develop recommendations on how to strengthen
5 state and local efforts to prevent human trafficking, protect and
6 assist human trafficking victims, and investigate and prosecute
7 human trafficking offenders; and

8 (11) examine the extent to which human trafficking is
9 associated with the operation of sexually oriented businesses, as
10 defined by Section 243.002, Local Government Code, and the
11 workplace or public health concerns that are created by the
12 association of human trafficking and the operation of sexually
13 oriented businesses.

14 (f-1) The following state agencies shall designate an
15 individual who is authorized to coordinate the agency's resources
16 to strengthen state and local efforts to prevent human trafficking,
17 protect and assist human trafficking victims, and investigate and
18 prosecute human trafficking offenders:

- 19 (1) the Texas Alcoholic Beverage Commission;
20 (2) the Department of Family and Protective Services;
21 (3) the Department of Public Safety;
22 (4) the Department of State Health Services;
23 (5) the Health and Human Services Commission;
24 (6) the Texas Juvenile Justice Department;
25 (7) the office of the attorney general; and
26 (8) the office of the governor.

27 (f-2) Each state agency shall provide to the task force the

1 name of the individual designated under Subsection (f-1).

2 (h) This section expires September 1, 2017 [~~2015~~].

3 SECTION 11. Chapter 772, Government Code, is amended by
4 adding Section 772.0062 to read as follows:

5 Sec. 772.0062. CHILD SEX TRAFFICKING PREVENTION UNIT. (a)

6 In this section:

7 (1) "Child sex trafficking" means conduct prohibited
8 under Section 20A.02(a)(7) or (8), Penal Code.

9 (2) "Unit" means the Child Sex Trafficking Prevention
10 Unit.

11 (b) The governor shall establish the Child Sex Trafficking
12 Prevention Unit within the criminal justice division established
13 under Section 772.006.

14 (c) The governor shall appoint a director for the unit to
15 serve at the pleasure of the governor.

16 (d) The unit shall:

17 (1) assist the following agencies in leveraging and
18 coordinating state resources directed toward child sex trafficking
19 prevention:

20 (A) the office of the attorney general;

21 (B) the Health and Human Services Commission;

22 (C) the Department of Family and Protective
23 Services;

24 (D) the Texas Juvenile Justice Department;

25 (E) the Department of State Health Services;

26 (F) the Texas Alcoholic Beverage Commission; and

27 (G) the Department of Public Safety;

1 (2) facilitate collaborative efforts among the
2 agencies under Subdivision (1) to:

3 (A) prevent child sex trafficking;

4 (B) recover victims of child sex trafficking; and

5 (C) place victims of child sex trafficking in
6 suitable short-term and long-term housing;

7 (3) collect and analyze research and information in
8 all areas related to child sex trafficking, and distribute the
9 research, information, and analyses to the agencies and to relevant
10 nonprofit organizations;

11 (4) refer victims of child sex trafficking to
12 available rehabilitation programs and other resources;

13 (5) provide support for child sex trafficking
14 prosecutions; and

15 (6) develop recommendations for improving state
16 efforts to prevent child sex trafficking, to be submitted to the
17 legislature as part of the criminal justice division's biennial
18 report required under Section 772.006(a)(9).

19 SECTION 12. Section 20A.03(a), Penal Code, is amended to
20 read as follows:

21 (a) A person commits an offense if, during a period that is
22 30 or more days in duration, the person engages two or more times in
23 conduct that constitutes an offense under Section 20A.02 against
24 one or more victims.

25 SECTION 13. Chapter 20A, Penal Code, is amended by adding
26 Section 20A.04 to read as follows:

27 Sec. 20A.04. ACCOMPLICE WITNESS; TESTIMONY AND IMMUNITY.

1 (a) A party to an offense under this chapter may be required to
2 provide evidence or testify about the offense.

3 (b) A party to an offense under this chapter may not be
4 prosecuted for any offense about which the party is required to
5 provide evidence or testify, and the evidence and testimony may not
6 be used against the party in any adjudicatory proceeding except a
7 prosecution for aggravated perjury. For purposes of this
8 subsection, "adjudicatory proceeding" means a proceeding before a
9 court or any other agency of government in which the legal rights,
10 powers, duties, or privileges of specified parties are determined.

11 (c) A conviction under this chapter may be had on the
12 uncorroborated testimony of a party to the offense.

13 SECTION 14. Section 43.02(c), Penal Code, is amended to
14 read as follows:

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

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

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

21 or

22 (3) a felony of the second degree if the person
23 solicited is:

24 (A) younger than 18 years of age, regardless of
25 whether the actor knows the age of the person solicited at the time
26 the actor commits the offense;

27 (B) represented to the actor as being younger

1 than 18 years of age; or

2 (C) believed by the actor to be younger than 18
3 years of age.

4 SECTION 15. The change in law made by this Act to Article
5 12.01, Code of Criminal Procedure, does not apply to an offense if
6 the prosecution of that offense becomes barred by limitation before
7 the effective date of this Act. The prosecution of that offense
8 remains barred as if this Act had not taken effect.

9 SECTION 16. The changes in law made by this Act to Chapter
10 56, Code of Criminal Procedure, apply only to a criminal offense
11 committed or a violation that occurs on or after the effective date
12 of this Act. A criminal offense committed or a violation that
13 occurs before the effective date of this Act is governed by the law
14 in effect on the date the offense was committed or the violation
15 occurred, and the former law is continued in effect for that
16 purpose. For purposes of this section, a criminal offense was
17 committed or a violation occurred before the effective date of this
18 Act if any element of the offense or violation occurred before that
19 date.

20 SECTION 17. The changes in law made by this Act to Article
21 62.001(5), Code of Criminal Procedure, and Sections 20A.03 and
22 43.02, Penal Code, apply only to an offense committed on or after
23 the effective date of this Act. An offense committed before the
24 effective date of this Act is governed by the law in effect on the
25 date the offense was committed, and the former law is continued in
26 effect for that purpose. For purposes of this section, an offense
27 was committed before the effective date of this Act if any element

1 of the offense occurred before that date.

2 SECTION 18. (a) Not later than December 1, 2015, the
3 Supreme Court of Texas shall adopt the rules necessary to provide
4 the training required under Section 22.011, Government Code, as
5 amended by this Act.

6 (b) Not later than December 1, 2015, the Texas Court of
7 Criminal Appeals shall adopt the rules necessary to provide the
8 training required under Section 22.110, Government Code, as amended
9 by this Act.

10 (c) Notwithstanding Section 22.110, Government Code, as
11 amended by this Act, a judge, master, referee, and magistrate who is
12 in office on the effective date of this Act must complete the
13 training required by Section 22.110, Government Code, as amended by
14 this Act, as applicable, not later than December 1, 2017.

15 SECTION 19. The change in law made by this Act in adding
16 Section 20A.04, Penal Code, applies to a criminal proceeding that
17 commences on or after the effective date of this Act. A criminal
18 proceeding that commences before the effective date of this Act is
19 covered by the law in effect when the proceeding commenced, and the
20 former law is continued in effect for that purpose.

21 SECTION 20. This Act takes effect September 1, 2015.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 22 2015

BY:

Van Tyle

Atty Gen
Secretary of the Senate

1 Amend H.B. 10 (senate committee printing) as follows:

2 (1) In SECTION 10 of the bill, in amended Section
3 402.035(d)(10), Government Code (page 8, line 2), between
4 "victims," and "and", insert "curb markets and other economic
5 avenues that facilitate human trafficking".

6 (2) In SECTION 10 of the bill, in amended Section
7 402.035(d)(10), Government Code (page 8, line 3), strike "and".

8 (3) In SECTION 10 of the bill, in Section 402.035(d)(11),
9 Government Code (page 8, line 9), between "business" and the
10 period, insert the following:

11 ; and

12 (12) Identify and report to the governor and
13 legislature on laws, licensure requirements, or other
14 regulations that can be passed at the state and local level to
15 curb trafficking using the Internet and in sexually oriented
16 businesses

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 24, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB10 by Thompson, Senfronia (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses; to the prevention, prosecution, and punishment of those offenses, and to compensation paid to victims of those offenses.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB10, As Passed 2nd House: a negative impact of (\$1,478,576) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$742,788)
2017	(\$735,788)
2018	(\$735,788)
2019	(\$735,788)
2020	(\$735,788)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2015
2016	(\$742,788)	11.0
2017	(\$735,788)	11.0
2018	(\$735,788)	11.0
2019	(\$735,788)	11.0
2020	(\$735,788)	11.0

Fiscal Analysis

The bill would revise multiple codes relating to certain criminal and civil consequences of

trafficking of persons, compelling prostitution, and certain other related criminal offenses.

The bill would require the Office of the Governor to establish the Child Sex Trafficking Prevention Unit within the Office of the Governor's criminal justice division.

The bill would require the Texas Education Agency (TEA) to develop a policy in addition to its current child abuse and neglect reporting policy to include mandatory reporting related to trafficking of a child. Reporting would be required by each school district and open-enrollment charter school.

Methodology

This analysis assumes that the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies or on the demand for resources and services of those agencies.

According to the Office of the Governor, establishing the Child Sex Trafficking Prevention Unit within the criminal justice division would require 11 new FTEs as well as funds for travel, equipment, and operating costs. The FTEs would include 1 director, 4 referral or hotline specialists, and 6 case managers for placement at each of the Department of Public Safety's regional field offices at a total annual cost of \$510,000, not including benefits. The Office of the Governor estimates travel costs of \$23,000 each fiscal year. Hotline services would have an annual cost of \$5,000 and a related cost of \$15,000 for outreach to relevant parties. Equipment and supplies would have an annual cost of \$10,000. The total estimated fiscal impact of the bill would be a cost of \$742,788 in General Revenue in fiscal year 2016 and \$735,788 in General Revenue in each subsequent fiscal year.

Based on the analysis of the Texas Education Agency (TEA), there would be minimal costs to TEA associated with the expanded task force duties and the new Public Education Information Management System (PEIMS) reporting requirement related to trafficked children. It is assumed that TEA could absorb the costs associated with the bill within existing resources.

Technology

There would be a one-time cost of \$7,000 to the Office of the Governor for a case management system.

Local Government Impact

Independent school districts and charter districts would incur some administrative costs to collect and report additional information.

Source Agencies: 405 Department of Public Safety, 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 327 Employees Retirement System, 458 Alcoholic Beverage Commission, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 537 State Health Services, Department of, 644 Juvenile Justice Department, 696 Department of Criminal Justice, 701 Central Education Agency, 802 Parks and Wildlife Department

LBB Staff:

UP, JAW, ESi, FR, AI, JHa, KVe, KJo, JJ, TBo, LBe, AW, JPo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 27, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB10 by Thompson, Senfronia (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses; to the prevention, prosecution, and punishment of those offenses, and to compensation paid to victims of those offenses.), **As Engrossed**

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LBB Staff: UP, KJo, ESi, JJ, JHa, TBo, LBe, AW, JPo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 2, 2015

TO: Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB10 by Thompson, Senfronia (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses; to the prevention, prosecution, and punishment of those offenses, and to compensation paid to victims of those offenses.), **As Introduced**

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LBB Staff: UP, ESi, JJ, JHa, TBo, LBe, AW, JPo

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

84TH LEGISLATIVE REGULAR SESSION

May 24, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB10 by Thompson, Senfronia (Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses; to the prevention, prosecution, and punishment of those offenses, and to compensation paid to victims of those offenses.), **As Passed 2nd House**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Code of Criminal Procedure to add compelling a child younger than 18 to commit prostitution to the list of offenses for which there is no statute of limitations and add soliciting a person younger than 18 for prostitution to the list of convictions or adjudications for which sex offender registration is required. The bill would amend the Penal Code to expand the definition of soliciting a person younger than 18 for prostitution and add language to clarify continuous trafficking of persons includes conduct against one or more victims. Compelling a child younger than 18 to commit prostitution and continuous trafficking of persons are first degree felonies. Soliciting a person younger than 18 for prostitution is a second degree felony. Failure to comply with sex offender registration requirements is punishable at all felony degrees with the punishment degree based on the specifics of the offense. A first degree felony is punishable by confinement in prison for life or five to 99 years, a second degree felony for two to 20 years, a third degree felony for two to ten years, and a state jail felony is punishable by confinement in a state jail for 180 days to two years. In addition to confinement certain felony level offenses are subject to an optional fine not to exceed \$10,000.

In fiscal year 2014, 66 people were arrested, 11 were placed under direct felony community supervision, and 11 were admitted to correctional institutions for compelling a child younger than 18 to commit prostitution. In fiscal year 2014, 24 people were arrested, fewer than ten were placed under direct felony community supervision, and fewer than ten were admitted into correctional institutions for soliciting a person younger than 18 for prostitution. Under the provisions of the bill those entering the criminal justice system for soliciting a person younger than 18 for prostitution would be required to register as a sex offender and would be subject to failure to comply with sex offender registration requirements for non-compliance. In fiscal year 2014, 1,524 people were arrested, 273 were placed under direct felony community supervision, and 972 were admitted into correctional institutions for failure to comply with sex offender registration requirements outside of the provisions of the bill. In fiscal year 2014, 11 people were arrested, fewer than ten were placed under direct felony supervision, and fewer than ten were admitted into correctional institutions for the continuous trafficking of persons. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Source Agencies:

LBB Staff: UP, ESi, LM, JPo

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

84TH LEGISLATIVE REGULAR SESSION

March 2, 2015

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