BILL ANALYSIS

BACKGROUND AND PURPOSE

Interested parties contend that the current conditions under which the offense of trafficking of a person is prosecuted could be clarified by addressing what actions constitute coercion for purposes of the offense for prostitution-related conduct. C.S.H.B. 2529 seeks to address this issue by specifying that certain actions constitute coercion for purposes of the offense of trafficking of persons.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

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

ANALYSIS

C.S.H.B. 2529 amends the Penal Code to include the following as actions that constitute coercion for purposes of an offense of trafficking of a person in which the actor causes the trafficked person to engage in a specified prostitution-related offense through coercion: receiving any form of support, whether financial or otherwise, from the proceeds of such conduct; controlling the proceeds of such conduct; or destroying, concealing, confiscating, or withholding from the trafficked person or threatening to destroy, conceal, confiscate, or withhold from the trafficked person the trafficked person's actual or purported government records or identifying information or documents.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2529 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 20A.02, Penal Code, is amended by adding Subsection (a-1) to	SECTION 1. Section 20A.02, Penal Code, is amended by adding Subsection (a-1) to

read as follows:

(a-1) For purposes of Subsection (a)(3), it is a rebuttable presumption that the person used force, fraud, or coercion if the person knowingly:

(1) destroys, conceals, confiscates, or withholds from the trafficked person, or threatens to destroy, conceal, confiscate, or withhold from the trafficked person, the trafficked person's actual or purported:

(A) government records; or

(B) identifying information or documents; or

(2) receives any form of support, whether financial or otherwise, from the proceeds of an activity described by Subsection (a)(3).

read as follows:

(a-1) For purposes of Subsection (a)(3), "coercion" as defined by Section 1.07 includes:

(1) destroying, concealing, confiscating, or withholding from the trafficked person, or threatening to destroy, conceal, confiscate, or withhold from the trafficked person, the trafficked person's actual or purported:

(A) government records; or

(B) identifying information or documents;

(2) receiving any form of support, whether financial or otherwise, from the proceeds of an activity described by Subsection (a)(3); or

(3) controlling the proceeds of an activity described by Subsection (a)(3).

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 2. Same as introduced version.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.