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H.B. No. 29

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prostitution and the trafficking of persons, civil
3 racketeering related to trafficking, the investigation and
4 prosecution of and punishment for certain sexual offenses and
5 offenses involving or related to trafficking, reimbursement of
6 certain costs for criminal victims who are children, and the
7 release and reporting of certain information relating to a child;
8 increasing a criminal penalty; creating a criminal offense.

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

10 SECTION 1. Chapter 140A, Civil Practice and Remedies Code,
11 is amended by designating Sections 140A.001 and 140A.002 as
12 Subchapter A and adding a subchapter heading to read as follows:

13 SUBCHAPTER A. GENERAL PROVISIONS

14 SECTION 2. Section 140A.001, Civil Practice and Remedies
15 Code, is amended by adding Subdivision (1-a) to read as follows:

16 (1-a) "Attorney general" means the attorney general of
17 Texas or any assistant attorney general acting under the direction
18 of the attorney general of Texas.

19 SECTION 3. Subchapter A, Chapter 140A, Civil Practice and
20 Remedies Code, as added by this Act, is amended by adding Section
21 140A.0015 to read as follows:

22 Sec. 140A.0015. APPLICABILITY OF PROVISIONS. (a) The
23 provisions of this chapter are cumulative of each other and any
24 other provision of law in effect relating to the same subject. The

1 provisions of this chapter preserve the constitutional and common
2 law authority of the attorney general to bring any action under
3 state and federal law.

4 (b) If any of the provisions of this chapter are held
5 invalid, the remainder of the provisions are not affected as a
6 result and the application of the provision held invalid to persons
7 or circumstances other than those as to which it is held invalid are
8 not affected as a result.

9 SECTION 4. Chapter 140A, Civil Practice and Remedies Code,
10 is amended by adding Subchapter B to read as follows:

11 SUBCHAPTER B. PROCEDURES AND EVIDENCE

12 Sec. 140A.051. DEFINITIONS. In this subchapter:

13 (1) "Civil investigative demand" means any demand
14 issued by the attorney general under this subchapter.

15 (2) "Documentary material" means the original or a
16 copy of any paper, contract, agreement, book, booklet, brochure,
17 pamphlet, catalog, magazine, notice, announcement, circular,
18 bulletin, instruction, minutes, agenda, study, analysis, report,
19 graph, map, chart, table, schedule, note, letter, telegram,
20 telephone recordings, or data compilations stored in or accessible
21 through computer or other information retrieval systems, together
22 with instructions and all other materials necessary to use or
23 interpret the data compilations, and any product of discovery.

24 (3) "Person" has the meaning assigned by Section
25 311.005, Government Code.

26 (4) "Product of discovery" means:

27 (A) the original or a copy of a deposition,

1 interrogatory, document, thing, result of inspection of land or
2 other property, examination, or admission that is obtained by any
3 method of discovery in a judicial or administrative proceeding of
4 an adversarial nature;

5 (B) a digest, analysis, selection, compilation,
6 or derivation of any item listed in Paragraph (A); and

7 (C) an index, instruction, or other aid or means
8 of access to any item listed in Paragraph (A).

9 (5) "Racketeering investigation" means any inquiry
10 conducted by the attorney general for the purpose of ascertaining
11 whether any person is or has been engaged in or is actively
12 preparing to engage in activities that may constitute a
13 racketeering violation.

14 (6) "Racketeering violation" means any act or omission
15 in violation of Section 20A.02(a)(3) or (4), Penal Code, and the
16 offense or an element of the offense:

17 (A) occurs in more than one county in this state;
18 or

19 (B) is facilitated by the use of United States
20 mail, e-mail, telephone, facsimile, or a wireless communication
21 from one county in this state to another.

22 Sec. 140A.052. CIVIL INVESTIGATIVE DEMAND. If the attorney
23 general has reason to believe that a person may be in possession,
24 custody, or control of any documentary material or other evidence
25 or may have any information relevant to a civil racketeering
26 investigation, the attorney general may, before beginning a civil
27 proceeding, issue in writing and serve on the person a civil

1 investigative demand requiring the person to:

2 (1) produce any of the documentary material for
3 inspection and copying;

4 (2) answer in writing any written interrogatories;

5 (3) give oral testimony; or

6 (4) provide any combination of civil investigative
7 demands under Subdivisions (1)-(3).

8 Sec. 140A.053. CONTENTS OF DEMAND. (a) A civil
9 investigative demand issued under Section 140A.052 must:

10 (1) describe the nature of the activities that are the
11 subject of the investigation;

12 (2) state each statute the activity violates; and

13 (3) advise the person on whom the demand is served that
14 the person has the right to object to the demand as provided for in
15 this subchapter.

16 (b) A demand for production of documentary material must:

17 (1) describe the class of material to be produced with
18 reasonable specificity so that the material demanded is fairly
19 identified;

20 (2) prescribe a return date that provides a reasonable
21 period of time within which the material is to be produced; and

22 (3) identify the individual to whom the material is to
23 be made available for inspection and copying.

24 (c) A demand for answers to written interrogatories must:

25 (1) propound the interrogatories with definiteness
26 and certainty;

27 (2) prescribe a date by which answers to the

1 interrogatories must be submitted; and

2 (3) identify the individual to whom the answers should
3 be submitted.

4 (d) Each demand for the giving of oral testimony must:

5 (1) prescribe a reasonable date, time, and place at
6 which the testimony will begin; and

7 (2) identify the individual who will conduct the
8 examination.

9 Sec. 140A.054. SERVICE; PROOF OF SERVICE. (a) Service of
10 any civil investigative demand or petition filed under Section
11 140A.055 or 140A.060 may be made on any natural person by delivering
12 a duly executed copy of the demand or petition to the person to be
13 served or by mailing a copy by registered or certified mail, return
14 receipt requested, to the person at the person's residence or
15 principal office or place of business.

16 (b) Service of any demand or petition filed under Section
17 140A.055 or 140A.060 may be made on any person other than a natural
18 person by delivering a duly executed copy of the demand or petition
19 to a person to whom delivery would be appropriate under state law if
20 the demand or petition were process in a civil suit.

21 (c) A verified return by the individual serving any demand
22 or petition filed under Section 140A.055 or 140A.060 setting forth
23 the manner of service is proof of service. In the case of service by
24 registered or certified mail, the return must be accompanied by the
25 return post office receipt of delivery of the demand or petition.

26 Sec. 140A.055. PETITION FOR ORDER MODIFYING OR SETTING
27 ASIDE DEMAND. (a) At any time before the return date specified in a

1 civil investigative demand or not later than the 30th day after the
2 date the demand was served, whichever period is shorter, the person
3 who has been served, and in the case of a demand for a product of
4 discovery the person from whom the discovery was obtained, may file
5 a petition for an order modifying or setting aside the demand in the
6 district court in the county of the person's residence or principal
7 office or place of business or a district court of Travis County.
8 The petition must specify each ground upon which the petitioner
9 relies in seeking the relief sought. The petition may be based on
10 any failure of a demand to comply with the provisions of this
11 subchapter or on any constitutional or other legal right or
12 privilege of the petitioner.

13 (b) The petitioner shall serve a copy of the petition on the
14 attorney general in accordance with Section 140A.054. The attorney
15 general may submit an answer to the petition.

16 (c) In ruling on the petition under this section, the court
17 shall presume absent evidence to the contrary that the attorney
18 general issued the demand in good faith and within the scope of the
19 attorney general's authority.

20 Sec. 140A.056. COMPLIANCE WITH DEMAND. (a) A person on
21 whom a civil investigative demand is served under this subchapter
22 shall comply with the terms of the demand unless otherwise provided
23 by court order.

24 (b) The time for compliance with the demand wholly or partly
25 does not run during the pendency of any petition filed under Section
26 140A.055, provided that the petitioner shall comply with any
27 portions of the demand not sought to be modified or set aside.

1 Sec. 140A.057. DOCUMENTARY MATERIAL. (a) Any person on
2 whom any civil investigative demand for the production of
3 documentary material has been duly served under this subchapter
4 shall make the material available to the attorney general for
5 inspection and copying during normal business hours on the return
6 date specified in the demand at the person's principal office or
7 place of business or as otherwise may be agreed on by the person and
8 the attorney general. The attorney general shall bear the expense
9 of any copying. The person may substitute copies for originals of
10 all or part of the requested documents if the originals are made
11 available for inspection. The attorney general may elect to obtain
12 or review information in an electronic format. The person shall
13 indicate in writing which, if any, of the documents produced
14 contain trade secrets or confidential information.

15 (b) The production of documentary material in response to
16 any demand must be made under a sworn certificate in the form the
17 demand designates by a natural person having knowledge of the facts
18 and circumstances relating to the production to the effect that all
19 of the requested material in the possession, custody, or control of
20 the person to whom the demand is directed has been produced.

21 Sec. 140A.058. INTERROGATORIES. (a) Each interrogatory in
22 any civil investigative demand duly served must be answered
23 separately and fully in writing, unless it is objected to, in which
24 case the basis for the objection shall be set forth in lieu of an
25 answer. The person shall indicate in writing which, if any, of the
26 answers contain trade secrets or confidential information.

27 (b) Answers to interrogatories must be submitted under a

1 sworn certificate in the form the related demand designates by a
2 natural person having knowledge of the facts and circumstances
3 relating to the preparation of the answers to the effect that all of
4 the requested information in the possession, custody, control, or
5 knowledge of the person to whom the demand is directed has been set
6 forth fully and accurately.

7 Sec. 140A.059. ORAL EXAMINATION. (a) The examination of
8 any person pursuant to a civil investigative demand for oral
9 testimony duly served must be taken before any person authorized to
10 administer oaths and affirmations under the laws of this state or
11 the United States. The person before whom the testimony is to be
12 taken shall put the witness on oath or affirmation and shall
13 personally or by someone acting under the person's direction and in
14 the person's presence record the witness's testimony. At the
15 expense of the attorney general, and except as provided by this
16 subsection, the testimony must be taken stenographically and may be
17 transcribed. The attorney general may take audio and video
18 recordings of the testimony by providing notice to the person to be
19 examined not later than the seventh day before the day the person is
20 to be examined.

21 (b) The oral testimony of any person taken pursuant to a
22 demand served must be taken within 100 miles of the county where the
23 person resides, is found, or transacts business or in any other
24 place agreed on by the person and the attorney general.

25 (c) Any person compelled to appear under a demand for oral
26 testimony may be accompanied, represented, and advised by counsel.
27 Counsel may advise the person in confidence, either on the request

1 of the person or on the counsel's own initiative, with respect to
2 any question arising in connection with the examination.

3 (d) The individual conducting the examination on behalf of
4 the attorney general shall exclude from the place of examination
5 all other persons except the person being examined, the person's
6 counsel, the counsel of the person to whom the demand has been
7 issued, the person before whom the testimony is to be taken, any
8 stenographer taking the testimony, audiographer, videographer, and
9 any person assisting the individual conducting the examination.

10 (e) During the examination, the person being examined or the
11 person's counsel may object on the record to any question in
12 accordance with Rule 199.5(e), Texas Rules of Civil Procedure. An
13 objection may properly be made, received, and entered on the record
14 when it is claimed that the person is entitled to refuse to answer
15 the question on grounds of any constitutional or other privilege,
16 including the privilege against self-incrimination. Neither that
17 person nor the person's counsel may otherwise object to or refuse to
18 answer any question or interrupt the oral examination. If the
19 person refuses to answer any question, the attorney general may
20 petition the district court in the county where the examination is
21 being conducted for an order compelling the person to answer the
22 question.

23 (f) After the testimony has been fully transcribed, the
24 person before whom the testimony was taken shall promptly transmit
25 the transcript of the testimony to the witness and a copy of the
26 transcript to the attorney general. The witness must have a
27 reasonable opportunity to examine the transcript and make any

1 changes in form or substance accompanied by a statement of the
2 reasons for the changes. The witness shall then sign and return the
3 transcript. If the witness does not return the transcript to the
4 person before whom the testimony was taken not later than the 20th
5 day after the date the transcript was provided to the witness, the
6 witness may be deemed to have waived the right to make changes. The
7 officer shall then certify on the transcript that the witness was
8 duly sworn and that the transcript is a true record of the testimony
9 given by the witness and promptly transmit a copy of the certified
10 transcript to the attorney general.

11 (g) On request, the attorney general shall furnish a copy of
12 the certified transcript to the witness.

13 (h) The attorney general may provide the witness the same
14 fees and mileage reimbursement that are paid to witnesses in the
15 district courts of this state.

16 Sec. 140A.060. FAILURE TO COMPLY WITH DEMAND PETITION FOR
17 ENFORCEMENT. If a person fails to comply with a civil investigative
18 demand duly served on the person, the attorney general may file in
19 the district court in the county in which the person resides, is
20 found, or transacts business or in a district court of Travis County
21 and may serve on the person a petition for an order of the court for
22 enforcement. If the person transacts business in more than one
23 county and the attorney general elects not to file the petition in
24 Travis County, the petition must be filed in the county of the
25 person's principal office or place of business in the state or in
26 any other county as may be agreed on by the person and the attorney
27 general.

1 Sec. 140A.061. DELIBERATE NONCOMPLIANCE. (a) A person
2 commits an offense if the person, with intent to avoid, evade, or
3 prevent compliance with a civil investigative demand issued under
4 this subchapter, knowingly removes from any place, conceals,
5 withholds, destroys, mutilates, alters, or by any other means
6 falsifies any documentary material or otherwise provides
7 inaccurate information.

8 (b) An offense under this section is a misdemeanor
9 punishable by:

10 (1) a fine of not more than \$5,000;

11 (2) confinement in a county jail for not more than one
12 year; or

13 (3) both a fine and confinement.

14 Sec. 140A.062. DISCLOSURE AND USE OF MATERIAL AND
15 INFORMATION. (a) The civil investigative demand issued by the
16 attorney general, any information obtained, maintained, or created
17 in response to the demand, or any documentary material, product of
18 discovery, or other record derived or created during an
19 investigation from the information, is not subject to disclosure
20 under Chapter 552, Government Code, and is not subject to
21 disclosure, discovery, subpoena, or other means of legal compulsion
22 for the release, except as described in Subsections (b) and (c).

23 (b) The attorney general may not release or disclose
24 information that is obtained in response to a demand or any
25 documentary material, product of discovery, or other record derived
26 from the information except:

27 (1) by court order for good cause shown;

1 (2) with the consent of the person who provided the
2 information to the attorney general;

3 (3) to an employee or other person under the direction
4 of the attorney general;

5 (4) to an agency of this state, the United States, or
6 another state or foreign country;

7 (5) to any party or person in accordance with Sections
8 140A.107 and 140A.108;

9 (6) to a political subdivision of this state; or

10 (7) to a person authorized by the attorney general to
11 receive the information.

12 (c) The attorney general may use information obtained in
13 response to a demand, or any documentary material, product of
14 discovery, or other record derived or created from the information
15 as the attorney general determines necessary in the enforcement of
16 this chapter, including presentation before court.

17 Sec. 140A.063. JURISDICTION. If a petition is filed in the
18 district court in any county, the court has jurisdiction to hear and
19 determine the matter presented and to enter any order required to
20 implement this chapter. Any final order is subject to appeal.
21 Failure to comply with any final order entered by a court under this
22 chapter is punishable by the court as contempt of the order.

23 Sec. 140A.064. NONEXCLUSIVE PROCEDURES. Nothing in this
24 chapter precludes the attorney general from using any procedure not
25 specified in this chapter in conducting a racketeering
26 investigation.

27 SECTION 5. Chapter [140A](#), Civil Practice and Remedies Code,

1 is amended by adding Subchapter C and adding a subchapter heading to
2 read as follows:

3 SUBCHAPTER C. ENFORCEMENT

4 SECTION 6. Sections 140A.003 through 140A.013, Civil
5 Practice and Remedies Code, are transferred to Subchapter C,
6 Chapter 140A, Civil Practice and Remedies Code, as added by this
7 Act, redesignated as Sections 140A.101 through 140A.111, Civil
8 Practice and Remedies Code, and amended to read as follows:

9 Sec. 140A.101 [~~140A.003~~]. SUIT TO ABATE RACKETEERING. (a)
10 The attorney general may bring suit in the name of the state against
11 a person or enterprise for racketeering and may seek civil
12 penalties, costs, reasonable attorney's fees, and appropriate
13 injunctive relief.

14 (b) This chapter does not authorize suit by a person or
15 enterprise that sustains injury as a result of racketeering.

16 (c) A suit under this chapter must be brought in a district
17 court in a county in which all or part of the alleged racketeering
18 offense giving rise to the suit occurred.

19 Sec. 140A.102 [~~140A.004~~]. INJUNCTIVE RELIEF; OTHER
20 REMEDIES. (a) A court in which a proceeding is brought under this
21 chapter may prevent, restrain, and remedy racketeering by issuing
22 appropriate orders. The orders may include a temporary restraining
23 order, a temporary or permanent injunction, the creation of a
24 receivership, and the enforcement of a constructive trust in
25 connection with any property or other interest, prejudgment writs
26 of attachment under Chapter 61 for the purposes of freezing,
27 preserving, and disgorging assets, or another order for a remedy or

1 restraint the court considers proper.

2 (b) Following a final determination of liability under this
3 chapter, the court may issue an appropriate order, including an
4 order that:

5 (1) requires a person to divest any direct or indirect
6 interest in an enterprise;

7 (2) imposes reasonable restrictions on the future
8 activities or investments of a person that affect the laws of this
9 state, including prohibiting a person from engaging in the type of
10 endeavor or enterprise that gave rise to the racketeering offense,
11 to the extent permitted by the constitutions of this state and the
12 United States;

13 (3) requires the dissolution or reorganization of an
14 enterprise involved in the suit;

15 (4) orders the recovery of reasonable fees, expenses,
16 and costs incurred in obtaining injunctive relief or civil remedies
17 or in conducting investigations under this chapter, including court
18 costs, investigation costs, attorney's fees, witness fees, and
19 deposition fees;

20 (5) orders payment to the state of an amount equal to:

21 (A) the gain acquired or maintained through
22 racketeering; or

23 (B) the amount for which a person is liable under
24 this chapter;

25 (6) orders payment to the state of a civil penalty by a
26 person or enterprise found liable for racketeering, in an amount
27 not to exceed \$250,000 for each separately alleged and proven act of

1 racketeering;

2 (7) orders payment of damages to the state for
3 racketeering shown to have materially damaged the state; or

4 (8) orders that property attached under Chapter 61 be
5 used to satisfy an award of the court, including damages,
6 penalties, costs, and fees.

7 (c) In determining the amount of a civil penalty ordered
8 under Subsection (b)(6), the court shall consider:

9 (1) the seriousness of the racketeering offense and
10 the consequent financial or personal harm to the state or to any
11 identified victim; ~~and~~

12 (2) the duration of the racketeering activity; and

13 (3) any other matter that justice requires.

14 (d) If any property attached under Chapter 61 is not
15 necessary to satisfy an award of the court after a finding of
16 liability for racketeering of the person or enterprise having an
17 interest in the property, the court may order that the property be
18 disgorged to the state to the extent of the person's or enterprise's
19 interest. To be disgorged, the property must be acquired or
20 maintained by the person or enterprise through racketeering.

21 (e) In determining the amount of damages ordered under
22 Subsection (b)(7), the court shall consider:

23 (1) loss of tax revenue to the state;

24 (2) unpaid state unemployment taxes;

25 (3) unpaid state licensing and regulatory fees;

26 (4) medical and counseling costs incurred by the state
27 on behalf of any victim of the racketeering; and

1 (5) other material damage caused to the state by the
2 racketeering.

3 (f) Except as otherwise provided by this chapter, remedies
4 and awards ordered by a court under this chapter, including costs
5 and reasonable attorney's fees, may be assessed against and paid
6 from money or property awarded under this chapter.

7 (g) This chapter is not intended to provide the exclusive
8 remedy for the activity addressed by this chapter. A proceeding
9 under this chapter may be brought in addition to or in the
10 alternative of any other civil or criminal action available under
11 the laws of this state.

12 (h) Notwithstanding any other provision in this chapter,
13 Articles 59.13 and 59.14, Code of Criminal Procedure, apply to a
14 remedy under this section.

15 (i) A remedy under this section may not impair a security
16 interest in property subject to a bona fide lien.

17 Sec. 140A.103 [~~140A.005~~]. CONSTRUCTIVE TRUST. (a) A
18 person or enterprise that, through racketeering, acquires property
19 or prevents another person from receiving property that by law is
20 required to be transferred or paid to that person is an involuntary
21 trustee. The involuntary trustee or any other person or
22 enterprise, other than a bona fide purchaser for value as described
23 by Subsection (b), holds the property and the proceeds of the
24 property in constructive trust for the benefit of any person
25 entitled to remedies under this chapter.

26 (b) A bona fide purchaser for value who was reasonably
27 without notice of unlawful conduct and who did not knowingly take

1 part in an illegal transaction is not an involuntary trustee under
2 Subsection (a) and is not subject to a constructive trust imposed
3 under this chapter.

4 Sec. 140A.104 [~~140A.006~~]. EVIDENCE. (a) In a proceeding
5 under this chapter, the state bears the burden of proof by a
6 preponderance of the evidence.

7 (b) A person convicted in a criminal proceeding is
8 precluded, in a proceeding under this chapter, from subsequently
9 denying the essential allegations of the criminal offense of which
10 the person was convicted. For purposes of this subsection, a
11 verdict or a plea, including a plea of nolo contendere, is
12 considered a conviction.

13 (c) An individual may not be held liable under this chapter
14 based on the conduct of another person unless the finder of fact
15 finds by a preponderance of the evidence that the individual
16 authorized, requested, commanded, participated in, ratified, or
17 recklessly tolerated the unlawful conduct of the other person.

18 (d) An enterprise may not be held liable under this chapter
19 based on the conduct of an agent unless the finder of fact finds by a
20 preponderance of the evidence that a director or high managerial
21 agent performed, authorized, requested, commanded, participated
22 in, ratified, or recklessly tolerated the unlawful conduct of the
23 agent.

24 (e) A bank or savings and loan association insured by the
25 Federal Deposit Insurance Corporation, a credit union insured by
26 the National Credit Union Administration, or the holder of a money
27 transmission license as defined by Chapter 151, Finance Code, may

1 not be held liable in damages or for other relief under this
2 chapter, unless the finder of fact finds by a preponderance of the
3 evidence that the person or agent acquiring or maintaining an
4 interest in or transporting, transacting, transferring, or
5 receiving the funds on behalf of another did so knowing that the
6 funds were the proceeds of an offense and that a director or high
7 managerial agent performed, authorized, requested, commanded,
8 participated in, ratified, or recklessly tolerated the unlawful
9 conduct of the person or agent.

10 Sec. 140A.105 [~~140A.007~~]. LIMITATIONS PERIOD. A
11 proceeding may be commenced under this chapter only if the
12 proceeding is filed on or before the seventh anniversary of the date
13 on which the racketeering offense was actually discovered. This
14 section supersedes any conflicting provision establishing a
15 shorter period of limitations for the same conduct.

16 Sec. 140A.106 [~~140A.008~~]. SPECIAL DOCKETING PROCEDURES.
17 The attorney general may file with the clerk of the district court
18 in which a proceeding is brought under this chapter a certificate
19 stating that the case is of special public importance. The clerk
20 must immediately furnish a copy of the certificate to the
21 administrative judge of the district court of the county in which
22 the proceeding is pending. On receiving the copy of the
23 certificate, the administrative judge shall immediately designate
24 a judge to hear and determine the proceeding. The designated judge
25 shall promptly assign the proceeding for hearing, participate in
26 hearings, make determinations, and cause the action to be
27 expedited.

1 Sec. 140A.107 [~~140A.009~~]. NOTICE TO LOCAL PROSECUTOR. (a)
2 In a reasonable time before initiating suit or on initiating an
3 investigation on racketeering, the attorney general shall provide
4 notice to the district attorney, criminal district attorney, or
5 county attorney with felony criminal jurisdiction that appears to
6 have primary jurisdiction over the criminal prosecution of any
7 target of an investigation under this chapter at the time of the
8 notice concerning the attorney general's intent to file suit under
9 this chapter or investigate racketeering, as applicable.

10 (b) The notices described by Subsection (a) must describe or
11 otherwise identify the defendant to the suit or the suspect, as
12 applicable.

13 Sec. 140A.108 [~~140A.010~~]. COOPERATION WITH LOCAL
14 PROSECUTOR. (a) A district attorney, criminal district attorney,
15 or county attorney with felony criminal jurisdiction that receives
16 notice under Section 140A.107 [~~140A.009~~] may notify the attorney
17 general of a related pending criminal investigation or prosecution.

18 (b) Notification to the attorney general under Subsection
19 (a) must be in writing and describe or otherwise identify the
20 defendant or suspect in the criminal investigation or proceeding.

21 (c) On receipt of notice described by Subsection (a), the
22 attorney general shall coordinate and cooperate with the district
23 attorney, criminal district attorney, or county attorney with
24 felony criminal jurisdiction to ensure that the filing of a suit
25 under this chapter does not interfere with an ongoing criminal
26 investigation or prosecution. The attorney general shall update
27 the district attorney, criminal district attorney, or county

1 attorney with felony criminal jurisdiction on matters affecting the
2 suit or the investigation.

3 Sec. 140A.109 [~~140A.011~~]. ABATEMENT OF SUIT. If the
4 district attorney, criminal district attorney, or county attorney
5 with felony criminal jurisdiction determines that a suit brought
6 under this chapter would interfere with an ongoing criminal
7 investigation or prosecution after notifying the attorney general
8 of the investigation or prosecution under Section 140A.108
9 [~~140A.010~~], the district attorney, criminal district attorney, or
10 county attorney with felony criminal jurisdiction may request, in
11 writing, that the attorney general abate the suit. On receipt of
12 this request, the attorney general shall abate the suit.

13 Sec. 140A.110 [~~140A.012~~]. DISPOSITION OF ASSETS. (a) An
14 award issued in an action brought under this chapter must be paid in
15 accordance with this section.

16 (b) After a deduction of any costs of suit, including
17 reasonable attorney's fees and court costs, 80 percent of the
18 amount of the award remaining must be paid to the state, and the
19 remaining 20 percent must be paid, on a pro rata basis, to each law
20 enforcement agency, district attorney's office, criminal district
21 attorney's office, and office of a county attorney with felony
22 criminal jurisdiction found by the court to have assisted in the
23 suit.

24 (c) The first \$10 million, after any costs of suit described
25 by Subsection (b), that is paid to the state under this chapter in a
26 fiscal year shall be dedicated to the compensation to victims of
27 crime fund described by Article 56.54, Code of Criminal Procedure.

1 Sec. 140A.111 [~~140A.013~~]. PREVIOUSLY SEIZED ASSETS.
2 Notwithstanding another provision of this chapter, no remedies
3 provided by this chapter may be assessed against proceeds,
4 contraband, or other property over which a law enforcement agency
5 has previously asserted jurisdiction under Chapter 59, Code of
6 Criminal Procedure, at the time a suit under this chapter was filed.

7 SECTION 7. Article 24A.001, Code of Criminal Procedure, is
8 amended to read as follows:

9 Art. 24A.001. APPLICABILITY OF SUBCHAPTER. This subchapter
10 applies only to a subpoena, search warrant, or other court order
11 that:

12 (1) relates to the investigation or prosecution of a
13 criminal offense under:

14 (A) Section 21.02, 21.11, 22.011, or 22.021,
15 Penal Code;

16 (B) Chapter 20A, Penal Code;

17 (C) Section 33.021, Penal Code; or

18 (D) Chapter 43, Penal Code; and

19 (2) is served on or issued with respect to an online
20 [~~Internet~~] service provider that provides service in this state.

21 SECTION 8. Subchapter A, Chapter 24A, Code of Criminal
22 Procedure, is amended by adding Article 24A.0015 to read as
23 follows:

24 Art. 24A.0015. DEFINITION. In this chapter, "online
25 service provider" means an Internet service provider, search
26 engine, web hosting company, web browsing company, manufacturer of
27 devices providing online application platforms, or company

1 providing online social media platforms.

2 SECTION 9. Articles 24A.002(a) and (b), Code of Criminal
3 Procedure, are amended to read as follows:

4 (a) Except as provided by Subsection (b), not later than the
5 10th day after the date on which an online [~~Internet~~] service
6 provider is served with or otherwise receives a subpoena, search
7 warrant, or other court order described by Article 24A.001, the
8 online [~~Internet~~] service provider shall:

9 (1) fully comply with the subpoena, warrant, or order;
10 or

11 (2) petition a court to excuse the online [~~Internet~~]
12 service provider from complying with the subpoena, warrant, or
13 order.

14 (b) As soon as is practicable, and in no event later than the
15 second business day after the date the online [~~Internet~~] service
16 provider is served with or otherwise receives a subpoena, search
17 warrant, or other court order described by Article 24A.001, the
18 online [~~Internet~~] service provider shall fully comply with the
19 subpoena, search warrant, or order if the subpoena, search warrant,
20 or order indicates that full compliance is necessary to address a
21 situation that threatens a person with death or other serious
22 bodily injury.

23 SECTION 10. Article 24A.003, Code of Criminal Procedure, is
24 amended to read as follows:

25 Art. 24A.003. DISOBEYING SUBPOENA, WARRANT, OR ORDER. An
26 online [~~Internet~~] service provider that disobeys a subpoena, search
27 warrant, or other court order described by Article 24A.001 and that

1 was not excused from complying with the subpoena, warrant, or order
2 under Article 24A.002(a)(2) may be punished in any manner provided
3 by law.

4 SECTION 11. Article 24A.051, Code of Criminal Procedure, is
5 amended to read as follows:

6 Art. 24A.051. PRESERVING INFORMATION. (a) On written
7 request of a law enforcement agency in this state or a federal law
8 enforcement agency and pending the issuance of a subpoena or other
9 court order described by Article 24A.001, an online [~~Internet~~]
10 service provider that provides service in this state shall take all
11 steps necessary to preserve all records or other potential evidence
12 in a criminal trial that is in the possession of the online
13 [~~Internet~~] service provider.

14 (b) Subject to Subsection (c), an online [~~Internet~~] service
15 provider shall preserve information under Subsection (a) for a
16 period of 90 days after the date the online [~~Internet~~] service
17 provider receives the written request described by Subsection (a).

18 (c) An online [~~Internet~~] service provider shall preserve
19 information under Subsection (a) for the 90-day period immediately
20 following the 90-day period described by Subsection (b) if the
21 requesting law enforcement agency in writing requests an extension
22 of the preservation period.

23 SECTION 12. Article 45.0216(f), Code of Criminal Procedure,
24 is amended to read as follows:

25 (f) The court shall order the conviction, together with all
26 complaints, verdicts, sentences, and prosecutorial and law
27 enforcement records, and any other documents relating to the

1 offense, expunged from the person's record if the court finds that:

2 (1) for a person applying for the expunction of a
3 conviction for an offense described by Section 8.07(a)(4) or (5),
4 Penal Code, the person was not convicted of any other offense
5 described by Section 8.07(a)(4) or (5), Penal Code, while the
6 person was a child; and

7 (2) for a person applying for the expunction of a
8 conviction for an offense described by Section 43.261, Penal Code,
9 the person was not found to have engaged in conduct indicating a
10 need for supervision described by Section 51.03(b)(6)
11 [~~51.03(b)(7)~~], Family Code, while the person was a child.

12 SECTION 13. Article 56.32(a)(9), Code of Criminal
13 Procedure, is amended to read as follows:

14 (9) "Pecuniary loss" means the amount of expense
15 reasonably and necessarily incurred as a result of personal injury
16 or death for:

17 (A) medical, hospital, nursing, or psychiatric
18 care or counseling, or physical therapy;

19 (B) actual loss of past earnings and anticipated
20 loss of future earnings and necessary travel expenses because of:

21 (i) a disability resulting from the
22 personal injury;

23 (ii) the receipt of medically indicated
24 services related to the disability resulting from the personal
25 injury; or

26 (iii) participation in or attendance at
27 investigative, prosecutorial, or judicial processes related to the

1 criminally injurious conduct and participation in or attendance at
2 any postconviction or postadjudication proceeding relating to
3 criminally injurious conduct;

4 (C) care of a child or dependent, including
5 specialized care for a child who is a victim;

6 (D) funeral and burial expenses, including, for
7 an immediate family member or household member of the victim, the
8 necessary expenses of traveling to and attending the funeral;

9 (E) loss of support to a dependent, consistent
10 with Article 56.41(b)(5);

11 (F) reasonable and necessary costs of cleaning
12 the crime scene;

13 (G) reasonable replacement costs for clothing,
14 bedding, or property of the victim seized as evidence or rendered
15 unusable as a result of the criminal investigation;

16 (H) reasonable and necessary costs for
17 relocation and housing rental assistance payments as provided by
18 Article 56.42(d);

19 (I) for an immediate family member or household
20 member of a deceased victim, bereavement leave of not more than 10
21 work days; and

22 (J) reasonable and necessary costs of traveling
23 to and from a place of execution for the purpose of witnessing the
24 execution, including one night's lodging near the place at which
25 the execution is conducted.

26 SECTION 14. Article 62.001(5), Code of Criminal Procedure,
27 is amended to read as follows:

1 (5) "Reportable conviction or adjudication" means a
2 conviction or adjudication, including an adjudication of
3 delinquent conduct or a deferred adjudication, that, regardless of
4 the pendency of an appeal, is a conviction for or an adjudication
5 for or based on:

6 (A) a violation of Section 21.02 (Continuous
7 sexual abuse of young child or children), 21.11 (Indecency with a
8 child), 22.011 (Sexual assault), 22.021 (Aggravated sexual
9 assault), or 25.02 (Prohibited sexual conduct), Penal Code;

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

13 (B-1) a violation of Section 43.02
14 (Prostitution), Penal Code, if the offense is punishable under
15 Subsection (c-1)(3) [~~(c)(3)~~] of that section;

16 (C) a violation of Section 20.04(a)(4)
17 (Aggravated kidnapping), Penal Code, if the actor committed the
18 offense or engaged in the conduct with intent to violate or abuse
19 the victim sexually;

20 (D) a violation of Section 30.02 (Burglary),
21 Penal Code, if the offense or conduct is punishable under
22 Subsection (d) of that section and the actor committed the offense
23 or engaged in the conduct with intent to commit a felony listed in
24 Paragraph (A) or (C);

25 (E) a violation of Section 20.02 (Unlawful
26 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
27 Penal Code, if, as applicable:

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

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

6 (F) the second violation of Section 21.08
7 (Indecent exposure), Penal Code, but not if the second violation
8 results in a deferred adjudication;

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

13 (H) a violation of the laws of another state,
14 federal law, the laws of a foreign country, or the Uniform Code of
15 Military Justice for or based on the violation of an offense
16 containing elements that are substantially similar to the elements
17 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
18 (G), (J), ~~(K)~~, or (L), but not if the violation results in a
19 deferred adjudication;

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

26 (J) a violation of Section 33.021 (Online
27 solicitation of a minor), Penal Code; ~~(K)~~

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

3 (L) a violation of Section 20A.03 (Continuous
4 trafficking of persons), Penal Code, if the offense is based partly
5 or wholly on conduct that constitutes an offense under Section
6 20A.02(a)(3), (4), (7), or (8) of that code.

7 SECTION 15. Article 62.005(b), Code of Criminal Procedure,
8 is amended to read as follows:

9 (b) The information contained in the database, including
10 the numeric risk level assigned to a person under this chapter, is
11 public information, with the exception of any information:

12 (1) regarding the person's social security number or
13 driver's license number, or any home, work, or cellular telephone
14 number of the person;

15 (2) that is described by Article 62.051(c)(7) or
16 required by the department under Article 62.051(c)(9)
17 [~~62.051(c)(8)~~], including any information regarding an employer's
18 name, address, or telephone number; or

19 (3) that would identify the victim of the offense for
20 which the person is subject to registration.

21 SECTION 16. Article 62.051(c), Code of Criminal Procedure,
22 is amended to read as follows:

23 (c) The registration form shall require:

24 (1) the person's full name, date of birth, sex, race,
25 height, weight, eye color, hair color, social security number,
26 driver's license number, and shoe size;

27 (1-a) the address at which the person resides or

1 intends to reside or, if the person does not reside or intend to
2 reside at a physical address, a detailed description of each
3 geographical location at which the person resides or intends to
4 reside;

5 (1-b) each alias used by the person and any home, work,
6 or cellular telephone number of the person;

7 (2) a recent color photograph or, if possible, an
8 electronic digital image of the person and a complete set of the
9 person's fingerprints;

10 (3) the type of offense the person was convicted of,
11 the age of the victim, the date of conviction, and the punishment
12 received;

13 (4) an indication as to whether the person is
14 discharged, paroled, or released on juvenile probation, community
15 supervision, or mandatory supervision;

16 (5) an indication of each license, as defined by
17 Article 62.005(g), that is held or sought by the person;

18 (6) an indication as to whether the person is or will
19 be employed, carrying on a vocation, or a student at a particular
20 public or private institution of higher education in this state or
21 another state, and the name and address of that institution;

22 (7) the identification of any online identifier
23 established or used by the person;

24 (8) the vehicle registration information, including
25 the make, model, vehicle identification number, color, and license
26 plate number, of any vehicle owned by the person, if the person has
27 a reportable conviction or adjudication for an offense under:

1 (A) Section 20A.02(a)(3), (4), (7), or (8), Penal
2 Code; or

3 (B) Section 20A.03, Penal Code, if based partly
4 or wholly on conduct that constitutes an offense under Section
5 20A.02(a)(3), (4), (7), or (8) of that code; and

6 (9) [~~(8)~~] any other information required by the
7 department.

8 SECTION 17. Article 62.101(a), Code of Criminal Procedure,
9 is amended to read as follows:

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

14 (1) a sexually violent offense;

15 (2) an offense under Section 20A.02(a)(3), (4), (7),
16 or (8), 25.02, 43.05(a)(2), or 43.26, Penal Code;

17 (3) an offense under Section 20A.03, Penal Code, if
18 based partly or wholly on conduct that constitutes an offense under
19 Section 20A.02(a)(3), (4), (7), or (8) of that code;

20 (4) an offense under Section 21.11(a)(2), Penal Code,
21 if before or after the person is convicted or adjudicated for the
22 offense under Section 21.11(a)(2), Penal Code, the person receives
23 or has received another reportable conviction or adjudication,
24 other than an adjudication of delinquent conduct, for an offense or
25 conduct that requires registration under this chapter;

26 (5) [~~(4)~~] an offense under Section 20.02, 20.03, or
27 20.04, Penal Code, if:

1 (A) the judgment in the case contains an
2 affirmative finding under Article 42.015 or, for a deferred
3 adjudication, the papers in the case contain an affirmative finding
4 that the victim or intended victim was younger than 17 years of age;
5 and

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

12 (6) [~~5~~] an offense under Section 43.23, Penal Code,
13 that is punishable under Subsection (h) of that section.

14 SECTION 18. Subchapter A, Chapter 130, Education Code, is
15 amended by adding Section 130.0105 to read as follows:

16 Sec. 130.0105. COMMERCIAL DRIVER'S LICENSE TRAINING
17 PROGRAM; CERTAIN CURRICULUM REQUIREMENTS. (a) The Texas Higher
18 Education Coordinating Board by rule shall require each public
19 junior college offering a commercial driver's license training
20 program to include as a part of that program education and training
21 on the recognition and prevention of human trafficking.

22 (b) The Texas Higher Education Coordinating Board, in
23 collaboration with the office of the attorney general, shall
24 establish the content of the education and training required by
25 this section.

26 SECTION 19. Subchapter A, Chapter 132, Education Code, is
27 amended by adding Section 132.006 to read as follows:

1 Sec. 132.006. COMMERCIAL DRIVER'S LICENSE TRAINING
2 PROGRAM; CERTAIN CURRICULUM REQUIREMENTS. (a) The commission by
3 rule shall require each career school or college offering a
4 commercial driver's license training program to include as a part
5 of that program education and training on the recognition and
6 prevention of human trafficking.

7 (b) The commission, in collaboration with the office of the
8 attorney general, shall establish the content of the education and
9 training required by this section.

10 SECTION 20. Section 51.03(b), Family Code, as amended by
11 Chapters 935 (H.B. 2398), 944 (S.B. 206), and 1273 (S.B. 825), Acts
12 of the 84th Legislature, Regular Session, 2015, is reenacted and
13 amended to read as follows:

14 (b) Conduct indicating a need for supervision is:

15 (1) subject to Subsection (f), conduct, other than a
16 traffic offense, that violates:

17 (A) the penal laws of this state of the grade of
18 misdemeanor that are punishable by fine only; or

19 (B) the penal ordinances of any political
20 subdivision of this state;

21 (2) the voluntary absence of a child from the child's
22 home without the consent of the child's parent or guardian for a
23 substantial length of time or without intent to return;

24 (3) conduct prohibited by city ordinance or by state
25 law involving the inhalation of the fumes or vapors of paint and
26 other protective coatings or glue and other adhesives and the
27 volatile chemicals itemized in Section 485.001, Health and Safety

1 Code;

2 (4) an act that violates a school district's
3 previously communicated written standards of student conduct for
4 which the child has been expelled under Section 37.007(c),
5 Education Code;

6 (5) [~~(6)~~] notwithstanding Subsection (a)(1), conduct
7 described by Section 43.02(a) or (b), Penal Code; or

8 (6) [~~(7)~~] notwithstanding Subsection (a)(1), conduct
9 that violates Section 43.261, Penal Code.

10 SECTION 21. Section 51.13(e), Family Code, is amended to
11 read as follows:

12 (e) A finding that a child engaged in conduct indicating a
13 need for supervision as described by Section 51.03(b)(6)
14 [~~51.03(b)(7)~~] is a conviction only for the purposes of Sections
15 43.261(c) and (d), Penal Code.

16 SECTION 22. Section 54.0404(a), Family Code, is amended to
17 read as follows:

18 (a) If a child is found to have engaged in conduct
19 indicating a need for supervision described by Section 51.03(b)(6)
20 [~~51.03(b)(7)~~], the juvenile court may enter an order requiring the
21 child to attend and successfully complete an educational program
22 described by Section 37.218, Education Code, or another equivalent
23 educational program.

24 SECTION 23. Section 58.003(c-3), Family Code, is amended to
25 read as follows:

26 (c-3) Notwithstanding Subsections (a) and (c) and subject
27 to Subsection (b), a juvenile court, on the court's own motion and

1 without a hearing, shall order the sealing of records concerning a
2 child found to have engaged in conduct indicating a need for
3 supervision described by Section 51.03(b)(5) [~~51.03(b)(6)~~] or
4 taken into custody to determine whether the child engaged in
5 conduct indicating a need for supervision described by Section
6 51.03(b)(5) [~~51.03(b)(6)~~]. This subsection applies only to
7 records related to conduct indicating a need for supervision
8 described by Section 51.03(b)(5) [~~51.03(b)(6)~~].

9 SECTION 24. Section 23.101(a), Government Code, is amended
10 to read as follows:

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

14 (1) temporary injunctions;

15 (2) criminal actions, with the following actions given
16 preference over other criminal actions:

17 (A) criminal actions against defendants who are
18 detained in jail pending trial;

19 (B) criminal actions involving a charge that a
20 person committed an act of family violence, as defined by Section
21 71.004, Family Code;

22 (C) an offense under:

23 (i) Section 21.02 or 21.11, Penal Code;

24 (ii) Chapter 22, Penal Code, if the victim
25 of the alleged offense is younger than 17 years of age;

26 (iii) Section 25.02, Penal Code, if the
27 victim of the alleged offense is younger than 17 years of age;

(iv) Section 25.06, Penal Code;

(v) Section 43.25, Penal Code; or

(vi) Section 20A.02(a)(7), 20A.02(a)(8),
or 20A.03, Penal Code;

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

(E) criminal actions against persons who are
detained as provided by Section 51.12, Family Code, after transfer
for prosecution in criminal court under Section 54.02, Family Code;

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

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

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

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

(7) actions in which the claimant has been diagnosed
with malignant mesothelioma, other malignant asbestos-related
cancer, malignant silica-related cancer, or acute silicosis; and

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

SECTION 25. Section 126.002(a), Government Code, as
transferred and redesignated from Section 169A.002, Health and

1 Safety Code, by Chapters 604 (S.B. 536) and 1236 (S.B. 1296), Acts
2 of the 84th Legislature, Regular Session, 2015, and as amended by
3 Chapters 604 (S.B. 536) and 1273 (S.B. 825), Acts of the 84th
4 Legislature, Regular Session, 2015, is reenacted to read as
5 follows:

6 (a) The commissioners court of a county or governing body of
7 a municipality may establish a commercially sexually exploited
8 persons court program for defendants charged with an offense under
9 Section 43.02(a), Penal Code.

10 SECTION 26. Section 402.035(c), Government Code, as amended
11 by Chapters 146 (H.B. 188), 332 (H.B. 10), and 734 (H.B. 1549), Acts
12 of the 84th Legislature, Regular Session, 2015, is reenacted and
13 amended to read as follows:

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

- 15 (1) the governor or the governor's designee;
- 16 (2) the attorney general or the attorney general's
17 designee;
- 18 (3) the executive commissioner of the Health and Human
19 Services Commission or the executive commissioner's designee;
- 20 (4) the commissioner of the Department of Family and
21 Protective Services or the commissioner's designee;
- 22 (5) the commissioner of the Department of State Health
23 Services or the commissioner's designee;
- 24 (6) the public safety director of the Department of
25 Public Safety or the director's designee;
- 26 (7) one representative from each of the following
27 state agencies, appointed by the chief administrative officer of

1 the respective agency:

2 (A) the Texas Workforce Commission;

3 (B) the Texas Department of Criminal Justice;

4 (C) the Texas Juvenile Justice Department;

5 (D) the Texas Education Agency;

6 (E) [~~(D)~~] the Texas Alcoholic Beverage
7 Commission;

8 (F) the [~~Texas~~] Parks and Wildlife Department;

9 [~~and~~]

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

12 (H) the Texas Department of Licensing and
13 Regulation;

14 (I) the Office of Court Administration of the
15 Texas Judicial System;

16 (J) the office of the secretary of state; and

17 (K) the Texas Commission on Law Enforcement; and

18 (8) as appointed by the attorney general:

19 (A) a chief public defender employed by a public
20 defender's office, as defined by Article 26.044(a), Code of
21 Criminal Procedure, or an attorney designated by the chief public
22 defender;

23 (B) an attorney representing the state;

24 (C) a representative of:

25 (i) a hotel and motel association;

26 (ii) a district and county attorneys
27 association;

- 1 (iii) a state police association; and
2 (iv) a statewide medical association;
3 (D) representatives of sheriff's departments;
4 (E) representatives of local law enforcement
5 agencies affected by human trafficking; and
6 (F) representatives of nongovernmental entities
7 making comprehensive efforts to combat human trafficking by:
8 (i) identifying human trafficking victims;
9 (ii) providing legal or other services to
10 human trafficking victims;
11 (iii) participating in community outreach
12 or public awareness efforts regarding human trafficking;
13 (iv) providing or developing training
14 regarding the prevention of human trafficking; or
15 (v) engaging in other activities designed
16 to prevent human trafficking.

17 SECTION 27. Section 402.035(d), Government Code, as amended
18 by Chapters 146 (H.B. 188) and 332 (H.B. 10), Acts of the 84th
19 Legislature, Regular Session, 2015, is reenacted and amended to
20 read as follows:

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

4 (iii) an offense punishable under Section
5 43.02(c-1)(3) [~~43.02(c)(3)~~], Penal Code, regardless of whether the
6 offense was committed as part of a criminal episode involving the
7 trafficking of persons;

8 (B) demographic information on persons who are
9 convicted of offenses described by Paragraph (A) and persons who
10 are the victims of those offenses;

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

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

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

21 (5) work with the Texas Commission on Law Enforcement
22 to develop and conduct training for law enforcement personnel,
23 victim service providers, and medical service providers to identify
24 victims of human trafficking;

25 (6) work with the Texas Education Agency, the
26 Department of Family and Protective Services, and the Health and
27 Human Services Commission to:

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

3 (B) develop a standardized curriculum for
4 training doctors, nurses, emergency medical services personnel,
5 teachers, school counselors, school administrators, and personnel
6 from the Department of Family and Protective Services and the
7 Health and Human Services Commission to identify and assist victims
8 of human trafficking;

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

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

19 (E) develop a process for referring identified
20 human trafficking victims and individuals at risk of becoming
21 victims to appropriate entities for services;

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

27 (8) examine training protocols related to human

1 trafficking issues, as developed and implemented by federal, state,
2 and local law enforcement agencies;

3 (9) collaborate with state and local governmental
4 agencies, political subdivisions of the state, and nongovernmental
5 organizations to implement a media awareness campaign in
6 communities affected by human trafficking;

7 (10) develop recommendations on how to strengthen
8 state and local efforts to prevent human trafficking, protect and
9 assist human trafficking victims, curb markets and other economic
10 avenues that facilitate human trafficking and investigate and
11 prosecute human trafficking offenders;

12 (11) examine the extent to which human trafficking is
13 associated with the operation of sexually oriented businesses, as
14 defined by Section 243.002, Local Government Code, and the
15 workplace or public health concerns that are created by the
16 association of human trafficking and the operation of sexually
17 oriented businesses; ~~and~~

18 (12) develop recommendations for addressing the
19 demand for forced labor or services or sexual conduct involving
20 victims of human trafficking, including recommendations for
21 increased penalties for individuals who engage or attempt to engage
22 in prostitution with victims younger than 18 years of age; and

23 (13) [~~(12)~~] identify and report to the governor and
24 legislature on laws, licensure requirements, or other regulations
25 that can be passed at the state and local level to curb trafficking
26 using the Internet and in sexually oriented businesses.

27 SECTION 28. Section 81.046(d), Health and Safety Code, is

1 amended to read as follows:

2 (d) In a case of sexually transmitted disease involving a
3 minor under 14 [~~13~~] years of age, information may not be released,
4 except that the child's name, age, and address and the name of the
5 disease may be released to appropriate agents as required by
6 Chapter 261, Family Code. This subsection does not affect a
7 person's duty to report child abuse or neglect under Subchapter B,
8 Chapter 261, Family Code, except that information made confidential
9 by this chapter may not be released. If that information is
10 required in a court proceeding involving child abuse, the
11 information shall be disclosed in camera.

12 SECTION 29. Section 20A.02(b), Penal Code, is amended to
13 read as follows:

14 (b) Except as otherwise provided by this subsection, an
15 offense under this section is a felony of the second degree. An
16 offense under this section is a felony of the first degree if:

17 (1) the applicable conduct constitutes an offense
18 under Subsection (a)(5), (6), (7), or (8), regardless of whether
19 the actor knows the age of the child at the time of [~~the actor~~
20 ~~commits~~] the offense; or

21 (2) the commission of the offense results in the death
22 of the person who is trafficked.

23 SECTION 30. Section 21.02(b), Penal Code, is amended to
24 read as follows:

25 (b) A person commits an offense if:

26 (1) during a period that is 30 or more days in
27 duration, the person commits two or more acts of sexual abuse,

1 regardless of whether the acts of sexual abuse are committed
2 against one or more victims; and

3 (2) at the time of the commission of each of the acts
4 of sexual abuse, the actor is 17 years of age or older and the victim
5 is a child younger than 14 years of age, regardless of whether the
6 actor knows the age of the victim at the time of the offense.

7 SECTION 31. Section 21.11(a), Penal Code, is amended to
8 read as follows:

9 (a) A person commits an offense if, with a child younger
10 than 17 years of age, whether the child is of the same or opposite
11 sex and regardless of whether the person knows the age of the child
12 at the time of the offense, the person:

13 (1) engages in sexual contact with the child or causes
14 the child to engage in sexual contact; or

15 (2) with intent to arouse or gratify the sexual desire
16 of any person:

17 (A) exposes the person's anus or any part of the
18 person's genitals, knowing the child is present; or

19 (B) causes the child to expose the child's anus
20 or any part of the child's genitals.

21 SECTION 32. Section 22.011(a), Penal Code, is amended to
22 read as follows:

23 (a) A person commits an offense if [~~the person~~]:

24 (1) the person intentionally or knowingly:

25 (A) causes the penetration of the anus or sexual
26 organ of another person by any means, without that person's
27 consent;

1 (B) causes the penetration of the mouth of
2 another person by the sexual organ of the actor, without that
3 person's consent; or

4 (C) causes the sexual organ of another person,
5 without that person's consent, to contact or penetrate the mouth,
6 anus, or sexual organ of another person, including the actor; or

7 (2) regardless of whether the person knows the age of
8 the child at the time of the offense, the person intentionally or
9 knowingly:

10 (A) causes the penetration of the anus or sexual
11 organ of a child by any means;

12 (B) causes the penetration of the mouth of a
13 child by the sexual organ of the actor;

14 (C) causes the sexual organ of a child to contact
15 or penetrate the mouth, anus, or sexual organ of another person,
16 including the actor;

17 (D) causes the anus of a child to contact the
18 mouth, anus, or sexual organ of another person, including the
19 actor; or

20 (E) causes the mouth of a child to contact the
21 anus or sexual organ of another person, including the actor.

22 SECTION 33. Section 22.021(a), Penal Code, is amended to
23 read as follows:

24 (a) A person commits an offense:

25 (1) if the person:

26 (A) intentionally or knowingly:

27 (i) causes the penetration of the anus or

1 sexual organ of another person by any means, without that person's
2 consent;

3 (ii) causes the penetration of the mouth of
4 another person by the sexual organ of the actor, without that
5 person's consent; or

6 (iii) causes the sexual organ of another
7 person, without that person's consent, to contact or penetrate the
8 mouth, anus, or sexual organ of another person, including the
9 actor; or

10 (B) regardless of whether the person knows the
11 age of the child at the time of the offense, intentionally or
12 knowingly:

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

15 (ii) causes the penetration of the mouth of
16 a child by the sexual organ of the actor;

17 (iii) causes the sexual organ of a child to
18 contact or penetrate the mouth, anus, or sexual organ of another
19 person, including the actor;

20 (iv) causes the anus of a child to contact
21 the mouth, anus, or sexual organ of another person, including the
22 actor; or

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

25 (2) if:

26 (A) the person:

27 (i) causes serious bodily injury or

1 attempts to cause the death of the victim or another person in the
2 course of the same criminal episode;

3 (ii) by acts or words places the victim in
4 fear that any person will become the victim of an offense under
5 Section 20A.02(a)(3), (4), (7), or (8) or that death, serious
6 bodily injury, or kidnapping will be imminently inflicted on any
7 person;

8 (iii) by acts or words occurring in the
9 presence of the victim threatens to cause any person to become the
10 victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or
11 to cause the death, serious bodily injury, or kidnapping of any
12 person;

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

15 (v) acts in concert with another who
16 engages in conduct described by Subdivision (1) directed toward the
17 same victim and occurring during the course of the same criminal
18 episode; or

19 (vi) administers or provides
20 flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate,
21 or ketamine to the victim of the offense with the intent of
22 facilitating the commission of the offense;

23 (B) the victim is younger than 14 years of age,
24 regardless of whether the person knows the age of the victim at the
25 time of the offense; or

26 (C) the victim is an elderly individual or a
27 disabled individual.

1 SECTION 34. Section 43.01, Penal Code, is amended by adding
2 Subdivision (1-a) to read as follows:

3 (1-a) "Fee" means the payment or offer of payment in
4 the form of money, goods, services, or other benefit.

5 SECTION 35. Sections 43.02(a) and (b), Penal Code, are
6 amended to read as follows:

7 (a) A person commits an offense if [~~, in return for receipt~~
8 ~~of a fee,~~] the person knowingly offers or agrees to receive a fee
9 from another to engage in sexual conduct [+

10 [~~(1) offers to engage, agrees to engage, or engages in~~
11 ~~sexual conduct, or~~

12 [~~(2) solicits another in a public place to engage with~~
13 ~~the actor in sexual conduct for hire].~~

14 (b) A person commits an offense if [~~, based on the payment of~~
15 ~~a fee by the actor or another person on behalf of the actor,~~] the
16 person knowingly offers or agrees to pay a fee to another person for
17 the purpose of engaging in sexual conduct with that person or
18 another [+

19 [~~(1) offers to engage, agrees to engage, or engages in~~
20 ~~sexual conduct, or~~

21 [~~(2) solicits another in a public place to engage with~~
22 ~~the actor in sexual conduct for hire].~~

23 SECTION 36. Section 43.02, Penal Code, as amended by
24 Chapters 332 (H.B. 10) and 1273 (S.B. 825), Acts of the 84th
25 Legislature, Regular Session, 2015, is amended by reenacting
26 Subsection (c) and reenacting and amending Subsection (c-1) to read
27 as follows:

1 (c) An offense under Subsection (a) is a Class B
2 misdemeanor, except that the offense is:

3 (1) a Class A misdemeanor if the actor has previously
4 been convicted one or two times of an offense under Subsection (a);
5 or

6 (2) a state jail felony if the actor has previously
7 been convicted three or more times of an offense under Subsection
8 (a).

9 (c-1) An offense under Subsection (b) is a Class B
10 misdemeanor, except that the offense is:

11 (1) a Class A misdemeanor if the actor has previously
12 been convicted one or two times of an offense under Subsection (b);

13 (2) a state jail felony if the actor has previously
14 been convicted three or more times of an offense under Subsection
15 (b); or

16 (3) a felony of the second degree if the person with
17 whom the actor agrees to engage in sexual conduct ~~[solicited]~~ is:

18 (A) younger than 18 years of age, regardless of
19 whether the actor knows the age of the person ~~[solicited]~~ at the
20 time of of ~~[the actor commits]~~ the offense;

21 (B) represented to the actor as being younger
22 than 18 years of age; or

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

25 SECTION 37. Section 43.03(b), Penal Code, is amended to
26 read as follows:

27 (b) An offense under this section is a state jail felony

1 ~~[Class A misdemeanor]~~, except that the offense is:

2 (1) a felony of the third degree ~~[state jail felony]~~ if
3 the actor has been previously convicted of an offense under this
4 section; or

5 (2) a felony of the second degree if the actor engages
6 in conduct described by Subsection (a)(1) or (2) involving a person
7 younger than 18 years of age engaging in prostitution, regardless
8 of whether the actor knows the age of the person at the time of ~~[the~~
9 ~~actor commits]~~ the offense.

10 SECTION 38. Section 43.04(b), Penal Code, is amended to
11 read as follows:

12 (b) An offense under this section is a felony of the second
13 ~~[third]~~ degree, except that the offense is a felony of the first
14 degree if the prostitution enterprise uses as a prostitute one or
15 more persons younger than 18 years of age, regardless of whether the
16 actor knows the age of the person at the time of ~~[the actor commits]~~
17 the offense.

18 SECTION 39. Section 43.05(a), Penal Code, is amended to
19 read as follows:

20 (a) A person commits an offense if the person knowingly:
21 (1) causes another by force, threat, or fraud to
22 commit prostitution; or
23 (2) causes by any means a child younger than 18 years
24 to commit prostitution, regardless of whether the actor knows the
25 age of the child at the time of ~~[the actor commits]~~ the offense.

26 SECTION 40. Section 43.25, Penal Code, is amended by
27 amending Subsections (c) and (e) and adding Subsection (h) to read

1 as follows:

2 (c) An offense under Subsection (b) is a felony of the
3 second degree, except that the offense is a felony of the first
4 degree if the victim is younger than 14 years of age at the time the
5 offense is committed, regardless of whether the actor knows the age
6 of the victim at the time of the offense.

7 (e) An offense under Subsection (d) is a felony of the third
8 degree, except that the offense is a felony of the second degree if
9 the victim is younger than 14 years of age at the time the offense is
10 committed, regardless of whether the actor knows the age of the
11 victim at the time of the offense.

12 (h) Conduct under this section constitutes an offense
13 regardless of whether the actor knows the age of the victim at the
14 time of the offense.

15 SECTION 41. Section 43.251, Penal Code, is amended by
16 amending Subsection (c) and adding Subsection (d) to read as
17 follows:

18 (c) An offense under this section is a felony of the second
19 degree, except that the offense is a felony of the first degree if
20 the child is younger than 14 years of age at the time the offense is
21 committed, regardless of whether the actor knows the age of the
22 child at the time of the offense.

23 (d) Conduct under this section constitutes an offense
24 regardless of whether the actor knows the age of the child at the
25 time of the offense.

26 SECTION 42. The following laws are repealed:

27 (1) Section 402.035(h), Government Code; and

1 (2) Section 43.02(b-1), Penal Code.

2 SECTION 43. (a) Except as provided by Subsection (b) of
3 this section, the changes in law made by this Act apply only to an
4 offense committed on or after the effective date of this Act. An
5 offense committed before the effective date of this Act is governed
6 by the law in effect on the date the offense was committed, and the
7 former law is continued in effect for that purpose. For purposes of
8 this subsection, an offense was committed before the effective date
9 of this Act if any element of the offense occurred before that date.

10 (b) The changes in law made by this Act in amending Chapter
11 62, Code of Criminal Procedure, apply only to a person who is
12 required to register under Chapter 62, Code of Criminal Procedure,
13 on the basis of a conviction or adjudication for or based on an
14 offense committed on or after the effective date of this Act. A
15 person who is required to register under Chapter 62, Code of
16 Criminal Procedure, solely on the basis of a conviction or
17 adjudication for or based on an offense committed before the
18 effective date of this Act is governed by the law in effect on the
19 date the offense was committed, and the former law is continued in
20 effect for that purpose. For purposes of this subsection, an
21 offense was committed before the effective date of this Act if any
22 element of the offense occurred before that date.

23 SECTION 44. The change in law made by this Act to Chapter
24 24A, Code of Criminal Procedure, applies only to a subpoena, search
25 warrant, or other court order issued on or after the effective date
26 of this Act. A subpoena, search warrant, or other court order
27 issued before the effective date of this Act is governed by the law

1 in effect on the date the warrant was issued, and the former law is
2 continued in effect for that purpose.

3 SECTION 45. (a) Not later than December 1, 2017, the Texas
4 Higher Education Coordinating Board shall adopt rules necessary to
5 implement Section 130.0105, Education Code, as added by this Act.

6 (b) Not later than December 1, 2017, the Texas Workforce
7 Commission shall adopt rules necessary to implement Section
8 132.006, Education Code, as added by this Act.

9 SECTION 46. To the extent of any conflict, this Act prevails
10 over another Act of the 85th Legislature, Regular Session, 2017,
11 relating to nonsubstantive additions to and corrections in enacted
12 codes.

13 SECTION 47. This Act takes effect September 1, 2017.