

By: Burns, Shine, Paul, Burkett, Nevárez,  
et al.

H.B. No. 2858

Substitute the following for H.B. No. 2858:

By: Paddie

C.S.H.B. No. 2858

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to human trafficking signs at abortion facilities and  
3 offenses associated with human trafficking and forced abortion;  
4 increasing criminal penalties.

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

6 SECTION 1. Chapter 245, Health and Safety Code, is amended  
7 by adding Section 245.025 to read as follows:

8 Sec. 245.025. HUMAN TRAFFICKING SIGNS REQUIRED. (a) An  
9 abortion facility shall display separate signs, in English,  
10 Spanish, and any additional language as required by Subsection (b),  
11 side by side in accordance with this section in each restroom and  
12 patient consulting room. The signs must include the following  
13 information:

14 (1) no person, including an individual's parents, may  
15 force any individual to have an abortion;

16 (2) it is illegal for a person to force an individual  
17 to engage in sexual acts;

18 (3) a woman who needs help may call or text a state or  
19 national organization that assists victims of human trafficking and  
20 forced abortions; and

21 (4) the toll-free number of an organization described  
22 by Subdivision (3).

23 (b) Signs required under this section must be in English and  
24 Spanish. If an abortion facility is located in a political

1 subdivision required to provide election materials in a language  
2 other than English or Spanish under Section 272.011, Election Code,  
3 the facility shall display a separate sign in that language.

4 (c) Signs required under this section must be at least 8-1/2  
5 by 11 inches in size and displayed in a conspicuous manner clearly  
6 visible to the public and employees of an abortion facility. The  
7 notice must cover at least four-fifths of the sign.

8 (d) The executive commissioner shall adopt rules as  
9 necessary to implement and enforce this section.

10 SECTION 2. Section 20A.02(b), Penal Code, is amended to  
11 read as follows:

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

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

19 (2) the commission of the offense results in the death  
20 of the person who is trafficked; or

21 (3) the commission of the offense results in the death  
22 of an unborn child of the person who is trafficked.

23 SECTION 3. Sections 22.01(b) and (c), Penal Code, are  
24 amended to read as follows:

25 (b) An offense under Subsection (a)(1) is a Class A  
26 misdemeanor, except that the offense is a felony of the third degree  
27 if the offense is committed against:

1           (1) a person the actor knows is a public servant while  
2 the public servant is lawfully discharging an official duty, or in  
3 retaliation or on account of an exercise of official power or  
4 performance of an official duty as a public servant;

5           (2) a person whose relationship to or association with  
6 the defendant is described by Section 71.0021(b), 71.003, or  
7 71.005, Family Code, if:

8           (A) it is shown on the trial of the offense that  
9 the defendant has been previously convicted of an offense under  
10 this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11  
11 against a person whose relationship to or association with the  
12 defendant is described by Section 71.0021(b), 71.003, or 71.005,  
13 Family Code; or

14           (B) the offense is committed by intentionally,  
15 knowingly, or recklessly impeding the normal breathing or  
16 circulation of the blood of the person by applying pressure to the  
17 person's throat or neck or by blocking the person's nose or mouth;

18           (3) a person who contracts with government to perform  
19 a service in a facility as defined by Section 1.07(a)(14), Penal  
20 Code, or Section 51.02(13) or (14), Family Code, or an employee of  
21 that person:

22           (A) while the person or employee is engaged in  
23 performing a service within the scope of the contract, if the actor  
24 knows the person or employee is authorized by government to provide  
25 the service; or

26           (B) in retaliation for or on account of the  
27 person's or employee's performance of a service within the scope of

1 the contract;

2 (4) a person the actor knows is a security officer  
3 while the officer is performing a duty as a security officer; ~~or~~

4 (5) a person the actor knows is emergency services  
5 personnel while the person is providing emergency services; or

6 (6) a pregnant individual to force the individual to  
7 have an abortion.

8 (c) An offense under Subsection (a)(2) or (3) is a Class C  
9 misdemeanor, except that the offense is:

10 (1) a Class A misdemeanor if the offense is committed  
11 under Subsection (a)(3) against an elderly individual or disabled  
12 individual, as those terms are defined by Section 22.04; ~~or~~

13 (2) a Class B misdemeanor if the offense is committed  
14 by a person who is not a sports participant against a person the  
15 actor knows is a sports participant either:

16 (A) while the participant is performing duties or  
17 responsibilities in the participant's capacity as a sports  
18 participant; or

19 (B) in retaliation for or on account of the  
20 participant's performance of a duty or responsibility within the  
21 participant's capacity as a sports participant; or

22 (3) a Class A misdemeanor if the offense is committed  
23 against a pregnant individual to force the individual to have an  
24 abortion.

25 SECTION 4. (a) Not later than December 1, 2017, the  
26 executive commissioner of the Health and Human Services Commission  
27 shall adopt the rules necessary to implement Section 245.025,

1 Health and Safety Code, as added by this Act.

2 (b) An abortion facility is not required to comply with  
3 Section 245.025, Health and Safety Code, as added by this Act,  
4 before January 1, 2018.

5 SECTION 5. Sections 20A.02 and 22.01, Penal Code, as  
6 amended by this Act, apply only to an offense committed on or after  
7 the effective date of this Act. An offense committed before the  
8 effective date of this Act is governed by the law in effect on the  
9 date the offense was committed, and that law is continued in effect  
10 for that purpose. For purposes of this section, an offense was  
11 committed before the effective date of this Act if any element of  
12 the offense was committed before that date.

13 SECTION 6. This Act takes effect September 1, 2017.