

By: Burns

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 coerced 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 a sign in accordance with this  
10 section in each patient admission area, waiting room, restroom, and  
11 patient consulting room. The sign must state:

12 WARNING: Obtaining forced labor or services is a crime under  
13 Texas law. If you or someone you know is a victim of such a crime,  
14 you are encouraged to call the national human trafficking hotline  
15 at 1-888-373-7888. You may remain anonymous.

16 (b) A sign required under this section must be in English  
17 and Spanish. If an abortion facility is located in a political  
18 subdivision required to provide election materials in a language  
19 other than English or Spanish under Section 272.011, Election Code,  
20 the sign must also be in that language.

21 (c) A sign required under this section must be at least  
22 8-1/2 by 11 inches in size and displayed in a conspicuous manner  
23 clearly visible to the public and employees of an abortion  
24 facility. The notice must cover at least four-fifths of the sign.

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

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

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

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

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

14            (3) the commission of the offense results in the death  
15 of an unborn child of the person who is trafficked in violation of  
16 Chapter 19.

17        SECTION 3. Section 22.01, Penal Code, is amended by adding  
18 Subsection (c-1) to read as follows:

19        (c-1) Notwithstanding Subsections (b), (b-1), and (c), an  
20 offense under Subsection (a)(1) or (2) is a felony of the second  
21 degree if the actor intentionally or knowingly used force or the  
22 threat of force to compel a woman to receive an abortion.

23        SECTION 4. (a) Not later than December 1, 2017, the  
24 executive commissioner of the Health and Human Services Commission  
25 shall adopt the rules necessary to implement Section 245.025,  
26 Health and Safety Code, as added by this Act.

27        (b) An abortion facility is not required to comply with

1 Section 245.025, Health and Safety Code, as added by this Act,  
2 before January 1, 2018.

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

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