

By: Leach

H.B. No. 3248

A BILL TO BE ENTITLED

AN ACT

relating to prevention of coerced abortions and human trafficking;  
creating an offense.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.273 to read as follows:

Art. 2.273. INVESTIGATION OF ALLEGATION OF COERCED ABORTION OR HUMAN TRAFFICKING. (a) On receipt of a report or other complaint alleging a violation of Section 20A.02 or 25.12, Penal Code, the appropriate law enforcement agency shall investigate the allegation and write a report not later than 12 hours after receipt of the allegation.

(b) A law enforcement agency must make the written report in response to each allegation under this article regardless of whether the agency knows that a report about the allegation was previously made by another law enforcement agency.

SECTION 2. Chapter 25, Penal Code, is amended by adding Section 25.12 to read as follows:

Sec. 25.12. COERCION OF ABORTION. (a) A person commits an offense if the person uses coercion to cause a pregnant woman to have or seek an abortion, unless:

(1) the pregnant woman is younger than 18 years of age;

and

(2) the actor is the parent, conservator, or guardian

1 of the pregnant woman.

2 (b) An offense under this section is a Class A misdemeanor.

3 (c) A person who in good faith reports to law enforcement  
4 authorities a suspected offense under Subsection (a) is immune from  
5 civil liability in an action brought against the person for  
6 reporting the suspected offense.

7 SECTION 3. Section 261.001(1), Family Code, is amended to  
8 read as follows:

9 (1) "Abuse" includes the following acts or omissions  
10 by a person:

11 (A) mental or emotional injury to a child that  
12 results in an observable and material impairment in the child's  
13 growth, development, or psychological functioning;

14 (B) causing or permitting the child to be in a  
15 situation in which the child sustains a mental or emotional injury  
16 that results in an observable and material impairment in the  
17 child's growth, development, or psychological functioning;

18 (C) physical injury that results in substantial  
19 harm to the child, or the genuine threat of substantial harm from  
20 physical injury to the child, including an injury that is at  
21 variance with the history or explanation given and excluding an  
22 accident or reasonable discipline by a parent, guardian, or  
23 managing or possessory conservator that does not expose the child  
24 to a substantial risk of harm;

25 (D) failure to make a reasonable effort to  
26 prevent an action by another person that results in physical injury  
27 that results in substantial harm to the child;

1           (E) sexual conduct harmful to a child's mental,  
2 emotional, or physical welfare, including conduct that constitutes  
3 the offense of continuous sexual abuse of young child or children  
4 under Section 21.02, Penal Code, indecency with a child under  
5 Section 21.11, Penal Code, sexual assault under Section 22.011,  
6 Penal Code, or aggravated sexual assault under Section 22.021,  
7 Penal Code;

8           (F) failure to make a reasonable effort to  
9 prevent sexual conduct harmful to a child;

10           (G) compelling or encouraging the child to engage  
11 in sexual conduct as defined by Section 43.01, Penal Code,  
12 including compelling or encouraging the child in a manner that  
13 constitutes an offense of trafficking of persons under Section  
14 20A.02(a)(7) or (8), Penal Code, prostitution under Section  
15 43.02(b), Penal Code, or compelling prostitution under Section  
16 43.05(a)(2), Penal Code;

17           (H) causing, permitting, encouraging, engaging  
18 in, or allowing the photographing, filming, or depicting of the  
19 child if the person knew or should have known that the resulting  
20 photograph, film, or depiction of the child is obscene as defined by  
21 Section 43.21, Penal Code, or pornographic;

22           (I) the current use by a person of a controlled  
23 substance as defined by Chapter 481, Health and Safety Code, in a  
24 manner or to the extent that the use results in physical, mental, or  
25 emotional injury to a child;

26           (J) causing, expressly permitting, or  
27 encouraging a child to use a controlled substance as defined by

1 Chapter 481, Health and Safety Code;

2 (K) causing, permitting, encouraging, engaging  
3 in, or allowing a sexual performance by a child as defined by  
4 Section 43.25, Penal Code; ~~or~~

5 (L) knowingly causing, permitting, encouraging,  
6 engaging in, or allowing a child to be trafficked in a manner  
7 punishable as an offense under Section 20A.02(a)(5), (6), (7), or  
8 (8), Penal Code, or the failure to make a reasonable effort to  
9 prevent a child from being trafficked in a manner punishable as an  
10 offense under any of those sections; or

11 (M) coercing or forcing a child to have or seek an  
12 abortion.

13 SECTION 4. Article 2.273, Code of Criminal Procedure, as  
14 added by this Act, applies to an allegation made on or after the  
15 effective date of this Act, regardless of whether the conduct that  
16 is the subject of the allegation occurred before, on, or after that  
17 date.

18 SECTION 5. This Act takes effect September 1, 2017.