

SENATE AMENDMENTS

2nd Printing

By: Meyer, Thompson of Harris, Parker,
Burkett, et al.

H.B. No. 2529

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the definition of coercion for purposes of the offense
3 of trafficking of persons.

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

5 SECTION 1. Section 20A.02, Penal Code, is amended by adding
6 Subsection (a-1) to read as follows:

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

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

13 (A) government records; or

14 (B) identifying information or documents;

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

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

20 SECTION 2. The change in law made by this Act applies only to
21 an offense committed on or after the effective date of this Act. An
22 offense committed before the effective date of this Act is governed
23 by the law in effect on the date the offense was committed, and the
24 former law is continued in effect for that purpose. For purposes of

H.B. No. 2529

1 this section, an offense was committed before the effective date of
2 this Act if any element of the offense occurred before that date.

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

ADOPTED

MAY 23 2017

Helen Spaw
Secretary of the Senate

Joan Huffman

FLOOR AMENDMENT NO. 1

BY: _____

1 Amend H.B. No. 2529 (senate committee report) in SECTION 1 of
2 the bill, by striking added Section 20A.02(a-1), Penal Code (page
3 1, lines 24 through 36), and substituting the following:

4 (a-1) For purposes of Subsection (a)(3), "coercion" as
5 defined by Section 1.07 includes destroying, concealing,
6 confiscating, or withholding from the trafficked person, or
7 threatening to destroy, conceal, confiscate, or withhold from the
8 trafficked person, the trafficked person's actual or purported:

9 (1) government records; or

10 (2) identifying information or documents.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2529 by Meyer (Relating to the definition of coercion for purposes of the offense of trafficking of persons.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the offense of trafficking of persons. The bill would define coercion as it relates to the offense of trafficking of persons.

The Office of Court Administration and Texas Department of Criminal Justice indicate the provisions of the bill would not result in a significant fiscal impact. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on the demand for state correctional resources.

The bill would take effect September 1, 2017 and apply to an offense committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696
Department of Criminal Justice

LBB Staff: UP, KJo, ZB, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 8, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2529 by Meyer (Relating to the definition of coercion for purposes of the offense of trafficking of persons.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the offense of trafficking of persons. The bill would define coercion as it relates to the offense of trafficking of persons.

The Office of Court Administration and Texas Department of Criminal Justice indicate the provisions of the bill would not result in a significant fiscal impact.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on the demand for state correctional resources. The bill would take effect September 1, 2017 and apply to an offense committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696
Department of Criminal Justice

LBB Staff: UP, KJo, ZB, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 20, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2529 by Meyer (relating to the definition of coercion for purposes of the offense of trafficking of persons.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the offense of trafficking of persons. The bill would define coercion as it relates to the offense of trafficking of persons.

The Office of Court Administration and Texas Department of Criminal Justice indicate the provisions of the bill would not result in a significant fiscal impact.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on the demand for state correctional resources. The bill would take effect September 1, 2017 and apply to an offense committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696
Department of Criminal Justice

LBB Staff: UP, KJo, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 2, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2529 by Meyer (Relating to a presumption that certain conduct constitutes force, fraud, or coercion for purposes of the offense of trafficking of persons.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the offense of trafficking of persons. The bill would establish a rebuttable presumption to establish that force, fraud, or coercion was used in the offense of trafficking of persons.

The Office of Court Administration and Texas Department of Criminal Justice indicate the provisions of the bill would not result in a significant fiscal impact.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on the demand for state correctional resources. The bill would take effect September 1, 2017 and apply to an offense committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696
Department of Criminal Justice

LBB Staff: UP, KJo, LM

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2529 by Meyer (Relating to the definition of coercion for purposes of the offense of trafficking of persons.), **As Passed 2nd House**

The bill would amend the Penal Code to define coercion as it relates to the offense of trafficking of persons. Under existing statute, trafficking of persons is punishable by a second degree felony.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Expanding the behavior to which a criminal offense is applied is expected to result in an increase in the demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, fewer than 10 individuals were arrested, fewer than 10 were placed under felony community supervision, and fewer than 10 were admitted into state correctional institutions for trafficking of persons under existing statute. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, KJo, LM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 18, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2529 by Meyer (Relating to the definition of coercion for purposes of the offense of trafficking of persons.), **As Engrossed**

The bill would amend the Penal Code to define coercion as it relates to the offense of trafficking of persons. Under existing statute, trafficking of persons is punishable as a second degree felony.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Expanding the behavior to which a criminal offense is applied is expected to result in an increase in the demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, fewer than 10 individuals were arrested, fewer than 10 were placed under felony community supervision, and fewer than 10 were admitted into state correctional institutions for trafficking of persons under existing statute. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand of state correctional resources.

Source Agencies:

LBB Staff: UP, KJo, LM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

April 20, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2529 by Meyer (relating to the definition of coercion for purposes of the offense of trafficking of persons.), **Committee Report 1st House, Substituted**

The bill would amend the Penal Code to define coercion as it relates to the offense of trafficking of persons. Under existing statute, trafficking of persons is punishable as a second degree felony.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Expanding the behavior to which a criminal offense is applied is expected to result in an increase in the demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, fewer than 10 individuals were arrested, fewer than 10 were placed under felony community supervision, and fewer than 10 were admitted into state correctional institutions for trafficking of persons under existing statute. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand of state correctional resources.

Source Agencies:

LBB Staff: UP, KJo, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

April 2, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2529 by Meyer (Relating to a presumption that certain conduct constitutes force, fraud, or coercion for purposes of the offense of trafficking of persons.), **As Introduced**

The provisions of the bill subject to this analysis amend the Penal Code as it relates to the offense of trafficking of persons. The bill would create a rebuttable presumption to establish that force, fraud, or coercion was used in the offense of trafficking of persons. Under current statute, this offense is punishable as a second degree felony.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years. In addition to confinement, all felony level offenses are subject to an optional fine not to exceed \$10,000.

Establishing a presumption for any criminal offense is expected to result in an increase in the demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals sentenced to a term of supervision in the community or a term of confinement within state correctional institutions. In fiscal year 2016, fewer than 10 individuals were arrested, fewer than 10 were placed under felony community supervision, and fewer than 10 were admitted into state correctional institutions for trafficking of persons. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, KJo, LM