86R23138 ADM-D

By:  Thierry, Dutton, Thompson of Harris, H.B. No. 1771

     Shaheen, Miller

Substitute the following for H.B. No. 1771:

By:  Dutton C.S.H.B. No. 1771

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on prosecuting or referring to juvenile court certain persons for certain conduct constituting the offense of prostitution and to the provision of services to those persons.

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

SECTION 1.  This Act may be cited as the Child Sex Trafficking Victims Protections and Provisions Act.

SECTION 2.  Section 51.03, Family Code, is amended by amending Subsection (b) and adding Subsections (d) and (d-1) to read as follows:

(b)  Conduct indicating a need for supervision is:

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

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

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

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

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

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

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

(6)  notwithstanding Subsection (a)(1), conduct that violates Section 43.261, Penal Code.

(d)  Notwithstanding Subsection (a)(1), conduct that violates Section 43.02(a), Penal Code, is not delinquent conduct or conduct indicating a need for supervision. A child may not be referred to the juvenile court for conduct that violates Section 43.02(a), Penal Code.

(d-1)  A law enforcement officer taking possession of a child who is suspected of engaging in conduct that violates Section 43.02(a), Penal Code, may not arrest the child or refer the child to juvenile court. The officer shall use best efforts to deliver the child to the child's parent or to another person entitled to take possession of the child. If the parent or other person is not immediately available, the officer shall:

(1)  contact a local service provider or care coordinator who will, in consultation with the child sex trafficking prevention unit established under Section 772.0062, Government Code, and the governor's program for victims of child sex trafficking established under Section 772.0063, Government Code, facilitate the assignment of a caseworker for the child to create a customized package of services to fit the child's immediate and long-term rehabilitation and treatment needs, including medical, psychiatric, psychological, safety, and housing needs; or

(2)  if a local service provider or care coordinator is not available, transfer possession of the child to the Department of Family and Protective Services in accordance with Section 262.104.

SECTION 3.  Section 43.02, Penal Code, is amended by adding Subsection (b-1) to read as follows:

(b-1)  A person may not be prosecuted for an offense under Subsection (a) that the person committed when younger than 17 years of age.

SECTION 4.  This Act applies only to an offense committed or conduct that occurs on or after the effective date of this Act. An offense committed or conduct that occurs before the effective date of this Act is governed by the law in effect on the date the offense was committed or the conduct occurred, and the former law is continued in effect for that purpose. For the purposes of this section, an offense was committed or conduct occurred before the effective date of this Act if any element of the offense or conduct occurred before that date.

SECTION 5.  This Act takes effect September 1, 2019.