86R24088 JCG-D

By:  Thompson of Harris H.B. No. 3800

Substitute the following for H.B. No. 3800:

By:  Burns C.S.H.B. No. 3800

A BILL TO BE ENTITLED

AN ACT

relating to required reporting of human trafficking cases by certain law enforcement entities and by prosecutors.

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

SECTION 1.  Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.305 to read as follows:

Art. 2.305.  REPORT REQUIRED CONCERNING HUMAN TRAFFICKING CASES. (a) This article applies only to:

(1)  a municipal police department, sheriff's department, constable's office, county attorney's office, district attorney's office, and criminal district attorney's office, as applicable, in a county with a population of more than 50,000; and

(2)  the Department of Public Safety.

(b)  An entity described by Subsection (a) that investigates the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:

(1)  the offense being investigated, including a brief description of the alleged prohibited conduct;

(2)  regarding each person suspected of committing the offense and each victim of the offense:

(A)  the person's:

(i)  age;

(ii)  gender; and

(iii)  race or ethnicity, as defined by Article 2.132; and

(B)  the case number associated with the offense and the person suspected of committing the offense;

(3)  the date, time, and location of the alleged offense;

(4)  the type of human trafficking involved, including:

(A)  forced labor or services, as defined by Section 20A.01, Penal Code;

(B)  causing the victim by force, fraud, or coercion to engage in prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(3), Penal Code; or

(C)  causing a child victim by any means to engage in, or become the victim of, prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(7), Penal Code;

(5)  if available, information regarding any victims' service organization or program to which the victim was referred as part of the investigation; and

(6)  the disposition of the investigation, regardless of the manner of disposition.

(c)  An attorney representing the state who prosecutes the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:

(1)  the offense being prosecuted, including a brief description of the alleged prohibited conduct;

(2)  any other charged offense that is part of the same criminal episode out of which the offense described by Subdivision (1) arose;

(3)  the information described by Subsections (b)(2), (3), (4), and (5); and

(4)  the disposition of the prosecution, regardless of the manner of disposition.

(d)  The attorney general shall enter into a contract with a university that provides for the university's assistance in the collection and analysis of information received under this article.

(e)  In consultation with the entities described by Subsection (a), the attorney general shall adopt rules to administer this article, including rules prescribing:

(1)  the form and manner of submission of a report required by Subsection (b) or (c); and

(2)  additional information to include in a report required by Subsection (b) or (c).

SECTION 2.  Notwithstanding Article 2.305, Code of Criminal Procedure, as added by this Act:

(1)  the Department of Public Safety of the State of Texas is not required to comply with that article until August 1, 2020; and

(2)  an entity described by Subsection (a) of that article, other than the Department of Public Safety of the State of Texas:

(A)  if located in a county with a population of more than 500,000, is not required to comply with that article until August 1, 2020; and

(B)  if located in a county with a population of 500,000 or less, is not required to comply with that article until August 1, 2021.

SECTION 3.  This Act takes effect September 1, 2019.