

By: Thompson of Harris, Krause, Collier,
White, Davis of Dallas, et al.

H.B. No. 15

Substitute the following for H.B. No. 15:

By: Moody

C.S.H.B. No. 15

A BILL TO BE ENTITLED

AN ACT

relating to the prevention of, prosecution of, penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses and to orders of nondisclosure for persons who committed certain of those offenses; regulating occupations and property to prevent and respond to those criminal offenses, including requiring a student occupational permit for those purposes; authorizing fees; increasing criminal penalties; creating criminal offenses.

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

ARTICLE 1. TRAFFICKING OF PERSONS AND CONTINUOUS TRAFFICKING OF PERSONS

SECTION 1.01. Section 20A.01, Penal Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Coercion" as defined by Section 1.07 includes destroying, concealing, confiscating, or withholding from a person, or threatening to destroy, conceal, confiscate, or withhold from a person, the person's actual or purported:

(A) government records; or

(B) identifying information or documents.

SECTION 1.02. Section 3.03(b), Penal Code, is amended to read as follows:

(b) If the accused is found guilty of more than one offense arising out of the same criminal episode, the sentences may run

1 concurrently or consecutively if each sentence is for a conviction
2 of:

3 (1) an offense:

4 (A) under Section 49.07 or 49.08, regardless of
5 whether the accused is convicted of violations of the same section
6 more than once or is convicted of violations of both sections; or

7 (B) for which a plea agreement was reached in a
8 case in which the accused was charged with more than one offense
9 listed in Paragraph (A), regardless of whether the accused is
10 charged with violations of the same section more than once or is
11 charged with violations of both sections;

12 (2) an offense:

13 (A) under Section 33.021 or an offense under
14 Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed
15 against a victim younger than 17 years of age at the time of the
16 commission of the offense regardless of whether the accused is
17 convicted of violations of the same section more than once or is
18 convicted of violations of more than one section; or

19 (B) for which a plea agreement was reached in a
20 case in which the accused was charged with more than one offense
21 listed in Paragraph (A) committed against a victim younger than 17
22 years of age at the time of the commission of the offense regardless
23 of whether the accused is charged with violations of the same
24 section more than once or is charged with violations of more than
25 one section;

26 (3) an offense:

27 (A) under Section 21.15 or 43.26, regardless of

1 whether the accused is convicted of violations of the same section
2 more than once or is convicted of violations of both sections; or

3 (B) for which a plea agreement was reached in a
4 case in which the accused was charged with more than one offense
5 listed in Paragraph (A), regardless of whether the accused is
6 charged with violations of the same section more than once or is
7 charged with violations of both sections;

8 (4) an offense for which the judgment in the case
9 contains an affirmative finding under Article 42.0197, Code of
10 Criminal Procedure;

11 (5) an offense:

12 (A) under Section 20A.02, 20A.03, or 43.05,
13 regardless of whether the accused is convicted of violations of the
14 same section more than once or is convicted of violations of more
15 than one section [~~both sections~~]; or

16 (B) for which a plea agreement was reached in a
17 case in which the accused was charged with more than one offense
18 listed in Paragraph (A), regardless of whether the accused is
19 charged with violations of the same section more than once or is
20 charged with violations of more than one section [~~both sections~~];
21 or

22 (6) an offense:

23 (A) under Section 22.04(a)(1) or (2) or Section
24 22.04(a-1)(1) or (2) that is punishable as a felony of the first
25 degree, regardless of whether the accused is convicted of
26 violations of the same section more than once or is convicted of
27 violations of more than one section; or

1 (B) for which a plea agreement was reached in a
2 case in which the accused was charged with more than one offense
3 listed in Paragraph (A) and punishable as described by that
4 paragraph, regardless of whether the accused is charged with
5 violations of the same section more than once or is charged with
6 violations of more than one section.

7 SECTION 1.03. The following provisions are repealed:

8 (1) Section 402.035(h), Government Code, as amended by
9 Chapter 762 (S.B. 2039), Acts of the 85th Legislature, Regular
10 Session, 2017, and repealed by Chapter 685 (H.B. 29), Acts of the
11 85th Legislature, Regular Session, 2017; and

12 (2) Section 20A.02(a-1), Penal Code.

13 SECTION 1.04. The change in law made by this article applies
14 only to an offense committed on or after the effective date of this
15 Act. An offense committed before the effective date of this Act is
16 governed by the law in effect on the date the offense was committed,
17 and the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense was
20 committed before that date.

21 ARTICLE 2. PENALTIES FOR PROSTITUTION

22 SECTION 2.01. Subchapter K, Chapter 42A, Code of Criminal
23 Procedure, is amended by adding Article 42A.515 to read as follows:

24 Art. 42A.515. COMMUNITY SUPERVISION FOR CERTAIN
25 PROSTITUTION OFFENSES. (a) Except as provided by Subsection (e),
26 on a defendant's conviction of a Class B misdemeanor under Section
27 43.02(a), Penal Code, the judge shall suspend imposition of the

1 sentence and place the defendant on community supervision.

2 (b) Except as provided by Subsection (e), on a defendant's
3 conviction of a state jail felony under Section 43.02(c)(2), Penal
4 Code, that is punished under Section 12.35(a), Penal Code, the
5 judge shall suspend the imposition of the sentence and place the
6 defendant on community supervision. This subsection does not apply
7 to a defendant who has previously been convicted of any other state
8 jail felony under Section 43.02(c)(2), Penal Code, that is punished
9 under Section 12.35, Penal Code.

10 (c) A judge who places a defendant on community supervision
11 under Subsection (a) or (b) shall require as a condition of
12 community supervision that the defendant participate in a
13 commercially sexually exploited persons court program established
14 under Chapter 126, Government Code, if a program has been
15 established for the county or municipality where the defendant
16 resides. Sections 126.002(b) and (c), Government Code, do not apply
17 with respect to a defendant required to participate in the court
18 program under this subsection.

19 (d) A judge who requires a defendant to participate in a
20 commercially sexually exploited persons court program under
21 Subsection (c) may suspend in whole or in part the imposition of the
22 program fee described by Section 126.006, Government Code.

23 (e) In any case in which the jury assesses punishment, the
24 judge must follow the recommendations of the jury in suspending the
25 imposition of a sentence or ordering a sentence to be executed. If
26 a jury assessing punishment does not recommend community
27 supervision, the judge must order the sentence to be executed in

1 whole.

2 (f) The judge may suspend in whole or in part the imposition
3 of any fine imposed on conviction.

4 SECTION 2.02. Article 42A.551(d), Code of Criminal
5 Procedure, is amended to read as follows:

6 (d) On conviction of a state jail felony punished under
7 Section 12.35(a), Penal Code, other than a state jail felony listed
8 in Subsection (a) or to which Article 42A.515 applies, subject to
9 Subsection (e), the judge may:

10 (1) suspend the imposition of the sentence and place
11 the defendant on community supervision; or

12 (2) order the sentence to be executed:

13 (A) in whole; or

14 (B) in part, with a period of community
15 supervision to begin immediately on release of the defendant from
16 confinement.

17 SECTION 2.03. Article 62.001(5), Code of Criminal
18 Procedure, is amended to read as follows:

19 (5) "Reportable conviction or adjudication" means a
20 conviction or adjudication, including an adjudication of
21 delinquent conduct or a deferred adjudication, that, regardless of
22 the pendency of an appeal, is a conviction for or an adjudication
23 for or based on:

24 (A) a violation of Section 21.02 (Continuous
25 sexual abuse of young child or children), 21.09 (Bestiality), 21.11
26 (Indecency with a child), 22.011 (Sexual assault), 22.021
27 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),

1 Penal Code;

2 (B) a violation of Section 43.05 (Compelling
3 prostitution), 43.25 (Sexual performance by a child), or 43.26
4 (Possession or promotion of child pornography), Penal Code;

5 (B-1) a violation of Section 43.02
6 (Prostitution), Penal Code, if the offense is punishable under
7 Subsection (c-1)(2) [~~(c-1)(3)~~] of that section;

8 (C) a violation of Section 20.04(a)(4)
9 (Aggravated kidnapping), Penal Code, if the actor committed the
10 offense or engaged in the conduct with intent to violate or abuse
11 the victim sexually;

12 (D) a violation of Section 30.02 (Burglary),
13 Penal Code, if the offense or conduct is punishable under
14 Subsection (d) of that section and the actor committed the offense
15 or engaged in the conduct with intent to commit a felony listed in
16 Paragraph (A) or (C);

17 (E) a violation of Section 20.02 (Unlawful
18 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
19 Penal Code, if, as applicable:

20 (i) the judgment in the case contains an
21 affirmative finding under Article 42.015; or

22 (ii) the order in the hearing or the papers
23 in the case contain an affirmative finding that the victim or
24 intended victim was younger than 17 years of age;

25 (F) the second violation of Section 21.08
26 (Indecent exposure), Penal Code, but not if the second violation
27 results in a deferred adjudication;

1 (G) an attempt, conspiracy, or solicitation, as
2 defined by Chapter 15, Penal Code, to commit an offense or engage in
3 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

4 (H) a violation of the laws of another state,
5 federal law, the laws of a foreign country, or the Uniform Code of
6 Military Justice for or based on the violation of an offense
7 containing elements that are substantially similar to the elements
8 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
9 (G), (J), (K), or (L), but not if the violation results in a
10 deferred adjudication;

11 (I) the second violation of the laws of another
12 state, federal law, the laws of a foreign country, or the Uniform
13 Code of Military Justice for or based on the violation of an offense
14 containing elements that are substantially similar to the elements
15 of the offense of indecent exposure, but not if the second violation
16 results in a deferred adjudication;

17 (J) a violation of Section 33.021 (Online
18 solicitation of a minor), Penal Code;

19 (K) a violation of Section 20A.02(a)(3), (4),
20 (7), or (8) (Trafficking of persons), Penal Code; or

21 (L) a violation of Section 20A.03 (Continuous
22 trafficking of persons), Penal Code, if the offense is based partly
23 or wholly on conduct that constitutes an offense under Section
24 20A.02(a)(3), (4), (7), or (8) of that code.

25 SECTION 2.04. Section 402.035(d), Government Code, is
26 amended to read as follows:

27 (d) The task force shall:

1 (1) collaborate, as needed to fulfill the duties of
2 the task force, with:

3 (A) United States attorneys' offices for all of
4 the federal districts of Texas; and

5 (B) special agents or customs and border
6 protection officers and border patrol agents of:

7 (i) the Federal Bureau of Investigation;

8 (ii) the United States Drug Enforcement
9 Administration;

10 (iii) the Bureau of Alcohol, Tobacco,
11 Firearms and Explosives;

12 (iv) United States Immigration and Customs
13 Enforcement; or

14 (v) the United States Department of
15 Homeland Security;

16 (2) collect, organize, and periodically publish
17 statistical data on the nature and extent of human trafficking in
18 this state, including data described by Subdivisions (4)(A), (B),
19 (C), (D), and (E);

20 (3) solicit cooperation and assistance from state and
21 local governmental agencies, political subdivisions of the state,
22 nongovernmental organizations, and other persons, as appropriate,
23 for the purpose of collecting and organizing statistical data under
24 Subdivision (2);

25 (4) ensure that each state or local governmental
26 agency and political subdivision of the state and each state or
27 local law enforcement agency, district attorney, or county attorney

1 that assists in the prevention of human trafficking collects
2 statistical data related to human trafficking, including, as
3 appropriate:

4 (A) the number of investigations concerning,
5 arrests and prosecutions for, and convictions of:

6 (i) the offense of trafficking of persons;

7 (ii) the offense of forgery or an offense
8 under Chapter 43, Penal Code, if the offense was committed as part
9 of a criminal episode involving the trafficking of persons; and

10 (iii) an offense punishable under Section
11 43.02(c-1)(2) [~~43.02(c-1)(3)~~], Penal Code, regardless of whether
12 the offense was committed as part of a criminal episode involving
13 the trafficking of persons;

14 (B) demographic information on persons who are
15 convicted of offenses described by Paragraph (A) and persons who
16 are the victims of those offenses;

17 (C) geographic routes by which human trafficking
18 victims are trafficked, including routes by which victims are
19 trafficked across this state's international border, and
20 geographic patterns in human trafficking, including the country or
21 state of origin and the country or state of destination;

22 (D) means of transportation and methods used by
23 persons who engage in trafficking to transport their victims; and

24 (E) social and economic factors that create a
25 demand for the labor or services that victims of human trafficking
26 are forced to provide;

27 (5) work with the Texas Commission on Law Enforcement

1 to develop and conduct training for law enforcement personnel,
2 victim service providers, and medical service providers to identify
3 victims of human trafficking;

4 (6) work with the Texas Education Agency, the
5 Department of Family and Protective Services, and the Health and
6 Human Services Commission to:

7 (A) develop a list of key indicators that a
8 person is a victim of human trafficking;

9 (B) develop a standardized curriculum for
10 training doctors, nurses, emergency medical services personnel,
11 teachers, school counselors, school administrators, and personnel
12 from the Department of Family and Protective Services and the
13 Health and Human Services Commission to identify and assist victims
14 of human trafficking;

15 (C) train doctors, nurses, emergency medical
16 services personnel, teachers, school counselors, school
17 administrators, and personnel from the Department of Family and
18 Protective Services and the Health and Human Services Commission to
19 identify and assist victims of human trafficking;

20 (D) develop and conduct training for personnel
21 from the Department of Family and Protective Services and the
22 Health and Human Services Commission on methods for identifying
23 children in foster care who may be at risk of becoming victims of
24 human trafficking; and

25 (E) develop a process for referring identified
26 human trafficking victims and individuals at risk of becoming
27 victims to appropriate entities for services;

1 (7) on the request of a judge of a county court, county
2 court at law, or district court or a county attorney, district
3 attorney, or criminal district attorney, assist and train the judge
4 or the judge's staff or the attorney or the attorney's staff in the
5 recognition and prevention of human trafficking;

6 (8) examine training protocols related to human
7 trafficking issues, as developed and implemented by federal, state,
8 and local law enforcement agencies;

9 (9) collaborate with state and local governmental
10 agencies, political subdivisions of the state, and nongovernmental
11 organizations to implement a media awareness campaign in
12 communities affected by human trafficking;

13 (10) develop recommendations on how to strengthen
14 state and local efforts to prevent human trafficking, protect and
15 assist human trafficking victims, curb markets and other economic
16 avenues that facilitate human trafficking and investigate and
17 prosecute human trafficking offenders;

18 (11) examine the extent to which human trafficking is
19 associated with the operation of sexually oriented businesses, as
20 defined by Section [243.002](#), Local Government Code, and the
21 workplace or public health concerns that are created by the
22 association of human trafficking and the operation of sexually
23 oriented businesses;

24 (12) develop recommendations for addressing the
25 demand for forced labor or services or sexual conduct involving
26 victims of human trafficking, including recommendations for
27 increased penalties for individuals who engage or attempt to engage

1 in prostitution with victims younger than 18 years of age; and

2 (13) identify and report to the governor and
3 legislature on laws, licensure requirements, or other regulations
4 that can be passed at the state and local level to curb trafficking
5 using the Internet and in sexually oriented businesses.

6 SECTION 2.05. Section 43.02(c-1), Penal Code, is amended to
7 read as follows:

8 (c-1) An offense under Subsection (b) is a Class A [~~B~~]
9 misdemeanor, except that the offense is:

10 (1) [~~a Class A misdemeanor if the actor has previously~~
11 ~~been convicted one or two times of an offense under Subsection (b),~~

12 [~~(2)~~] a state jail felony if the actor has previously
13 been convicted [~~three or more times~~] of an offense under Subsection
14 (b); or

15 (2) [~~(3)~~] a felony of the second degree if the person
16 with whom the actor agrees to engage in sexual conduct is:

17 (A) younger than 18 years of age, regardless of
18 whether the actor knows the age of the person at the time of the
19 offense;

20 (B) represented to the actor as being younger
21 than 18 years of age; or

22 (C) believed by the actor to be younger than 18
23 years of age.

24 SECTION 2.06. The change in law made by this article applies
25 only to an offense committed on or after the effective date of this
26 Act. An offense committed before the effective date of this Act is
27 governed by the law in effect on the date the offense was committed,

1 and the former law is continued in effect for that purpose. For
2 purposes of this section, an offense was committed before the
3 effective date of this Act if any element of the offense occurred
4 before that date.

5 ARTICLE 3. ONLINE PROMOTION OF PROSTITUTION

6 SECTION 3.01. Section 43.01, Penal Code, is amended by
7 adding Subdivisions (1-b) and (1-c) to read as follows:

8 (1-b) "Interactive computer service" means any
9 information service, system, or access software provider that
10 provides or enables computer access to a computer server by
11 multiple users, including a service or system that provides access
12 to the Internet or a system operated or service offered by a library
13 or educational institution.

14 (1-c) "Internet" means the international computer
15 network of both federal and nonfederal interoperable packet
16 switched data networks.

17 SECTION 3.02. Subchapter A, Chapter 43, Penal Code, is
18 amended by adding Sections 43.031 and 43.041 to read as follows:

19 Sec. 43.031. ONLINE PROMOTION OF PROSTITUTION. (a) A
20 person commits an offense if the person owns, manages, or operates
21 an interactive computer service with the intent to promote the
22 prostitution of another person or facilitate another person to
23 engage in prostitution.

24 (b) An offense under this section is a felony of the third
25 degree, except that the offense is a felony of the second degree if
26 the actor:

27 (1) has been previously convicted of an offense under

1 this section or Section 43.041; or

2 (2) engages in conduct described by Subsection (a)
3 involving a person younger than 18 years of age engaging in
4 prostitution, regardless of whether the actor knows the age of the
5 person at the time of the offense.

6 Sec. 43.041. AGGRAVATED ONLINE PROMOTION OF PROSTITUTION.

7 (a) A person commits an offense if the person owns, manages, or
8 operates an interactive computer service with the intent to promote
9 the prostitution of five or more persons or facilitate five or more
10 persons to engage in prostitution.

11 (b) An offense under this section is a felony of the second
12 degree, except that the offense is a felony of the first degree if
13 the actor:

14 (1) has been previously convicted of an offense under
15 this section; or

16 (2) engages in conduct described by Subsection (a)
17 involving two or more persons younger than 18 years of age engaging
18 in prostitution, regardless of whether the actor knows the age of
19 the persons at the time of the offense.

20 SECTION 3.03. Section 98A.001, Civil Practice and Remedies
21 Code, is amended by adding Subdivisions (1-a) and (4-a) to read as
22 follows:

23 (1-a) "Aggravated online promotion of prostitution"
24 means conduct that constitutes an offense under Section 43.041,
25 Penal Code.

26 (4-a) "Online promotion of prostitution" means
27 conduct that constitutes an offense under Section 43.031, Penal

1 Code.

2 SECTION 3.04. Section 98A.002(a), Civil Practice and
3 Remedies Code, is amended to read as follows:

4 (a) A defendant is liable to a victim of compelled
5 prostitution, as provided by this chapter, for damages arising from
6 the compelled prostitution if the defendant:

7 (1) engages in compelling prostitution with respect to
8 the victim;

9 (2) knowingly or intentionally engages in promotion of
10 prostitution, online promotion of prostitution, aggravated
11 promotion of prostitution, or aggravated online promotion of
12 prostitution that results in compelling prostitution with respect
13 to the victim; or

14 (3) purchases an advertisement that the defendant
15 knows or reasonably should know constitutes promotion of
16 prostitution or aggravated promotion of prostitution, and the
17 publication of the advertisement results in compelling
18 prostitution with respect to the victim.

19 SECTION 3.05. Article 18A.101, Code of Criminal Procedure,
20 is amended to read as follows:

21 Art. 18A.101. OFFENSES FOR WHICH INTERCEPTION ORDER MAY BE
22 ISSUED. A judge of competent jurisdiction may issue an
23 interception order only if the prosecutor applying for the order
24 shows probable cause to believe that the interception will provide
25 evidence of the commission of:

26 (1) a felony under any of the following provisions of
27 the Health and Safety Code:

1 (A) Chapter 481, other than felony possession of
2 marihuana;

3 (B) Chapter 483; or

4 (C) Section 485.032;

5 (2) an offense under any of the following provisions
6 of the Penal Code:

7 (A) Section 19.02;

8 (B) Section 19.03;

9 (C) Section 20.03;

10 (D) Section 20.04;

11 (E) Chapter 20A;

12 (F) Chapter 34, if the criminal activity giving
13 rise to the proceeds involves the commission of an offense under
14 Title 5, Penal Code, or an offense under federal law or the laws of
15 another state containing elements that are substantially similar to
16 the elements of an offense under Title 5;

17 (G) Section 38.11;

18 (H) Section 43.04;

19 (I) Section 43.041;

20 (J) Section 43.05; or

21 (K) [~~(J)~~] Section 43.26; or

22 (3) an attempt, conspiracy, or solicitation to commit
23 an offense listed in Subdivision (1) or (2).

24 SECTION 3.06. Article 56.32(a)(14), Code of Criminal
25 Procedure, is amended to read as follows:

26 (14) "Trafficking of persons" means any offense that
27 results in a person engaging in forced labor or services, including

1 sexual conduct, and that may be prosecuted under Section 20A.02,
2 20A.03, 43.03, 43.031, 43.04, 43.041, 43.05, 43.25, 43.251, or
3 43.26, Penal Code.

4 SECTION 3.07. Article 56.81(7), Code of Criminal Procedure,
5 is amended to read as follows:

6 (7) "Trafficking of persons" means any conduct that
7 constitutes an offense under Section 20A.02, 20A.03, 43.03, 43.031,
8 43.04, 43.041, 43.05, 43.25, 43.251, or 43.26, Penal Code, and that
9 results in a person:

- 10 (A) engaging in forced labor or services; or
- 11 (B) otherwise becoming a victim of the offense.

12 SECTION 3.08. Section 411.042(b), Government Code, is
13 amended to read as follows:

14 (b) The bureau of identification and records shall:

15 (1) procure and file for record photographs, pictures,
16 descriptions, fingerprints, measurements, and other pertinent
17 information of all persons arrested for or charged with a criminal
18 offense or convicted of a criminal offense, regardless of whether
19 the conviction is probated;

20 (2) collect information concerning the number and
21 nature of offenses reported or known to have been committed in the
22 state and the legal steps taken in connection with the offenses, and
23 other information useful in the study of crime and the
24 administration of justice, including information that enables the
25 bureau to create a statistical breakdown of:

- 26 (A) offenses in which family violence was
27 involved;

1 (B) offenses under Sections 22.011 and 22.021,
2 Penal Code; and

3 (C) offenses under Sections 20A.02, 43.02(a),
4 43.02(b), 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

5 (3) make ballistic tests of bullets and firearms and
6 chemical analyses of bloodstains, cloth, materials, and other
7 substances for law enforcement officers of the state;

8 (4) cooperate with identification and crime records
9 bureaus in other states and the United States Department of
10 Justice;

11 (5) maintain a list of all previous background checks
12 for applicants for any position regulated under Chapter 1702,
13 Occupations Code, who have undergone a criminal history background
14 check under Section 411.119, if the check indicates a Class B
15 misdemeanor or equivalent offense or a greater offense;

16 (6) collect information concerning the number and
17 nature of protective orders and magistrate's orders of emergency
18 protection and all other pertinent information about all persons
19 subject to active orders, including pertinent information about
20 persons subject to conditions of bond imposed for the protection of
21 the victim in any family violence, sexual assault or abuse,
22 stalking, or trafficking case. Information in the law enforcement
23 information system relating to an active order shall include:

24 (A) the name, sex, race, date of birth, personal
25 descriptors, address, and county of residence of the person to whom
26 the order is directed;

27 (B) any known identifying number of the person to

1 whom the order is directed, including the person's social security
2 number or driver's license number;

3 (C) the name and county of residence of the
4 person protected by the order;

5 (D) the residence address and place of employment
6 or business of the person protected by the order, unless that
7 information is excluded from the order under Article 17.292(e),
8 Code of Criminal Procedure;

9 (E) the child-care facility or school where a
10 child protected by the order normally resides or which the child
11 normally attends, unless that information is excluded from the
12 order under Article 17.292(e), Code of Criminal Procedure;

13 (F) the relationship or former relationship
14 between the person who is protected by the order and the person to
15 whom the order is directed;

16 (G) the conditions of bond imposed on the person
17 to whom the order is directed, if any, for the protection of a
18 victim in any family violence, sexual assault or abuse, stalking,
19 or trafficking case;

20 (H) any minimum distance the person subject to
21 the order is required to maintain from the protected places or
22 persons; and

23 (I) the date the order expires;

24 (7) grant access to criminal history record
25 information in the manner authorized under Subchapter F;

26 (8) collect and disseminate information regarding
27 offenders with mental impairments in compliance with Chapter 614,

1 Health and Safety Code; and

2 (9) record data and maintain a state database for a
3 computerized criminal history record system and computerized
4 juvenile justice information system that serves:

5 (A) as the record creation point for criminal
6 history record information and juvenile justice information
7 maintained by the state; and

8 (B) as the control terminal for the entry of
9 records, in accordance with federal law and regulations, federal
10 executive orders, and federal policy, into the federal database
11 maintained by the Federal Bureau of Investigation.

12 SECTION 3.09. Section 499.027(b), Government Code, is
13 amended to read as follows:

14 (b) An inmate is not eligible under this subchapter to be
15 considered for release to intensive supervision parole if:

16 (1) the inmate is awaiting transfer to the
17 institutional division, or serving a sentence, for an offense for
18 which the judgment contains an affirmative finding under Article
19 42A.054(c) or (d), Code of Criminal Procedure;

20 (2) the inmate is awaiting transfer to the
21 institutional division, or serving a sentence, for an offense
22 listed in one of the following sections of the Penal Code:

23 (A) Section 19.02 (murder);

24 (B) Section 19.03 (capital murder);

25 (C) Section 19.04 (manslaughter);

26 (D) Section 20.03 (kidnapping);

27 (E) Section 20.04 (aggravated kidnapping);

- 1 (F) Section 21.11 (indecenty with a child);
2 (G) Section 22.011 (sexual assault);
3 (H) Section 22.02 (aggravated assault);
4 (I) Section 22.021 (aggravated sexual assault);
5 (J) Section 22.04 (injury to a child, elderly
6 individual, or disabled individual);
7 (K) Section 25.02 (prohibited sexual conduct);
8 (L) Section 25.08 (sale or purchase of a child);
9 (M) Section 28.02 (arson);
10 (N) Section 29.02 (robbery);
11 (O) Section 29.03 (aggravated robbery);
12 (P) Section 30.02 (burglary), if the offense is
13 punished as a first-degree felony under that section;
14 (Q) Section 43.04 (aggravated promotion of
15 prostitution);
16 (R) Section 43.05 (compelling prostitution);
17 (S) Section 43.24 (sale, distribution, or
18 display of harmful material to minor);
19 (T) Section 43.25 (sexual performance by a
20 child);
21 (U) Section 46.10 (deadly weapon in penal
22 institution);
23 (V) Section 15.01 (criminal attempt), if the
24 offense attempted is listed in this subsection;
25 (W) Section 15.02 (criminal conspiracy), if the
26 offense that is the subject of the conspiracy is listed in this
27 subsection;

1 (X) Section 15.03 (criminal solicitation), if
2 the offense solicited is listed in this subsection;

3 (Y) Section 21.02 (continuous sexual abuse of
4 young child or children);

5 (Z) Section 20A.02 (trafficking of persons);
6 [~~or~~]

7 (AA) Section 20A.03 (continuous trafficking of
8 persons); or

9 (BB) Section 43.041 (aggravated online promotion
10 of prostitution); or

11 (3) the inmate is awaiting transfer to the
12 institutional division, or serving a sentence, for an offense under
13 Chapter 481, Health and Safety Code, punishable by a minimum term of
14 imprisonment or a maximum fine that is greater than the minimum term
15 of imprisonment or the maximum fine for a first degree felony.

16 SECTION 3.10. Section 169.002(b), Health and Safety Code,
17 is amended to read as follows:

18 (b) A defendant is eligible to participate in a first
19 offender prostitution prevention program established under this
20 chapter only if:

21 (1) the attorney representing the state consents to
22 the defendant's participation in the program; and

23 (2) the court in which the criminal case is pending
24 finds that the defendant has not been previously convicted of:

25 (A) an offense under Section 20A.02, 43.02,
26 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code;

27 (B) an offense listed in Article 42A.054(a), Code

1 of Criminal Procedure; or

2 (C) an offense punishable as a felony under
3 Chapter 481.

4 SECTION 3.11. Section 20A.02(a), Penal Code, is amended to
5 read as follows:

6 (a) A person commits an offense if the person knowingly:

7 (1) traffics another person with the intent that the
8 trafficked person engage in forced labor or services;

9 (2) receives a benefit from participating in a venture
10 that involves an activity described by Subdivision (1), including
11 by receiving labor or services the person knows are forced labor or
12 services;

13 (3) traffics another person and, through force, fraud,
14 or coercion, causes the trafficked person to engage in conduct
15 prohibited by:

16 (A) Section 43.02 (Prostitution);

17 (B) Section 43.03 (Promotion of Prostitution);

18 (B-1) Section 43.031 (Online Promotion of
19 Prostitution);

20 (C) Section 43.04 (Aggravated Promotion of
21 Prostitution);

22 (C-1) Section 43.041 (Aggravated Online
23 Promotion of Prostitution); or

24 (D) Section 43.05 (Compelling Prostitution);

25 (4) receives a benefit from participating in a venture
26 that involves an activity described by Subdivision (3) or engages
27 in sexual conduct with a person trafficked in the manner described

1 in Subdivision (3);

2 (5) traffics a child with the intent that the
3 trafficked child engage in forced labor or services;

4 (6) receives a benefit from participating in a venture
5 that involves an activity described by Subdivision (5), including
6 by receiving labor or services the person knows are forced labor or
7 services;

8 (7) traffics a child and by any means causes the
9 trafficked child to engage in, or become the victim of, conduct
10 prohibited by:

11 (A) Section 21.02 (Continuous Sexual Abuse of
12 Young Child or Children);

13 (B) Section 21.11 (Indecency with a Child);

14 (C) Section 22.011 (Sexual Assault);

15 (D) Section 22.021 (Aggravated Sexual Assault);

16 (E) Section 43.02 (Prostitution);

17 (F) Section 43.03 (Promotion of Prostitution);

18 (F-1) Section 43.031 (Online Promotion of
19 Prostitution);

20 (G) Section 43.04 (Aggravated Promotion of
21 Prostitution);

22 (G-1) Section 43.041 (Aggravated Online
23 Promotion of Prostitution);

24 (H) Section 43.05 (Compelling Prostitution);

25 (I) Section 43.25 (Sexual Performance by a
26 Child);

27 (J) Section 43.251 (Employment Harmful to

1 Children); or

2 (K) Section 43.26 (Possession or Promotion of
3 Child Pornography); or

4 (8) receives a benefit from participating in a venture
5 that involves an activity described by Subdivision (7) or engages
6 in sexual conduct with a child trafficked in the manner described in
7 Subdivision (7).

8 ARTICLE 4. ADMISSIBILITY OF EVIDENCE

9 SECTION 4.01. Section 1, Article 38.37, Code of Criminal
10 Procedure, is amended to read as follows:

11 Sec. 1. (a) Subsection (b) applies to a proceeding in the
12 prosecution of a defendant for an offense, or an attempt or
13 conspiracy to commit an offense, under the following provisions of
14 the Penal Code:

15 (1) Chapter 20A (Trafficking of Persons);

16 (2) [if committed against a child under 17 years of
17 age;

18 [(A)] Chapter 21 (Sexual Offenses);

19 (3) Section 22.01 (Assault), if committed against a
20 person younger than 18 years of age;

21 (4) Section 22.011 (Sexual Assault);

22 (5) Section 22.02 (Aggravated Assault), if committed
23 against a person younger than 18 years of age;

24 (6) Section 22.021 (Aggravated Sexual Assault);

25 (7) Section 22.04 (Injury to a Child, Elderly
26 Individual, or Disabled Individual), if committed against a person
27 younger than 18 years of age;

1 (8) Section 22.041 (Abandoning or Endangering a
2 Child);

3 (9) Section 22.05 (Deadly Conduct), if committed
4 against a person younger than 18 years of age;

5 (10) Section 22.07 (Terroristic Threat), if committed
6 under Subsection (a)(2) of that section against a person younger
7 than 18 years of age;

8 (11) [(B) Chapter 22 (Assaultive Offenses); or
9 [(C)] Section 25.02 (Prohibited Sexual Conduct);
10 [or]

11 (12) [(2) if committed against a person younger than
12 18 years of age;

13 [(A) Section 43.25 (Sexual Performance by a
14 Child);

15 [(B) Section 20A.02(a)(7) or (8); or
16 [(C)] Section 43.05(a)(2) (Compelling
17 Prostitution); or

18 (13) Section 43.25 (Sexual Performance by a Child).

19 (b) Notwithstanding Rules 404 and 405, Texas Rules of
20 Evidence, evidence of other crimes, wrongs, or acts committed by
21 the defendant against the [~~child who is the~~] victim of the alleged
22 offense shall be admitted for its bearing on relevant matters,
23 including:

24 (1) the state of mind of the defendant and the victim
25 [~~child~~]; and

26 (2) the previous and subsequent relationship between
27 the defendant and the victim [~~child~~].

1 SECTION 4.02. Section 2(a), Article 38.37, Code of Criminal
2 Procedure, is amended to read as follows:

3 (a) Subsection (b) applies only to the trial of a defendant
4 for:

5 (1) an offense under any of the following provisions
6 of the Penal Code:

7 (A) Section 20A.02, if punishable as a felony of
8 the first degree under Section 20A.02(b)(1) (Sex or Labor
9 Trafficking of a Child);

10 (B) Section 20A.03, if based partly or wholly on
11 conduct that constitutes an offense under Article 20A.02(a)(5),
12 (6), (7), or (8) (Continuous Trafficking of Persons);

13 (C) Section 21.02 (Continuous Sexual Abuse of
14 Young Child or Children);

15 (D) [~~(C)~~] Section 21.11 (Indecency With a
16 Child);

17 (E) [~~(D)~~] Section 22.011(a)(2) (Sexual Assault
18 of a Child);

19 (F) [~~(E)~~] Sections 22.021(a)(1)(B) and (2)
20 (Aggravated Sexual Assault of a Child);

21 (G) [~~(F)~~] Section 33.021 (Online Solicitation of
22 a Minor);

23 (H) [~~(G)~~] Section 43.25 (Sexual Performance by a
24 Child); or

25 (I) [~~(H)~~] Section 43.26 (Possession or Promotion
26 of Child Pornography), Penal Code; or

27 (2) an attempt or conspiracy to commit an offense

1 described by Subdivision (1).

2 SECTION 4.03. Chapter 38, Code of Criminal Procedure, is
3 amended by adding Article 38.51 to read as follows:

4 Art. 38.51. EVIDENCE OF VICTIM'S PAST SEXUAL BEHAVIOR. (a)
5 This article applies to the prosecution of an offense, or an attempt
6 to commit an offense, under the following provisions of the Penal
7 Code:

8 (1) Section 20A.02(a)(3), (4), (7), or (8) (Sex
9 Trafficking of Persons);

10 (2) Section 20A.03 (Continuous Trafficking of
11 Persons), if based partly or wholly on conduct that constitutes an
12 offense under Section 20A.02(a)(3), (4), (7), or (8);

13 (3) Chapter 21 (Sexual Offenses);

14 (4) Section 22.011 (Sexual Assault);

15 (5) Section 22.021 (Aggravated Sexual Assault);

16 (6) Section 25.02 (Prohibited Sexual Conduct);

17 (7) Section 43.05 (Compelling Prostitution);

18 (8) Section 43.24 (Sale, Distribution, or Display of
19 Harmful Material to Minor);

20 (9) Section 43.25 (Sexual Performance by a Child);

21 (10) Section 43.251 (Employment Harmful to Children);

22 (11) Section 43.26 (Possession or Promotion of Child
23 Pornography); or

24 (12) Section 43.262 (Possession or Promotion of Lewd
25 Visual Material Depicting Child).

26 (b) Except as provided by Subsection (c), in the prosecution
27 of an offense described by Subsection (a), reputation or opinion

1 evidence of a victim's past sexual behavior or evidence regarding
2 specific instances of a victim's past sexual behavior is not
3 admissible.

4 (c) Evidence of a specific instance of a victim's past
5 sexual behavior is admissible if:

6 (1) the evidence:

7 (A) is necessary to rebut or explain scientific
8 or medical evidence offered by the attorney representing the state;

9 (B) concerns past sexual behavior with the
10 defendant and is offered by the defendant to prove consent;

11 (C) relates to the victim's motive or bias;

12 (D) is admissible under Rule 609, Texas Rules of
13 Evidence; or

14 (E) is constitutionally required to be admitted;
15 and

16 (2) the probative value of the evidence outweighs the
17 danger of unfair prejudice.

18 (d) Before evidence described by Subsection (c) may be
19 introduced, the defendant must notify the court outside of the
20 jury's presence. The court shall conduct an in camera hearing to
21 determine whether the evidence is admissible. The court reporter
22 shall record the hearing, and the court shall preserve that record
23 under seal as part of the record in the case.

24 (e) Before referring to evidence that the court has
25 determined to be inadmissible, the defendant must, outside of the
26 jury's presence, request and obtain the court's permission.

27 SECTION 4.04. Under the terms of Section [22.109\(b\)](#),

1 Government Code, Rule 412, Texas Rules of Evidence, is disapproved.

2 SECTION 4.05. The changes in law and rules made by this
3 article apply to the admissibility of evidence in a criminal
4 proceeding that commences on or after the effective date of this
5 Act. The admissibility of evidence in a criminal proceeding that
6 commences before the effective date of this Act is governed by the
7 law and rules in effect on the date the proceeding commenced, and
8 the former law and rules are continued in effect for that purpose.

9 ARTICLE 5. ORDERS OF NONDISCLOSURE FOR CERTAIN VICTIMS OF
10 TRAFFICKING OF PERSONS OR COMPELLED PROSTITUTION

11 SECTION 5.01. Section 411.0728, Government Code, is amended
12 to read as follows:

13 Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING
14 OF PERSONS. (a) This section applies only to a person:

15 (1) who is convicted of or placed on deferred
16 adjudication community supervision [~~under Chapter 42A, Code of~~
17 ~~Criminal Procedure, after conviction~~] for an offense under:

18 (A) Section 481.120, Health and Safety Code, if
19 the offense is punishable under Subsection (b)(1);

20 (B) Section 481.121, Health and Safety Code, if
21 the offense is punishable under Subsection (b)(1);

22 (C) Section 31.03, Penal Code, if the offense is
23 punishable under Subsection (e)(1) or (2); or

24 (D) Section 43.02, Penal Code; [~~or~~
25 [~~(E) Section 43.03(a)(2), Penal Code, if the~~
26 ~~offense is punishable as a Class A misdemeanor,~~] and

27 (2) who, if requested by the applicable law

1 enforcement agency or prosecuting attorney to provide assistance in
2 the investigation or prosecution of an offense under Section
3 20A.02, 20A.03, or 43.05, Penal Code, or a federal offense
4 containing elements that are substantially similar to the elements
5 of an offense under any of those sections:

6 (A) provided assistance in the investigation or
7 prosecution of the offense; or

8 (B) did not provide assistance in the
9 investigation or prosecution of the offense due to the person's age
10 or a physical or mental disability resulting from being a victim of
11 an offense described by this subdivision [~~with respect to whom the~~
12 ~~conviction is subsequently set aside by the court under Article~~
13 ~~42A.701, Code of Criminal Procedure~~].

14 (b) Notwithstanding any other provision of this subchapter
15 or Subchapter F, a person described by Subsection (a) [~~who~~
16 ~~satisfies the requirements of Section 411.074~~] may petition the
17 court that convicted the person or placed the person on deferred
18 adjudication community supervision for an order of nondisclosure of
19 criminal history record information under this section on the
20 grounds that the person committed the offense solely as a victim of
21 an offense under Section 20A.02, 20A.03, or 43.05, Penal Code
22 [~~trafficking of persons~~].

23 (b-1) A petition under Subsection (b) must:

24 (1) be in writing;

25 (2) assert that the person seeking an order of
26 nondisclosure under this section has not previously received an
27 order of nondisclosure under this section; and

1 (3) allege specific facts that, if proved, would
2 establish that the petitioner committed the offense described by
3 Subsection (a)(1) solely as a victim of an offense under Section
4 20A.02, 20A.03, or 43.05, Penal Code.

5 (b-2) A person convicted of or placed on deferred
6 adjudication community supervision for more than one offense
7 described by Subsection (a)(1) that the person committed solely as
8 a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal
9 Code, may request consolidation of the person's petitions for an
10 order of nondisclosure of criminal history record information in a
11 district court in the county of the person's most recent conviction
12 or placement on deferred adjudication community supervision. On
13 receipt of a request for consolidation, the court shall consolidate
14 the petitions and exercise jurisdiction over the petitions,
15 regardless of the county in which the offenses described by
16 Subsection (a)(1) occurred.

17 (b-3) On the filing of the petition under Subsection (b),
18 the clerk of the court shall promptly serve a copy of the petition
19 and any supporting document on the appropriate office of the
20 attorney representing the state. If the court consolidates
21 petitions under Subsection (b-2), the court shall promptly serve a
22 copy of the consolidated petitions on the appropriate office of
23 each attorney representing the state. Any response to the petition
24 by an attorney representing the state must be filed not later than
25 the 20th business day after the date of service under this
26 subsection.

27 (b-4) If the consolidation occurs under Subsection (b-2)

1 with respect to petitions relating to offenses committed in more
2 than one county, an attorney representing the state from a county
3 other than the county in which the consolidating court resides may
4 appear telephonically or through a video conference call at any
5 hearing considered necessary by the court.

6 (c) After notice to the state, an opportunity for a hearing,
7 a determination by the court that the person has not previously
8 received an order of nondisclosure under this section, and a
9 determination by the court that the person committed the offense
10 described by Subsection (a)(1) solely as a victim of an offense
11 under Section 20A.02, 20A.03, or 43.05, Penal Code, [~~trafficking of~~
12 ~~persons]~~ and that issuance of the order is in the best interest of
13 justice, the court shall issue an order prohibiting criminal
14 justice agencies from disclosing to the public criminal history
15 record information related to the offense [~~for which the defendant~~
16 ~~was placed on community supervision as described by Subsection~~
17 ~~(a)]~~.

18 (d) A person may petition the court that convicted the
19 person or placed the person on deferred adjudication community
20 supervision for an order of nondisclosure of criminal history
21 record information under this section only on or after the first
22 anniversary of the date the person:

23 (1) completed the sentence, including any term of
24 confinement imposed and payment of all fines, costs, and
25 restitution imposed; or

26 (2) received a dismissal and discharge under Article
27 42A.111, Code of Criminal Procedure, if the person was placed on

1 deferred adjudication community supervision [~~person's conviction~~
2 ~~is set aside as described by Subsection (a)]~~].

3 SECTION 5.02. Article [56.021](#), Code of Criminal Procedure,
4 is amended by adding Subsection (e) to read as follows:

5 (e) A victim of an offense under Section [20A.02](#), [20A.03](#), or
6 [43.05](#), Penal Code, is entitled to the right to be informed that the
7 victim may petition for an order of nondisclosure of criminal
8 history record information under Section [411.0728](#), Government
9 Code, if the victim:

10 (1) has been convicted of or placed on deferred
11 adjudication community supervision for an offense described by
12 Subsection (a)(1) of that section; and

13 (2) committed that offense solely as a victim of an
14 offense under Section [20A.02](#), [20A.03](#), or [43.05](#), Penal Code.

15 SECTION 5.03. Subchapter C, Chapter [72](#), Government Code, is
16 amended by adding Section 72.033 to read as follows:

17 Sec. 72.033. FORM FOR ORDER OF NONDISCLOSURE FOR CERTAIN
18 VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION. The
19 office, in consultation with the office of the attorney general,
20 shall develop and make available an online form for use by a person
21 in filing a petition for an order of nondisclosure of criminal
22 history record information under Section [411.0728](#).

23 SECTION 5.04. Section [126.004](#), Government Code, is amended
24 by adding Subsection (d) to read as follows:

25 (d) A program established under this chapter shall provide
26 each program participant with information related to an order of
27 nondisclosure of criminal history record information under Section

1 [411.0728](#).

2 SECTION 5.05. Not later than December 1, 2019, the Office of
3 Court Administration of the Texas Judicial System, in consultation
4 with the office of the attorney general, shall develop and make
5 available the online form required by Section 72.033, Government
6 Code, as added by this article.

7 ARTICLE 6. REGULATION OF MASSAGE ESTABLISHMENTS, MASSAGE SCHOOLS,
8 AND MASSAGE THERAPISTS

9 SECTION 6.01. Section [455.152](#), Occupations Code, is amended
10 to read as follows:

11 Sec. 455.152. INELIGIBILITY FOR LICENSE. [~~(a)~~] A person is
12 not eligible for a license as a massage establishment, massage
13 school, massage therapist, or massage therapy instructor if the
14 person is an individual and has been convicted of, entered a plea of
15 nolo contendere or guilty to, or received deferred adjudication for
16 an offense under Chapter [20A](#), Penal Code, or Subchapter A, Chapter
17 [43](#), Penal Code, or another sexual offense.

18 [~~(b) A person convicted of a violation of this chapter is
19 ineligible for a license as a massage establishment, massage
20 school, massage therapist, or massage therapy instructor until the
21 fifth anniversary of the date of the conviction.~~]

22 SECTION 6.02. Section [455.1525](#), Occupations Code, is
23 amended to read as follows:

24 Sec. 455.1525. CRIMINAL HISTORY RECORD INFORMATION
25 REQUIREMENT FOR LICENSE ISSUANCE [~~BACKGROUND CHECKS~~]. (a) The
26 department shall require an applicant for a license to submit a
27 complete and legible set of fingerprints, on a form prescribed by

1 the department, to the department or to the Department of Public
2 Safety for the purpose of obtaining criminal history record
3 information from the Department of Public Safety and the Federal
4 Bureau of Investigation [~~On receipt of an application for a license~~
5 ~~under this chapter, the department shall conduct a criminal~~
6 ~~background check on the applicant~~].

7 (b) The department may not issue a license to a person who
8 does not comply with the requirement of Subsection (a).

9 (c) The department shall conduct a criminal history record
10 information check of each applicant for a license using
11 information:

12 (1) provided by the individual under this section; and

13 (2) made available to the department by the Department
14 of Public Safety, the Federal Bureau of Investigation, and any
15 other criminal justice agency under Chapter 411, Government Code.

16 (d) The department may:

17 (1) enter into an agreement with the Department of
18 Public Safety to administer a criminal history record information
19 check required under this section; and

20 (2) authorize the Department of Public Safety to
21 collect from each applicant the costs incurred by the Department of
22 Public Safety in conducting the criminal history record information
23 check.

24 SECTION 6.03. Subchapter D, Chapter 455, Occupations Code,
25 is amended by adding Section 455.1605 to read as follows:

26 Sec. 455.1605. CRIMINAL HISTORY RECORD INFORMATION
27 REQUIREMENT FOR LICENSE RENEWAL. As required by department rule,

1 an applicant renewing a license issued under this chapter shall
2 submit a complete and legible set of fingerprints for purposes of
3 performing a criminal history record information check of the
4 applicant as provided by Section 455.1525.

5 SECTION 6.04. Subchapter D, Chapter 455, Occupations Code,
6 is amended by adding Section 455.161 to read as follows:

7 Sec. 455.161. STUDENT PERMIT; ELIGIBILITY. (a) The
8 department shall require a student enrolled in a massage school in
9 this state to hold a permit stating the student's name and the name
10 of the school. The permit must be displayed in a reasonable manner
11 at the school.

12 (b) The department shall issue a student permit to an
13 applicant who submits an application to the department for a
14 student permit accompanied by any required fee.

15 (c) An applicant for a student permit described by this
16 section shall:

17 (1) submit an enrollment application to the department
18 in a form and manner prescribed by the department; and

19 (2) satisfy other requirements specified by the
20 department.

21 SECTION 6.05. Subchapter E, Chapter 455, Occupations Code,
22 is amended by adding Section 455.2035 to read as follows:

23 Sec. 455.2035. REPORTS TO DEPARTMENT. (a) A massage school
24 shall maintain a monthly progress report regarding each student
25 attending the school. The report must certify the daily attendance
26 record of each student and the number of credit hours earned by each
27 student during the previous month.

1 (b) On a student's completion of a prescribed course of
2 instruction, the school shall notify the department that the
3 student has completed the required number of hours and is eligible
4 to take the appropriate examination.

5 SECTION 6.06. Subchapter E, Chapter 455, Occupations Code,
6 is amended by adding Section 455.207 to read as follows:

7 Sec. 455.207. POSTING OF CERTAIN NOTICES REQUIRED. (a)
8 Each massage establishment and massage school shall display in the
9 form and manner prescribed by the commission a sign concerning
10 services and assistance available to victims of human trafficking.

11 (b) The sign required by this section must include a
12 toll-free telephone number of a nationally recognized information
13 and referral hotline for victims of human trafficking.

14 (c) The commission by rule shall establish requirements
15 regarding the posting of signs under this section.

16 SECTION 6.07. Sections 455.251(a) and (c), Occupations
17 Code, are amended to read as follows:

18 (a) The commission or executive director may refuse to issue
19 a license to a person and may [~~shall~~] suspend, revoke, or refuse to
20 renew the license of a person or may [~~shall~~] reprimand a person
21 licensed under this chapter if the person:

22 (1) obtains or attempts to obtain a license by fraud,
23 misrepresentation, or concealment of material facts;

24 (2) sells, barter, or offers to sell or barter a
25 license;

26 (3) violates a rule adopted by the commission under
27 this chapter;

1 (4) engages in unprofessional conduct as defined by
2 commission rule that endangers or is likely to endanger the health,
3 welfare, or safety of the public;

4 (5) violates an order or ordinance adopted by a
5 political subdivision under Chapter 243, Local Government Code; or

6 (6) violates this chapter.

7 (c) The commission or executive director:

8 (1) shall revoke the license of a person licensed as a
9 massage school or massage establishment if the commission or
10 executive director determines that[+]

11 [~~(1)~~] the school or establishment is a sexually
12 oriented business; and [~~or~~]

13 (2) may revoke the license of a person licensed as a
14 massage school or massage establishment if the commission or
15 executive director determines that an offense involving
16 prostitution or another sexual offense that resulted in a
17 conviction for the offense, a plea of nolo contendere or guilty to
18 the offense, or a grant of deferred adjudication for the offense
19 occurred on the premises of the school or establishment.

20 SECTION 6.08. Section 455.352(b), Occupations Code, is
21 amended to read as follows:

22 (b) An owner or operator of a massage establishment commits
23 an offense if the person knowingly violates Section 455.151(a),
24 455.155(d), 455.202(a), 455.204(b) or (c), or 455.205(d). An
25 offense under this subsection is a state jail felony [~~Class B~~
26 ~~misdemeanor~~], unless the actor has previously been convicted one or
27 two times of an offense under this subsection, in which event it is

1 a felony of the third degree [~~Class A misdemeanor~~]. If the actor
2 has previously been convicted three or more times of an offense
3 under this subsection, the offense is a [~~state jail~~] felony of the
4 second degree.

5 SECTION 6.09. Section 71.02(a), Penal Code, is amended to
6 read as follows:

7 (a) A person commits an offense if, with the intent to
8 establish, maintain, or participate in a combination or in the
9 profits of a combination or as a member of a criminal street gang,
10 the person commits or conspires to commit one or more of the
11 following:

12 (1) murder, capital murder, arson, aggravated
13 robbery, robbery, burglary, theft, aggravated kidnapping,
14 kidnapping, aggravated assault, aggravated sexual assault, sexual
15 assault, continuous sexual abuse of young child or children,
16 solicitation of a minor, forgery, deadly conduct, assault
17 punishable as a Class A misdemeanor, burglary of a motor vehicle, or
18 unauthorized use of a motor vehicle;

19 (2) any gambling offense punishable as a Class A
20 misdemeanor;

21 (3) promotion of prostitution, aggravated promotion
22 of prostitution, or compelling prostitution;

23 (4) unlawful manufacture, transportation, repair, or
24 sale of firearms or prohibited weapons;

25 (5) unlawful manufacture, delivery, dispensation, or
26 distribution of a controlled substance or dangerous drug, or
27 unlawful possession of a controlled substance or dangerous drug

1 through forgery, fraud, misrepresentation, or deception;

2 (5-a) causing the unlawful delivery, dispensation, or
3 distribution of a controlled substance or dangerous drug in
4 violation of Subtitle B, Title 3, Occupations Code;

5 (6) any unlawful wholesale promotion or possession of
6 any obscene material or obscene device with the intent to wholesale
7 promote the same;

8 (7) any offense under Subchapter B, Chapter 43,
9 depicting or involving conduct by or directed toward a child
10 younger than 18 years of age;

11 (8) any felony offense under Chapter 32;

12 (9) any offense under Chapter 36;

13 (10) any offense under Chapter 34, 35, or 35A;

14 (11) any offense under Section 37.11(a);

15 (12) any offense under Chapter 20A;

16 (13) any offense under Section 37.10;

17 (14) any offense under Section 38.06, 38.07, 38.09, or
18 38.11;

19 (15) any offense under Section 42.10;

20 (16) any offense under Section 46.06(a)(1) or 46.14;

21 (17) any offense under Section 20.05 or 20.06; ~~or~~

22 (18) any offense under Section 455.352(b),
23 Occupations Code; or

24 (19) any offense classified as a felony under the Tax
25 Code.

26 SECTION 6.10. Section 455.158, Occupations Code, is
27 repealed.

1 SECTION 6.11. Not later than January 1, 2020, the Texas
2 Commission of Licensing and Regulation shall adopt rules necessary
3 to implement the changes in law made by this article to Chapter 455,
4 Occupations Code.

5 SECTION 6.12. Section 455.1525, Occupations Code, as
6 amended by this article, and Section 455.1605, Occupations Code, as
7 added by this article, apply only to an application for the issuance
8 or renewal of a license submitted on or after January 1, 2020. An
9 application submitted before that date is governed by the law in
10 effect on the date the application was submitted, and the former law
11 is continued in effect for that purpose.

12 SECTION 6.13. (a) In this section, "massage school" has the
13 meaning assigned by Section 455.001, Occupations Code.

14 (b) Section 455.161, Occupations Code, as added by this
15 article, applies to a student who is enrolled in a massage school on
16 or after January 1, 2020.

17 (c) The Texas Commission of Licensing and Regulation shall
18 adopt rules under Section 455.161, Occupations Code, as added by
19 this article, not later than November 1, 2019.

20 SECTION 6.14. A massage establishment, as defined by
21 Section 455.001, Occupations Code, shall comply with Section
22 455.207, Occupations Code, as added by this article, not later than
23 January 1, 2020.

24 SECTION 6.15. The change in law made by this article to
25 Section 455.251, Occupations Code, applies only to conduct that
26 occurs on or after the effective date of this Act. Conduct that
27 occurs before the effective date of this Act is governed by the law

1 in effect on the date the conduct occurred, and the former law is
2 continued in effect for that purpose.

3 SECTION 6.16. Section 455.352, Occupations Code, and
4 Section 71.02, Penal Code, as amended by this article, apply only to
5 an offense committed on or after the effective date of this Act. An
6 offense committed before the effective date of this Act is governed
7 by the law in effect on the date the offense was committed, and the
8 former law is continued in effect for that purpose. For purposes of
9 this section, an offense was committed before the effective date of
10 this Act if any element of the offense occurred before that date.

11 SECTION 6.17. (a) Except as provided by Subsection (b) of
12 this section, this article takes effect September 1, 2019.

13 (b) Sections 455.161 and 455.2035, Occupations Code, as
14 added by this article, take effect January 1, 2020.

15 ARTICLE 7. UNLAWFUL ACTIVITIES ON CERTAIN PROPERTY

16 SECTION 7.01. Section 93.013(a), Property Code, is amended
17 to read as follows:

18 (a) Notwithstanding a provision in a lease to the contrary,
19 a tenant's right of possession terminates and the landlord has a
20 right to recover possession of the leased premises if the tenant is
21 using the premises or allowing the premises to be used for the
22 purposes of:

23 (1) prostitution, promotion of prostitution,
24 aggravated promotion of prostitution, or compelling prostitution,
25 as prohibited by the Penal Code;

26 (2) [~~7-01~~] trafficking of persons as described by
27 Section 20A.02, Penal Code; or

1 (3) operating, maintaining, or advertising a massage
2 establishment, as defined by Section 455.001, Occupations Code,
3 that is not in compliance with:

4 (A) Chapter 455, Occupations Code; or

5 (B) an applicable local ordinance relating to the
6 licensing or regulation of a massage establishment.

7 SECTION 7.02. Chapter 93, Property Code, is amended by
8 adding Section 93.014 to read as follows:

9 Sec. 93.014. RIGHT TO VACATE DUE TO CERTAIN UNLAWFUL
10 ACTIVITIES IN MULTIUNIT COMMERCIAL PROPERTY. (a) In this section:

11 (1) "Multiunit commercial property" means a strip
12 mall, shopping center, office building, or other similar commercial
13 property with multiple contiguous or proximate rental units that
14 are owned or managed as a single property.

15 (2) "Unlawful activity" means:

16 (A) prostitution, promotion of prostitution,
17 aggravated promotion of prostitution, or compelling prostitution,
18 as prohibited under Chapter 43, Penal Code;

19 (B) trafficking of persons, as prohibited under
20 Section 20A.02, Penal Code; or

21 (C) operating, maintaining, or advertising a
22 massage establishment, as defined by Section 455.001, Occupations
23 Code, that is not in compliance with:

24 (i) Chapter 455, Occupations Code; or

25 (ii) an applicable local ordinance relating
26 to the licensing or regulation of a massage establishment.

27 (b) A landlord of a multiunit commercial property is in

1 breach of a lease with a tenant if:

2 (1) the tenant reasonably believes that another tenant
3 in the same multiunit commercial property is engaging in an
4 unlawful activity;

5 (2) the complaining tenant gives the landlord written
6 notice of the offending tenant's engagement in the unlawful
7 activity; and

8 (3) the landlord does not file a forcible detainer
9 suit against the offending tenant under Section 93.013 before the
10 30th day after the date the notice is given.

11 (c) Notwithstanding a provision of the lease to the
12 contrary, if a landlord is in breach of a tenant's lease under
13 Subsection (b), the tenant may:

14 (1) terminate the tenant's rights and obligations
15 under the lease;

16 (2) vacate the leased premises; and

17 (3) avoid liability for future rent and any other sums
18 due under the lease for terminating the lease and vacating the
19 premises before the end of the lease term.

20 SECTION 7.03. The changes in law made by this article apply
21 only to a commercial lease that is entered into or renewed on or
22 after the effective date of this Act. A commercial lease that is
23 entered into or renewed before the effective date of this Act is
24 governed by the law applicable to the lease immediately before the
25 effective date of this Act, and that law is continued in effect for
26 that purpose.

1 ARTICLE 8. EFFECTIVE DATE

2 SECTION 8.01. Except as otherwise provided by this Act,
3 this Act takes effect September 1, 2019.