

By: Shaheen

H.B. No. 934

Substitute the following for H.B. No. 934:

By: Zedler

C.S.H.B. No. 934

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the offense of trafficking of
3 persons.

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

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

8 (a) A person commits an offense if the person [~~knowingly~~]:

9 (1) knowingly traffics another person with the intent
10 that the trafficked person engage in forced labor or services;

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

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

18 (A) Section 43.02 (Prostitution);

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

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

22 (D) Section 43.05 (Compelling Prostitution);

23 (4) either:

24 (A) in the course of engaging in conduct that

1 constitutes an offense under Section 43.02(b), engages in sexual
2 conduct with a person trafficked in the manner described by
3 Subdivision (3), regardless of whether the actor knows that the
4 person has been trafficked in the manner described by that
5 subdivision; or

6 (B) knowingly receives a benefit from
7 participating in a venture that involves an activity described by
8 Subdivision (3) [~~or engages in sexual conduct with a person~~
9 ~~trafficked in the manner described in Subdivision (3)];~~

10 (5) knowingly traffics a child with the intent that
11 the trafficked child engage in forced labor or services;

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

16 (7) knowingly traffics a child and by any means causes
17 the trafficked child to engage in, or become the victim of, conduct
18 prohibited by:

19 (A) Section 21.02 (Continuous Sexual Abuse of
20 Young Child or Children);

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

22 (C) Section 22.011 (Sexual Assault);

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

24 (E) Section 43.02 (Prostitution);

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

26 (G) Section 43.04 (Aggravated Promotion of
27 Prostitution);

- 1 (H) Section 43.05 (Compelling Prostitution);
2 (I) Section 43.25 (Sexual Performance by a
3 Child);
4 (J) Section 43.251 (Employment Harmful to
5 Children); or
6 (K) Section 43.26 (Possession or Promotion of
7 Child Pornography); or

8 (8) either:

9 (A) in the course of engaging in conduct that
10 constitutes an offense under Section 43.02(b), engages in sexual
11 conduct with a child trafficked in the manner described by
12 Subdivision (7), regardless of whether the actor knows that the
13 child has been trafficked in the manner described by that
14 subdivision; or

15 (B) knowingly receives a benefit from
16 participating in a venture that involves an activity described by
17 Subdivision (7) [~~or engages in sexual conduct with a child~~
18 ~~trafficked in the manner described in Subdivision (7)].~~

19 (b) Except as otherwise provided by Subsection (b-1) [~~this~~
20 ~~subsection~~], an offense under this section is a felony of the second
21 degree and an offense under Subsection (a)(4)(A) is a state jail
22 felony.

23 (b-1) An offense under this section is a felony of the first
24 degree if:

25 (1) the applicable conduct constitutes an offense
26 under Subsection (a)(5), (6), (7), or (8), regardless of whether
27 the actor knows the age of the child at the time of the offense;

1 (2) the commission of the offense results in the death
2 of the person who is trafficked; or

3 (3) the commission of the offense results in the death
4 of an unborn child of the person who is trafficked.

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

7 (a) Subsection (b) applies only to the trial of a defendant
8 for:

9 (1) an offense under any of the following provisions
10 of the Penal Code:

11 (A) Section 20A.02, if punishable as a felony of
12 the first degree under Section 20A.02(b-1)(1) [~~20A.02(b)(1)~~]
13 (~~[Sex]~~ Trafficking of a Child);

14 (B) Section 21.02 (Continuous Sexual Abuse of
15 Young Child or Children);

16 (C) Section 21.11 (Indecency With a Child);

17 (D) Section 22.011(a)(2) (Sexual Assault of a
18 Child);

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

21 (F) Section 33.021 (Online Solicitation of a
22 Minor);

23 (G) Section 43.25 (Sexual Performance by a
24 Child); or

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

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

1 described by Subdivision (1).

2 SECTION 3. The changes in law made by this Act apply only to
3 an offense committed on or after the effective date of this Act. An
4 offense committed before the effective date of this Act is governed
5 by the law in effect on the date the offense was committed, and the
6 former law is continued in effect for that purpose. For purposes of
7 this section, an offense was committed before the effective date of
8 this Act if any element of the offense occurred before that date.

9 SECTION 4. This Act takes effect September 1, 2019.