

1-1 By: Thierry, et al. (Senate Sponsor - Huffman) H.B. No. 1771
 1-2 (In the Senate - Received from the House May 13, 2019;
 1-3 May 13, 2019, read first time and referred to Committee on State
 1-4 Affairs; May 19, 2019, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 19, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to a prohibition on prosecuting or referring to juvenile
 1-20 court certain persons for certain conduct constituting the offense
 1-21 of prostitution and to the provision of services to those persons.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. This Act may be cited as the Child Sex
 1-24 Trafficking Victims Protections and Provisions Act.

1-25 SECTION 2. Section 51.03, Family Code, is amended by
 1-26 amending Subsection (b) and adding Subsections (d) and (d-1) to
 1-27 read as follows:

1-28 (b) Conduct indicating a need for supervision is:

1-29 (1) subject to Subsection (f), conduct, other than a
 1-30 traffic offense, that violates:

1-31 (A) the penal laws of this state of the grade of
 1-32 misdemeanor that are punishable by fine only; or

1-33 (B) the penal ordinances of any political
 1-34 subdivision of this state;

1-35 (2) the voluntary absence of a child from the child's
 1-36 home without the consent of the child's parent or guardian for a
 1-37 substantial length of time or without intent to return;

1-38 (3) conduct prohibited by city ordinance or by state
 1-39 law involving the inhalation of the fumes or vapors of paint and
 1-40 other protective coatings or glue and other adhesives and the
 1-41 volatile chemicals itemized in Section 485.001, Health and Safety
 1-42 Code;

1-43 (4) an act that violates a school district's
 1-44 previously communicated written standards of student conduct for
 1-45 which the child has been expelled under Section 37.007(c),
 1-46 Education Code;

1-47 (5) notwithstanding Subsection (a)(1), conduct
 1-48 described by Section 43.02(b) [~~43.02(a) or (b)~~], Penal Code; or

1-49 (6) notwithstanding Subsection (a)(1), conduct that
 1-50 violates Section 43.261, Penal Code.

1-51 (d) Notwithstanding Subsection (a)(1), conduct that
 1-52 violates Section 43.02(a), Penal Code, is not delinquent conduct or
 1-53 conduct indicating a need for supervision. A child may not be
 1-54 referred to the juvenile court for conduct that violates Section
 1-55 43.02(a), Penal Code.

1-56 (d-1) A law enforcement officer taking possession of a child
 1-57 who is suspected of engaging in conduct that violates Section
 1-58 43.02(a), Penal Code, may not arrest the child or refer the child to
 1-59 juvenile court. The officer shall use best efforts to deliver the
 1-60 child to the child's parent or to another person entitled to take
 1-61 possession of the child. If the parent or other person is not

2-1 immediately available, the officer shall:
2-2 (1) contact a local service provider or care
2-3 coordinator who will, in consultation with the child sex
2-4 trafficking prevention unit established under Section 772.0062,
2-5 Government Code, and the governor's program for victims of child
2-6 sex trafficking established under Section 772.0063, Government
2-7 Code, facilitate the assignment of a caseworker for the child to
2-8 create a customized package of services to fit the child's
2-9 immediate and long-term rehabilitation and treatment needs,
2-10 including medical, psychiatric, psychological, safety, and housing
2-11 needs; or

2-12 (2) if a local service provider or care coordinator is
2-13 not available, transfer possession of the child to the Department
2-14 of Family and Protective Services in accordance with Section
2-15 262.104.

2-16 SECTION 3. Section 43.02, Penal Code, is amended by adding
2-17 Subsection (b-1) to read as follows:

2-18 (b-1) A person may not be prosecuted for an offense under
2-19 Subsection (a) that the person committed when younger than 17 years
2-20 of age.

2-21 SECTION 4. This Act applies only to an offense committed or
2-22 conduct that occurs on or after the effective date of this Act. An
2-23 offense committed or conduct that occurs before the effective date
2-24 of this Act is governed by the law in effect on the date the offense
2-25 was committed or the conduct occurred, and the former law is
2-26 continued in effect for that purpose. For the purposes of this
2-27 section, an offense was committed or conduct occurred before the
2-28 effective date of this Act if any element of the offense or conduct
2-29 occurred before that date.

2-30 SECTION 5. This Act takes effect September 1, 2019.

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