

By: Huffman, et al.

S.B. No. 20

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 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  
17 apply with respect to a defendant required to participate in the  
18 court 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.

5 (a) This article applies to the prosecution of an offense, or an  
6 attempt to commit an offense, under the following provisions of the  
7 Penal 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 COMPELLING 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 OR COMPELLING PROSTITUTION. (a) This section applies  
15 only to a person:

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

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

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

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

25 (D) Section 43.02, Penal Code; [~~or~~

26 [~~(E) Section 43.03(a)(2), Penal Code, if the~~  
27 ~~offense is punishable as a Class A misdemeanor,~~] and

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

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

9                   (B) did not provide assistance in the  
10 investigation or prosecution of the offense due to the person's age  
11 or a physical or mental disability resulting from being a victim of  
12 an offense described by this subdivision [~~with respect to whom the~~  
13 ~~conviction is subsequently set aside by the court under Article~~  
14 ~~42A.701, Code of Criminal Procedure~~].

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

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

25                   (1) be in writing;

26                   (2) allege specific facts that, if proved, would  
27 establish that the petitioner committed the offense described by



1 Subsection (a)(1) solely as a victim of an offense under Section  
2 20A.02, 20A.03, or 43.05, Penal Code; and

3 (3) assert that if the person has previously submitted  
4 a petition for [seeking] an order of nondisclosure under this  
5 section, the person has not committed an offense described by  
6 Subsection (a)(1) on or after the date on which the person's first  
7 petition [previously received an order of nondisclosure] under this  
8 section was submitted.

9 (b-2) On the filing of the petition under Subsection (b),  
10 the clerk of the court shall promptly serve a copy of the petition  
11 and any supporting document on the appropriate office of the  
12 attorney representing the state. Any response to the petition by  
13 the attorney representing the state must be filed not later than the  
14 20th business day after the date of service under this subsection.

15 (b-3) A person convicted of or placed on deferred  
16 adjudication community supervision for more than one offense  
17 described by Subsection (a)(1) that the person committed solely as  
18 a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal  
19 Code, may file a petition for an order of nondisclosure of criminal  
20 history record information under this section with respect to each  
21 offense, and may request consolidation of those petitions, in a  
22 district court in the county where the person was most recently  
23 convicted or placed on deferred adjudication community supervision  
24 as described by this subsection. On receipt of a request for  
25 consolidation, the court shall consolidate the petitions and  
26 exercise jurisdiction over the petitions, regardless of the county  
27 in which the offenses described by Subsection (a)(1) occurred. For

1 each offense that is the subject of a consolidated petition and that  
2 occurred in a county other than the county in which the court  
3 consolidating the petitions is located, the clerk of the court, in  
4 addition to the clerk's duties under Subsection (b-2), shall  
5 promptly serve a copy of the consolidated petition and any  
6 supporting document related to the applicable offense on the  
7 appropriate office of the attorney representing the state on behalf  
8 of the other county. Each attorney representing the state who  
9 receives a copy of a consolidated petition under this subsection  
10 may file a response to the petition in accordance with Subsection  
11 (b-2).

12 (b-4) A district court that consolidates petitions under  
13 Subsection (b-3) shall allow an attorney representing the state who  
14 receives a petition involving an offense that was committed outside  
15 the county in which the court is located to appear at any hearing  
16 regarding the consolidated petition by telephone or video  
17 conference call.

18 (c) After notice to the state and~~[7]~~ an opportunity for a  
19 hearing, ~~[a determination by the court that the person has not~~  
20 ~~previously received an order of nondisclosure under this section,~~  
21 ~~and a determination by the court that the person committed the~~  
22 ~~offense solely as a victim of trafficking of persons and that~~  
23 ~~issuance of the order is in the best interest of justice,~~7] the court  
24 having jurisdiction over the petition shall issue an order  
25 prohibiting criminal justice agencies from disclosing to the public  
26 criminal history record information related to the offense if the  
27 court determines that:

1           (1) the person committed the offense described by  
2 Subsection (a)(1) solely as a victim of an offense under Section  
3 20A.02, 20A.03, or 43.05, Penal Code;

4           (2) if applicable, the person did not commit another  
5 offense described by Subsection (a)(1) on or after the date on which  
6 the person's first petition for an order of nondisclosure under  
7 this section was submitted; and

8           (3) issuance of the order is in the best interest of  
9 justice [~~for which the defendant was placed on community~~  
10 ~~supervision as described by Subsection (a)].~~

11           (c-1) In determining whether a person committed an offense  
12 described by Subsection (a)(1) solely as a victim of an offense  
13 under Section 20A.02, 20A.03, or 43.05, Penal Code, the court may  
14 consider any order of nondisclosure previously granted to the  
15 person under this section.

16           (d) A person may petition the applicable court [~~that placed~~  
17 ~~the person on community supervision]~~ for an order of nondisclosure  
18 of criminal history record information under this section only on  
19 or after the first anniversary of the date the person:

20           (1) completed the sentence, including any term of  
21 confinement imposed and payment of all fines, costs, and  
22 restitution imposed; or

23           (2) received a dismissal and discharge under Article  
24 42A.111, Code of Criminal Procedure, if the person was placed on  
25 deferred adjudication community supervision [~~person's conviction~~  
26 ~~is set aside as described by Subsection (a)].~~

27           SECTION 5.02. Article 56.021, Code of Criminal Procedure,

1 is amended by adding Subsection (e) to read as follows:

2 (e) A victim of an offense under Section 20A.02, 20A.03, or  
3 43.05, Penal Code, is entitled to be informed that the victim may  
4 petition for an order of nondisclosure of criminal history record  
5 information under Section 411.0728, Government Code, if the victim:

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

9 (2) committed that offense solely as a victim of an  
10 offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

11 SECTION 5.03. Section 126.004, Government Code, is amended  
12 by adding Subsection (d) to read as follows:

13 (d) A program established under this chapter shall provide  
14 each program participant with information related to the right to  
15 petition for an order of nondisclosure of criminal history record  
16 information under Section 411.0728.

17 ARTICLE 6. REGULATION OF MESSAGE ESTABLISHMENTS, MESSAGE SCHOOLS,  
18 AND MESSAGE THERAPISTS

19 SECTION 6.01. Section 455.152, Occupations Code, is amended  
20 to read as follows:

21 Sec. 455.152. INELIGIBILITY FOR LICENSE. [~~a~~] A person  
22 is not eligible for a license as a message establishment, message  
23 school, message therapist, or message therapy instructor if the  
24 person is an individual and has been convicted of, entered a plea of  
25 nolo contendere or guilty to, or received deferred adjudication for  
26 an offense under Chapter 20A, Penal Code, or Subchapter A, Chapter  
27 43, Penal Code, or another sexual offense.

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

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

7 Sec. 455.1525. CRIMINAL HISTORY RECORD INFORMATION  
8 REQUIREMENT FOR LICENSE ISSUANCE [~~BACKGROUND CHECKS~~]. (a) The  
9 department shall require an applicant for a license to submit a  
10 complete and legible set of fingerprints, on a form prescribed by  
11 the department, to the department or to the Department of Public  
12 Safety for the purpose of obtaining criminal history record  
13 information from the Department of Public Safety and the Federal  
14 Bureau of Investigation [~~On receipt of an application for a license~~  
15 ~~under this chapter, the department shall conduct a criminal~~  
16 ~~background check on the applicant].~~

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

19 (c) The department shall conduct a criminal history record  
20 information check of each applicant for a license using  
21 information:

22 (1) provided by the individual under this section; and  
23 (2) made available to the department by the Department  
24 of Public Safety, the Federal Bureau of Investigation, and any  
25 other criminal justice agency under Chapter [411](#), Government Code.

26 (d) The department may:

27 (1) enter into an agreement with the Department of

1 Public Safety to administer a criminal history record information  
2 check required under this section; and

3 (2) authorize the Department of Public Safety to  
4 collect from each applicant the costs incurred by the Department of  
5 Public Safety in conducting the criminal history record information  
6 check.

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

9 Sec. 455.1605. CRIMINAL HISTORY RECORD INFORMATION  
10 REQUIREMENT FOR LICENSE RENEWAL. As required by department rule,  
11 an applicant renewing a license issued under this chapter shall  
12 submit a complete and legible set of fingerprints for purposes of  
13 performing a criminal history record information check of the  
14 applicant as provided by Section 455.1525.

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

17 Sec. 455.161. STUDENT PERMIT; ELIGIBILITY. (a) The  
18 department shall require a student enrolled in a massage school in  
19 this state to hold a permit stating the student's name and the name  
20 of the school. The permit must be displayed in a reasonable manner  
21 at the school.

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

25 (c) An applicant for a student permit described by this  
26 section shall:

27 (1) submit an enrollment application to the department

1 in a form and manner prescribed by the department; and  
2 (2) satisfy other requirements specified by the  
3 department.

4 SECTION 6.05. Subchapter E, Chapter 455, Occupations Code,  
5 is amended by adding Section 455.207 to read as follows:

6 Sec. 455.207. POSTING OF CERTAIN NOTICES REQUIRED.

7 (a) Each message establishment and message school shall display in  
8 the form and manner prescribed by the commission a sign concerning  
9 services and assistance available to victims of human trafficking.

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

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

15 SECTION 6.06. Sections 455.251(a) and (c), Occupations  
16 Code, are amended to read as follows:

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

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

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

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

27 (4) engages in unprofessional conduct as defined by

1 commission rule that endangers or is likely to endanger the health,  
2 welfare, or safety of the public;

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

5 (6) violates this chapter.

6 (c) The commission or executive director:

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

10 [~~1~~] the school or establishment is a sexually  
11 oriented business; and [~~or~~]

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

19 SECTION 6.07. Section 455.158, Occupations Code, is  
20 repealed.

21 SECTION 6.08. Not later than January 1, 2020, the Texas  
22 Commission of Licensing and Regulation shall adopt rules necessary  
23 to implement the changes in law made by this article to Chapter 455,  
24 Occupations Code.

25 SECTION 6.09. Section 455.1525, Occupations Code, as  
26 amended by this article, and Section 455.1605, Occupations Code, as  
27 added by this article, apply only to an application for the issuance



1 or renewal of a license submitted on or after January 1, 2020. An  
2 application submitted before that date is governed by the law in  
3 effect on the date the application was submitted, and the former law  
4 is continued in effect for that purpose.

5 SECTION 6.10. (a) In this section, "massage school" has  
6 the meaning assigned by Section 455.001, Occupations Code.

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

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

13 SECTION 6.11. A massage establishment, as defined by  
14 Section 455.001, Occupations Code, shall comply with Section  
15 455.207, Occupations Code, as added by this article, not later than  
16 January 1, 2020.

17 SECTION 6.12. The change in law made by this article to  
18 Section 455.251, Occupations Code, applies only to conduct that  
19 occurs on or after the effective date of this Act. Conduct that  
20 occurs before the effective date of this Act is governed by the law  
21 in effect on the date the conduct occurred, and the former law is  
22 continued in effect for that purpose.

23 SECTION 6.13. (a) Except as provided by Subsection (b) of  
24 this section, this article takes effect September 1, 2019.

25 (b) Section 455.161, Occupations Code, as added by this  
26 article, takes effect January 1, 2020.

1                                   ARTICLE 7. EFFECTIVE DATE

2                   SECTION 7.01. Except as otherwise provided by this Act,  
3 this Act takes effect September 1, 2019.