

1 AN ACT

2 relating to the prevention of, reporting regarding, investigation
3 of, prosecution of, criminal and civil penalties for, and other
4 consequences of prostitution, trafficking of persons, and related
5 criminal offenses, to treatment, services, and compensation
6 available to victims of those offenses, and to orders of
7 nondisclosure for certain persons who are victims of certain of
8 those offenses.

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

10 ARTICLE 1. TRAFFICKING OF PERSONS AND CONTINUOUS TRAFFICKING OF
11 PERSONS

12 SECTION 1.01. Section 3.03(b), Penal Code, is amended to
13 read as follows:

14 (b) If the accused is found guilty of more than one offense
15 arising out of the same criminal episode, the sentences may run
16 concurrently or consecutively if each sentence is for a conviction
17 of:

18 (1) an offense:

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

22 (B) for which a plea agreement was reached in a
23 case in which the accused was charged with more than one offense
24 listed in Paragraph (A), regardless of whether the accused is

1 charged with violations of the same section more than once or is
2 charged with violations of both sections;

3 (2) an offense:

4 (A) under Section 33.021 or an offense under
5 Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed
6 against a victim younger than 17 years of age at the time of the
7 commission of the offense regardless of whether the accused is
8 convicted of violations of the same section more than once or is
9 convicted of violations of more than one section; or

10 (B) for which a plea agreement was reached in a
11 case in which the accused was charged with more than one offense
12 listed in Paragraph (A) committed against a victim younger than 17
13 years of age at the time of the commission of the offense regardless
14 of whether the accused is charged with violations of the same
15 section more than once or is charged with violations of more than
16 one section;

17 (3) an offense:

18 (A) under Section 21.15 or 43.26, regardless of
19 whether the accused is convicted of violations of the same section
20 more than once or is convicted of violations of both sections; or

21 (B) for which a plea agreement was reached in a
22 case in which the accused was charged with more than one offense
23 listed in Paragraph (A), regardless of whether the accused is
24 charged with violations of the same section more than once or is
25 charged with violations of both sections;

26 (4) an offense for which the judgment in the case
27 contains an affirmative finding under Article 42.0197, Code of

1 Criminal Procedure;

2 (5) an offense:

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

13 (6) an offense:

14 (A) under Section 22.04(a)(1) or (2) or Section
15 22.04(a-1)(1) or (2) that is punishable as a felony of the first
16 degree, regardless of whether the accused is convicted of
17 violations of the same section more than once or is convicted of
18 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) and punishable as described by that
22 paragraph, regardless of whether the accused is charged with
23 violations of the same section more than once or is charged with
24 violations of more than one section.

25 SECTION 1.02. Section 402.035(h), Government Code, as
26 amended by Chapter 762 (S.B. 2039), Acts of the 85th Legislature,
27 Regular Session, 2017, and repealed by Chapter 685 (H.B. 29), Acts

1 of the 85th Legislature, Regular Session, 2017, is repealed.

2 SECTION 1.03. The change in law made by this article applies
3 only to an offense committed on or after the effective date of this
4 Act. An offense committed before the effective date of this Act is
5 governed by the law in effect on the date the offense was committed,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense was
9 committed before that date.

10 ARTICLE 2. PENALTIES FOR PROSTITUTION

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

13 Art. 42A.515. COMMUNITY SUPERVISION FOR CERTAIN
14 PROSTITUTION OFFENSES. (a) Except as provided by Subsection (e),
15 on a defendant's conviction of a Class B misdemeanor under Section
16 43.02(a), Penal Code, the judge shall suspend imposition of the
17 sentence and place the defendant on community supervision.

18 (b) Except as provided by Subsection (e), on a defendant's
19 conviction of a state jail felony under Section 43.02(c)(2), Penal
20 Code, that is punished under Section 12.35(a), Penal Code, the
21 judge shall suspend the imposition of the sentence and place the
22 defendant on community supervision. This subsection does not apply
23 to a defendant who has previously been convicted of any other state
24 jail felony under Section 43.02(c)(2), Penal Code, that is punished
25 under Section 12.35, Penal Code.

26 (c) A judge who places a defendant on community supervision
27 under Subsection (a) or (b) shall require as a condition of

1 community supervision that the defendant participate in a
2 commercially sexually exploited persons court program established
3 under Chapter 126, Government Code, if a program has been
4 established for the county or municipality where the defendant
5 resides. Sections 126.002(b) and (c), Government Code, do not
6 apply with respect to a defendant required to participate in the
7 court program under this subsection.

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

12 (e) In any case in which the jury assesses punishment, the
13 judge must follow the recommendations of the jury in suspending the
14 imposition of a sentence or ordering a sentence to be executed. If
15 a jury assessing punishment does not recommend community
16 supervision, the judge must order the sentence to be executed in
17 whole.

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

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

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

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

1 (2) order the sentence to be executed:

2 (A) in whole; or

3 (B) in part, with a period of community
4 supervision to begin immediately on release of the defendant from
5 confinement.

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

8 (5) "Reportable conviction or adjudication" means a
9 conviction or adjudication, including an adjudication of
10 delinquent conduct or a deferred adjudication, that, regardless of
11 the pendency of an appeal, is a conviction for or an adjudication
12 for or based on:

13 (A) a violation of Section 21.02 (Continuous
14 sexual abuse of young child or children), 21.09 (Bestiality), 21.11
15 (Indecency with a child), 22.011 (Sexual assault), 22.021
16 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),
17 Penal Code;

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

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

24 (C) a violation of Section 20.04(a)(4)
25 (Aggravated kidnapping), Penal Code, if the actor committed the
26 offense or engaged in the conduct with intent to violate or abuse
27 the victim sexually;

1 (D) a violation of Section 30.02 (Burglary),
2 Penal Code, if the offense or conduct is punishable under
3 Subsection (d) of that section and the actor committed the offense
4 or engaged in the conduct with intent to commit a felony listed in
5 Paragraph (A) or (C);

6 (E) a violation of Section 20.02 (Unlawful
7 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
8 Penal Code, if, as applicable:

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

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

14 (F) the second violation of Section 21.08
15 (Indecent exposure), Penal Code, but not if the second violation
16 results in a deferred adjudication;

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

20 (H) a violation of the laws of another state,
21 federal law, the laws of a foreign country, or the Uniform Code of
22 Military Justice for or based on the violation of an offense
23 containing elements that are substantially similar to the elements
24 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
25 (G), (J), (K), or (L), but not if the violation results in a
26 deferred adjudication;

27 (I) the second violation of the laws of another

1 state, federal law, the laws of a foreign country, or the Uniform
2 Code of Military Justice for or based on the violation of an offense
3 containing elements that are substantially similar to the elements
4 of the offense of indecent exposure, but not if the second violation
5 results in a deferred adjudication;

6 (J) a violation of Section 33.021 (Online
7 solicitation of a minor), Penal Code;

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

10 (L) a violation of Section 20A.03 (Continuous
11 trafficking of persons), Penal Code, if the offense is based partly
12 or wholly on conduct that constitutes an offense under Section
13 20A.02(a)(3), (4), (7), or (8) of that code.

14 SECTION 2.04. Section 402.035, Government Code, is amended
15 by amending Subsection (d) and adding Subsection (f-3) to read as
16 follows:

17 (d) The task force shall:

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

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

22 (B) special agents or customs and border
23 protection officers and border patrol agents of:

24 (i) the Federal Bureau of Investigation;

25 (ii) the United States Drug Enforcement
26 Administration;

27 (iii) the Bureau of Alcohol, Tobacco,

1 Firearms and Explosives;

2 (iv) United States Immigration and Customs
3 Enforcement; or

4 (v) the United States Department of
5 Homeland Security;

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

10 (3) solicit cooperation and assistance from state and
11 local governmental agencies, political subdivisions of the state,
12 nongovernmental organizations, and other persons, as appropriate,
13 for the purpose of collecting and organizing statistical data under
14 Subdivision (2);

15 (4) ensure that each state or local governmental
16 agency and political subdivision of the state and each state or
17 local law enforcement agency, district attorney, or county attorney
18 that assists in the prevention of human trafficking collects
19 statistical data related to human trafficking, including, as
20 appropriate:

21 (A) the number of investigations concerning,
22 arrests and prosecutions for, and convictions of:

23 (i) the offense of trafficking of persons;

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

27 (iii) an offense punishable under Section

1 43.02(c-1)(2) [~~43.02(c-1)(3)~~], Penal Code, regardless of whether
2 the offense was committed as part of a criminal episode involving
3 the trafficking of persons;

4 (B) demographic information on persons who are
5 convicted of offenses described by Paragraph (A) and persons who
6 are the victims of those offenses;

7 (C) geographic routes by which human trafficking
8 victims are trafficked, including routes by which victims are
9 trafficked across this state's international border, and
10 geographic patterns in human trafficking, including the country or
11 state of origin and the country or state of destination;

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

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

17 (5) work with the Texas Commission on Law Enforcement
18 to develop and conduct training for law enforcement personnel,
19 victim service providers, and medical service providers to identify
20 victims of human trafficking;

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

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

26 (B) develop a standardized curriculum for
27 training doctors, nurses, emergency medical services personnel,

1 teachers, school counselors, school administrators, and personnel
2 from the Department of Family and Protective Services and the
3 Health and Human Services Commission to identify and assist victims
4 of human trafficking;

5 (C) train doctors, nurses, emergency medical
6 services personnel, teachers, school counselors, school
7 administrators, and personnel from the Department of Family and
8 Protective Services and the Health and Human Services Commission to
9 identify and assist victims of human trafficking;

10 (D) develop and conduct training for personnel
11 from the Department of Family and Protective Services and the
12 Health and Human Services Commission on methods for identifying
13 children in foster care who may be at risk of becoming victims of
14 human trafficking; and

15 (E) develop a process for referring identified
16 human trafficking victims and individuals at risk of becoming
17 victims to appropriate entities for services;

18 (7) on the request of a judge of a county court, county
19 court at law, or district court or a county attorney, district
20 attorney, or criminal district attorney, assist and train the judge
21 or the judge's staff or the attorney or the attorney's staff in the
22 recognition and prevention of human trafficking;

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

26 (9) collaborate with state and local governmental
27 agencies, political subdivisions of the state, and nongovernmental

1 organizations to implement a media awareness campaign in
2 communities affected by human trafficking;

3 (10) develop recommendations on how to strengthen
4 state and local efforts to prevent human trafficking, protect and
5 assist human trafficking victims, curb markets and other economic
6 avenues that facilitate human trafficking and investigate and
7 prosecute human trafficking offenders;

8 (11) examine the extent to which human trafficking is
9 associated with the operation of sexually oriented businesses, as
10 defined by Section 243.002, Local Government Code, and the
11 workplace or public health concerns that are created by the
12 association of human trafficking and the operation of sexually
13 oriented businesses;

14 (12) develop recommendations for addressing the
15 demand for forced labor or services or sexual conduct involving
16 victims of human trafficking, including recommendations for
17 increased penalties for individuals who engage or attempt to engage
18 in prostitution with victims younger than 18 years of age; and

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

23 (f-3) The attorney general may enter into a contract with an
24 institution of higher education or private or independent
25 institution of higher education, as those terms are defined by
26 Section 61.003, Education Code, for the institution's assistance in
27 the collection and analysis of information received under this

1 section. The attorney general may adopt rules to administer the
2 submission and collection of information under this section.

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

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

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

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

12 (2) [~~(3)~~] a felony of the second degree if the person
13 with whom the actor agrees to engage in sexual conduct is:

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

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

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

21 SECTION 2.06. (a) Except as provided by Subsection (b) of
22 this section, the change in law made by this article applies only to
23 an offense committed on or after the effective date of this Act. An
24 offense committed before the effective date of this Act is governed
25 by the law in effect on the date the offense was committed, and the
26 former law is continued in effect for that purpose. For purposes of
27 this section, an offense was committed before the effective date of

1 this Act if any element of the offense occurred before that date.

2 (b) Subsection (a) of this section does not apply to Section
3 [402.035\(f-3\)](#), Government Code, as added by this article.

4 ARTICLE 3. ONLINE PROMOTION OF PROSTITUTION

5 SECTION 3.01. Section [43.01](#), Penal Code, is amended by
6 amending Subdivisions (1) and (1-a) and adding Subdivisions (1-b),
7 (1-c), (1-d), and (1-e) to read as follows:

8 (1) "Access software provider" means a provider of
9 software, including client or server software, or enabling tools
10 that perform one or more of the following functions:

11 (A) filter, screen, allow, or disallow content;

12 (B) select, analyze, or digest content; or

13 (C) transmit, receive, display, forward, cache,
14 search, subset, organize, reorganize, or translate content.

15 (1-a) [~~(1)~~] "Deviate sexual intercourse" means any
16 contact between the genitals of one person and the mouth or anus of
17 another person.

18 (1-b) [~~(1-a)~~] "Fee" means the payment or offer of
19 payment in the form of money, goods, services, or other benefit.

20 (1-c) "Information content provider" means any person
21 or entity that is wholly or partly responsible for the creation or
22 development of information provided through the Internet or any
23 other interactive computer service.

24 (1-d) "Interactive computer service" means any
25 information service, system, or access software provider that
26 provides or enables computer access to a computer server by
27 multiple users, including a service or system that provides access

1 to the Internet or a system operated or service offered by a library
2 or educational institution.

3 (1-e) "Internet" means the international computer
4 network of both federal and nonfederal interoperable packet
5 switched data networks.

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

8 Sec. 43.031. ONLINE PROMOTION OF PROSTITUTION. (a) A
9 person commits an offense if the person owns, manages, or operates
10 an interactive computer service or information content provider, or
11 operates as an information content provider, with the intent to
12 promote the prostitution of another person or facilitate another
13 person to engage in prostitution.

14 (b) An offense under this section is a felony of the third
15 degree, except that the offense is a felony of the second degree if
16 the actor:

17 (1) has been previously convicted of an offense under
18 this section or Section 43.041; or

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

23 Sec. 43.041. AGGRAVATED ONLINE PROMOTION OF PROSTITUTION.

24 (a) A person commits an offense if the person owns, manages, or
25 operates an interactive computer service or information content
26 provider, or operates as an information content provider, with the
27 intent to promote the prostitution of five or more persons or

1 facilitate five or more persons to engage in prostitution.

2 (b) An offense under this section is a felony of the second
3 degree, except that the offense is a felony of the first degree if
4 the actor:

5 (1) has been previously convicted of an offense under
6 this section; or

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

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

14 (1-a) "Aggravated online promotion of prostitution"
15 means conduct that constitutes an offense under Section 43.041,
16 Penal Code.

17 (4-a) "Online promotion of prostitution" means
18 conduct that constitutes an offense under Section 43.031, Penal
19 Code.

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

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

25 (1) engages in compelling prostitution with respect to
26 the victim;

27 (2) knowingly or intentionally engages in promotion of

1 prostitution, online promotion of prostitution, aggravated
2 promotion of prostitution, or aggravated online promotion of
3 prostitution that results in compelling prostitution with respect
4 to the victim; or

5 (3) purchases an advertisement that the defendant
6 knows or reasonably should know constitutes promotion of
7 prostitution or aggravated promotion of prostitution, and the
8 publication of the advertisement results in compelling
9 prostitution with respect to the victim.

10 SECTION 3.05. Article [18A.101](#), Code of Criminal Procedure,
11 is amended to read as follows:

12 Art. 18A.101. OFFENSES FOR WHICH INTERCEPTION ORDER MAY BE
13 ISSUED. A judge of competent jurisdiction may issue an
14 interception order only if the prosecutor applying for the order
15 shows probable cause to believe that the interception will provide
16 evidence of the commission of:

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

19 (A) Chapter [481](#), other than felony possession of
20 marihuana;

21 (B) Chapter [483](#); or

22 (C) Section [485.032](#);

23 (2) an offense under any of the following provisions
24 of the Penal Code:

25 (A) Section [19.02](#);

26 (B) Section [19.03](#);

27 (C) Section [20.03](#);

- 1 (D) Section 20.04;
- 2 (E) Chapter 20A;
- 3 (F) Chapter 34, if the criminal activity giving
- 4 rise to the proceeds involves the commission of an offense under
- 5 Title 5, Penal Code, or an offense under federal law or the laws of
- 6 another state containing elements that are substantially similar to
- 7 the elements of an offense under Title 5;
- 8 (G) Section 38.11;
- 9 (H) Section 43.04;
- 10 (I) Section 43.041;
- 11 (J) Section 43.05; or
- 12 (K) [~~(J)~~] Section 43.26; or
- 13 (3) an attempt, conspiracy, or solicitation to commit
- 14 an offense listed in Subdivision (1) or (2).

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

17 (14) "Trafficking of persons" means any offense that
18 results in a person engaging in forced labor or services, including
19 sexual conduct, and that may be prosecuted under Section 20A.02,
20 20A.03, 43.03, 43.031, 43.04, 43.041, 43.05, 43.25, 43.251, or
21 43.26, Penal Code.

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

24 (7) "Trafficking of persons" means any conduct that
25 constitutes an offense under Section 20A.02, 20A.03, 43.03, 43.031,
26 43.04, 43.041, 43.05, 43.25, 43.251, or 43.26, Penal Code, and that
27 results in a person:

1 (A) engaging in forced labor or services; or

2 (B) otherwise becoming a victim of the offense.

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

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

6 (1) procure and file for record photographs, pictures,
7 descriptions, fingerprints, measurements, and other pertinent
8 information of all persons arrested for or charged with a criminal
9 offense or convicted of a criminal offense, regardless of whether
10 the conviction is probated;

11 (2) collect information concerning the number and
12 nature of offenses reported or known to have been committed in the
13 state and the legal steps taken in connection with the offenses, and
14 other information useful in the study of crime and the
15 administration of justice, including information that enables the
16 bureau to create a statistical breakdown of:

17 (A) offenses in which family violence was
18 involved;

19 (B) offenses under Sections 22.011 and 22.021,
20 Penal Code; and

21 (C) offenses under Sections 20A.02, 43.02(a),
22 43.02(b), 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

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

26 (4) cooperate with identification and crime records
27 bureaus in other states and the United States Department of

1 Justice;

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

7 (6) collect information concerning the number and
8 nature of protective orders and magistrate's orders of emergency
9 protection and all other pertinent information about all persons
10 subject to active orders, including pertinent information about
11 persons subject to conditions of bond imposed for the protection of
12 the victim in any family violence, sexual assault or abuse,
13 stalking, or trafficking case. Information in the law enforcement
14 information system relating to an active order shall include:

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

18 (B) any known identifying number of the person to
19 whom the order is directed, including the person's social security
20 number or driver's license number;

21 (C) the name and county of residence of the
22 person protected by the order;

23 (D) the residence address and place of employment
24 or business of the person protected by the order, unless that
25 information is excluded from the order under Article 17.292(e),
26 Code of Criminal Procedure;

27 (E) the child-care facility or school where a

1 child protected by the order normally resides or which the child
2 normally attends, unless that information is excluded from the
3 order under Article 17.292(e), Code of Criminal Procedure;

4 (F) the relationship or former relationship
5 between the person who is protected by the order and the person to
6 whom the order is directed;

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

11 (H) any minimum distance the person subject to
12 the order is required to maintain from the protected places or
13 persons; and

14 (I) the date the order expires;

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

17 (8) collect and disseminate information regarding
18 offenders with mental impairments in compliance with Chapter 614,
19 Health and Safety Code; and

20 (9) record data and maintain a state database for a
21 computerized criminal history record system and computerized
22 juvenile justice information system that serves:

23 (A) as the record creation point for criminal
24 history record information and juvenile justice information
25 maintained by the state; and

26 (B) as the control terminal for the entry of
27 records, in accordance with federal law and regulations, federal

1 executive orders, and federal policy, into the federal database
2 maintained by the Federal Bureau of Investigation.

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

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

7 (1) the inmate is awaiting transfer to the
8 institutional division, or serving a sentence, for an offense for
9 which the judgment contains an affirmative finding under Article
10 42A.054(c) or (d), Code of Criminal Procedure;

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

- 14 (A) Section 19.02 (murder);
- 15 (B) Section 19.03 (capital murder);
- 16 (C) Section 19.04 (manslaughter);
- 17 (D) Section 20.03 (kidnapping);
- 18 (E) Section 20.04 (aggravated kidnapping);
- 19 (F) Section 21.11 (indecent with a child);
- 20 (G) Section 22.011 (sexual assault);
- 21 (H) Section 22.02 (aggravated assault);
- 22 (I) Section 22.021 (aggravated sexual assault);
- 23 (J) Section 22.04 (injury to a child, elderly
24 individual, or disabled individual);
- 25 (K) Section 25.02 (prohibited sexual conduct);
- 26 (L) Section 25.08 (sale or purchase of a child);
- 27 (M) Section 28.02 (arson);

- 1 (N) Section 29.02 (robbery);
- 2 (O) Section 29.03 (aggravated robbery);
- 3 (P) Section 30.02 (burglary), if the offense is
- 4 punished as a first-degree felony under that section;
- 5 (Q) Section 43.04 (aggravated promotion of
- 6 prostitution);
- 7 (R) Section 43.05 (compelling prostitution);
- 8 (S) Section 43.24 (sale, distribution, or
- 9 display of harmful material to minor);
- 10 (T) Section 43.25 (sexual performance by a
- 11 child);
- 12 (U) Section 46.10 (deadly weapon in penal
- 13 institution);
- 14 (V) Section 15.01 (criminal attempt), if the
- 15 offense attempted is listed in this subsection;
- 16 (W) Section 15.02 (criminal conspiracy), if the
- 17 offense that is the subject of the conspiracy is listed in this
- 18 subsection;
- 19 (X) Section 15.03 (criminal solicitation), if
- 20 the offense solicited is listed in this subsection;
- 21 (Y) Section 21.02 (continuous sexual abuse of
- 22 young child or children);
- 23 (Z) Section 20A.02 (trafficking of persons);
- 24 [~~or~~]
- 25 (AA) Section 20A.03 (continuous trafficking of
- 26 persons); or
- 27 (BB) Section 43.041 (aggravated online promotion

1 of prostitution); or

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

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

9 (b) A defendant is eligible to participate in a first
10 offender prostitution prevention program established under this
11 chapter only if:

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

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

16 (A) an offense under Section 20A.02, 43.02,
17 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code;

18 (B) an offense listed in Article 42A.054(a), Code
19 of Criminal Procedure; or

20 (C) an offense punishable as a felony under
21 Chapter 481.

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

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

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

27 (2) receives a benefit from participating in a venture

1 that involves an activity described by Subdivision (1), including
2 by receiving labor or services the person knows are forced labor or
3 services;

4 (3) traffics another person and, through force, fraud,
5 or coercion, causes the trafficked person to engage in conduct
6 prohibited by:

7 (A) Section 43.02 (Prostitution);

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

9 (B-1) Section 43.031 (Online Promotion of
10 Prostitution);

11 (C) Section 43.04 (Aggravated Promotion of
12 Prostitution);

13 (C-1) Section 43.041 (Aggravated Online
14 Promotion of Prostitution); or

15 (D) Section 43.05 (Compelling Prostitution);

16 (4) receives a benefit from participating in a venture
17 that involves an activity described by Subdivision (3) or engages
18 in sexual conduct with a person trafficked in the manner described
19 in Subdivision (3);

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

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

26 (7) traffics a child and by any means causes the
27 trafficked child to engage in, or become the victim of, conduct

1 prohibited by:

2 (A) Section 21.02 (Continuous Sexual Abuse of
3 Young Child or Children);

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

5 (C) Section 22.011 (Sexual Assault);

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

7 (E) Section 43.02 (Prostitution);

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

9 (F-1) Section 43.031 (Online Promotion of
10 Prostitution);

11 (G) Section 43.04 (Aggravated Promotion of
12 Prostitution);

13 (G-1) Section 43.041 (Aggravated Online
14 Promotion of Prostitution);

15 (H) Section 43.05 (Compelling Prostitution);

16 (I) Section 43.25 (Sexual Performance by a
17 Child);

18 (J) Section 43.251 (Employment Harmful to
19 Children); or

20 (K) Section 43.26 (Possession or Promotion of
21 Child Pornography); or

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

1 ARTICLE 4. ORDERS OF NONDISCLOSURE FOR CERTAIN VICTIMS OF
2 TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION

3 SECTION 4.01. Section [411.0728](#), Government Code, is amended
4 to read as follows:

5 Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING
6 OF PERSONS OR COMPELLING PROSTITUTION. (a) This section applies
7 only to a person:

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

11 (A) Section [481.120](#), Health and Safety Code, if
12 the offense is punishable under Subsection (b)(1);

13 (B) Section [481.121](#), Health and Safety Code, if
14 the offense is punishable under Subsection (b)(1);

15 (C) Section [31.03](#), Penal Code, if the offense is
16 punishable under Subsection (e)(1) or (2); or

17 (D) Section [43.02](#), Penal Code; [~~or~~
18 [~~(E) Section [43.03](#)(a)(2), Penal Code, if the~~
19 ~~offense is punishable as a Class A misdemeanor,~~] and

20 (2) who, if requested by the applicable law
21 enforcement agency or prosecuting attorney to provide assistance in
22 the investigation or prosecution of an offense under Section
23 [20A.02](#), [20A.03](#), or [43.05](#), Penal Code, or a federal offense
24 containing elements that are substantially similar to the elements
25 of an offense under any of those sections:

26 (A) provided assistance in the investigation or
27 prosecution of the offense; or

1 (B) did not provide assistance in the
2 investigation or prosecution of the offense due to the person's age
3 or a physical or mental disability resulting from being a victim of
4 an offense described by this subdivision [~~with respect to whom the~~
5 ~~conviction is subsequently set aside by the court under Article~~
6 ~~42A.701, Code of Criminal Procedure~~].

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

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

17 (1) be in writing;

18 (2) allege specific facts that, if proved, would
19 establish that the petitioner committed the offense described by
20 Subsection (a)(1) solely as a victim of an offense under Section
21 20A.02, 20A.03, or 43.05, Penal Code; and

22 (3) assert that if the person has previously submitted
23 a petition for [~~seeking~~] an order of nondisclosure under this
24 section, the person has not committed an offense described by
25 Subsection (a)(1) on or after the date on which the person's first
26 petition [~~previously received an order of nondisclosure~~] under this
27 section was submitted.

1 (b-2) On the filing of the petition under Subsection (b),
2 the clerk of the court shall promptly serve a copy of the petition
3 and any supporting document on the appropriate office of the
4 attorney representing the state. Any response to the petition by
5 the attorney representing the state must be filed not later than the
6 20th business day after the date of service under this subsection.

7 (b-3) A person convicted of or placed on deferred
8 adjudication community supervision for more than one offense
9 described by Subsection (a)(1) that the person committed solely as
10 a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal
11 Code, may file a petition for an order of nondisclosure of criminal
12 history record information under this section with respect to each
13 offense, and may request consolidation of those petitions, in a
14 district court in the county where the person was most recently
15 convicted or placed on deferred adjudication community supervision
16 as described by this subsection. On receipt of a request for
17 consolidation, the court shall consolidate the petitions and
18 exercise jurisdiction over the petitions, regardless of the county
19 in which the offenses described by Subsection (a)(1) occurred. For
20 each offense that is the subject of a consolidated petition and that
21 occurred in a county other than the county in which the court
22 consolidating the petitions is located, the clerk of the court, in
23 addition to the clerk's duties under Subsection (b-2), shall
24 promptly serve a copy of the consolidated petition and any
25 supporting document related to the applicable offense on the
26 appropriate office of the attorney representing the state on behalf
27 of the other county. Each attorney representing the state who

1 receives a copy of a consolidated petition under this subsection
2 may file a response to the petition in accordance with Subsection
3 (b-2).

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

10 (c) After notice to the state and~~[~~ an opportunity for a
11 hearing, ~~[a determination by the court that the person has not~~
12 ~~previously received an order of nondisclosure under this section,~~
13 ~~and a determination by the court that the person committed the~~
14 ~~offense solely as a victim of trafficking of persons and that~~
15 ~~issuance of the order is in the best interest of justice,~~] the court
16 having jurisdiction over the petition shall issue an order
17 prohibiting criminal justice agencies from disclosing to the public
18 criminal history record information related to the offense if the
19 court determines that:

20 (1) the person committed the offense described by
21 Subsection (a)(1) solely as a victim of an offense under Section
22 20A.02, 20A.03, or 43.05, Penal Code;

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

27 (3) issuance of the order is in the best interest of

1 justice [~~for which the defendant was placed on community~~
2 ~~supervision as described by Subsection (a)]~~.

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

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

12 (1) completed the sentence, including any term of
13 confinement imposed and payment of all fines, costs, and
14 restitution imposed; or

15 (2) received a dismissal and discharge under Article
16 42A.111, Code of Criminal Procedure, if the person was placed on
17 deferred adjudication community supervision [~~person's conviction~~
18 ~~is set aside as described by Subsection (a)]~~.

19 SECTION 4.02. Article 56.021, Code of Criminal Procedure,
20 is amended by adding Subsection (e) to read as follows:

21 (e) A victim of an offense under Section 20A.02, 20A.03, or
22 43.05, Penal Code, is entitled to be informed that the victim may
23 petition for an order of nondisclosure of criminal history record
24 information under Section 411.0728, Government Code, if the victim:

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

1 PROGRAM. (a) The commission shall designate a health-related
2 institution of higher education to operate the program.

3 (b) The designated institution shall improve the quality
4 and accessibility of care for victims of child sex trafficking by:

5 (1) dedicating a unit at the institution to provide or
6 contract for inpatient care for victims of child sex trafficking;

7 (2) dedicating a unit at the institution to provide or
8 contract for outpatient care for victims of child sex trafficking;

9 (3) creating opportunities for research and workforce
10 expansion related to treatment of victims of child sex trafficking;

11 and

12 (4) assisting other health-related institutions of
13 higher education in this state to establish similar programs.

14 (c) The commission shall solicit and review applications
15 from health-related institutions of higher education before
16 designating an institution under this section.

17 Sec. 50.0004. FUNDING. In addition to money appropriated
18 by the legislature, the designated institution may accept gifts,
19 grants, and donations from any public or private person for the
20 purpose of carrying out the program.

21 Sec. 50.0005. RULES. The executive commissioner shall
22 adopt rules necessary to implement this subchapter.

23 SUBCHAPTER B. MATCHING GRANT PROGRAM FOR MUNICIPAL SEX TRAFFICKING
24 PREVENTION PROGRAMS

25 Sec. 50.0051. ESTABLISHMENT OF MATCHING GRANT PROGRAM.

26 (a) The commission shall establish a matching grant program to
27 award to a municipality a grant in an amount equal to the amount

1 committed by the municipality for the development of a sex
2 trafficking prevention needs assessment. A municipality that is
3 awarded a grant must develop the needs assessment in collaboration
4 with a local institution of higher education and on completion
5 submit a copy of the needs assessment to the commission.

6 (b) A sex trafficking prevention needs assessment developed
7 under Subsection (a) must outline:

8 (1) the prevalence of sex trafficking crimes in the
9 municipality;

10 (2) strategies for reducing the number of sex
11 trafficking crimes in the municipality; and

12 (3) the municipality's need for additional funding for
13 sex trafficking prevention programs and initiatives.

14 Sec. 50.0052. APPLICATION. (a) A municipality may apply
15 to the commission in the form and manner prescribed by the
16 commission for a matching grant under this subchapter. To qualify
17 for a grant, an applicant must:

18 (1) develop a media campaign and appoint a municipal
19 employee to oversee the program; and

20 (2) provide proof that the applicant is able to obtain
21 or secure municipal money in an amount at least equal to the amount
22 of the awarded grant.

23 (b) The commission shall review applications for a matching
24 grant submitted under this section and award matching grants to
25 each municipality that demonstrates in the application the most
26 effective strategies for reducing the number of sex trafficking
27 crimes in the municipality and the greatest need for state funding.

1 accept gifts, grants, or donations from any source to administer
2 and finance the grant program established under this subchapter.

3 SECTION 5.02. As soon as practicable after the effective
4 date of this Act:

5 (1) the executive commissioner of the Health and Human
6 Services Commission shall adopt rules as necessary to implement
7 Subchapters A and B, Chapter 50, Health and Safety Code, as added by
8 this article; and

9 (2) the governor shall adopt rules as necessary to
10 implement Subchapter C, Chapter 50, Health and Safety Code, as
11 added by this article.

12 SECTION 5.03. A state agency is required to implement a
13 provision of this article only if the legislature appropriates
14 money to the agency specifically for the purpose of implementing
15 the applicable provision. If the legislature does not appropriate
16 money specifically for the purpose of implementing the applicable
17 provision, the agency may, but is not required to, implement the
18 provision using other appropriations available for that purpose.

19 ARTICLE 6. PROHIBITION ON CERTAIN BIDS AND CONTRACTS RELATED TO
20 PERSONS INVOLVED IN HUMAN TRAFFICKING

21 SECTION 6.01. Subchapter A, Chapter 2155, Government Code,
22 is amended by adding Section 2155.0061 to read as follows:

23 Sec. 2155.0061. PROHIBITION ON CERTAIN BIDS AND CONTRACTS
24 RELATED TO PERSONS INVOLVED IN HUMAN TRAFFICKING. (a) A state
25 agency may not accept a bid or award a contract, including a
26 contract for which purchasing authority is delegated to a state
27 agency, that includes proposed financial participation by a person

1 who, during the five-year period preceding the date of the bid or
2 award, has been convicted of any offense related to the direct
3 support or promotion of human trafficking.

4 (b) A bid or award subject to the requirements of this
5 section must include the following statement:

6 "Under Section 2155.0061, Government Code, the vendor
7 certifies that the individual or business entity named in this bid
8 or contract is not ineligible to receive the specified contract and
9 acknowledges that this contract may be terminated and payment
10 withheld if this certification is inaccurate."

11 (c) If a state agency determines that an individual or
12 business entity holding a state contract was ineligible to have the
13 bid accepted or contract awarded under this section, the state
14 agency may immediately terminate the contract without further
15 obligation to the vendor.

16 (d) This section does not create a cause of action to
17 contest a bid or award of a state contract.

18 SECTION 6.02. Section 2155.077(a-1), Government Code, is
19 amended to read as follows:

20 (a-1) The commission shall bar a vendor from participating
21 in state contracts that are subject to this subtitle, including
22 contracts for which purchasing authority is delegated to a state
23 agency, if the vendor has been:

24 (1) convicted of violating a federal law in connection
25 with a contract awarded by the federal government for relief,
26 recovery, or reconstruction efforts as a result of Hurricane Rita,
27 as defined by Section 39.459, Utilities Code, Hurricane Katrina, or

1 any other disaster occurring after September 24, 2005; ~~or~~

2 (2) assessed a penalty in a federal civil or
3 administrative enforcement action in connection with a contract
4 awarded by the federal government for relief, recovery, or
5 reconstruction efforts as a result of Hurricane Rita, as defined by
6 Section 39.459, Utilities Code, Hurricane Katrina, or any other
7 disaster occurring after September 24, 2005; or

8 (3) convicted of any offense related to the direct
9 support or promotion of human trafficking.

10 SECTION 6.03. Section 2155.0061, Government Code, as added
11 by this article, applies only in relation to a state contract for
12 which the request for bids or proposals or other applicable
13 expressions of interest are made public on or after the effective
14 date of this Act.

15 SECTION 6.04. Section 2155.077, Government Code, as amended
16 by this article, applies only to a contract entered into on or after
17 the effective date of this Act.

18 ARTICLE 7. EFFECTIVE DATE

19 SECTION 7.01. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 20 passed the Senate on March 27, 2019, by the following vote: Yeas 31, Nays 0; May 23, 2019, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 23, 2019, House granted request of the Senate; May 26, 2019, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 20 passed the House, with amendments, on May 22, 2019, by the following vote: Yeas 126, Nays 10, two present not voting; May 23, 2019, House granted request of the Senate for appointment of Conference Committee; May 26, 2019, House adopted Conference Committee Report by the following vote: Yeas 146, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor