

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

S.B. No. 20

Substitute the following for S.B. No. 20:

By: Zedler

C.S.S.B. No. 20

A BILL TO BE ENTITLED

AN ACT

relating to the reporting regarding, investigation of, prosecution
of, criminal and civil penalties for, and other consequences of
prostitution, trafficking of persons, and related criminal
offenses, to services and compensation available to victims of
those offenses, and to orders of nondisclosure for persons who
committed certain of those 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
concurrently or consecutively if each sentence is for a conviction
of:

1 (1) an offense:

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

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

10 (2) an offense:

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

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

24 (3) an offense:

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

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

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

(5) an offense:

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

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

(6) an offense:

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

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense

1 listed in Paragraph (A) and punishable as described by that
2 paragraph, regardless of whether the accused is charged with
3 violations of the same section more than once or is charged with
4 violations of more than one section.

5 SECTION 1.03. The following provisions are repealed:

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

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

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

19 ARTICLE 2. COMMUNITY SUPERVISION FOR CERTAIN PROSTITUTION OFFENSES

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

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

27 (b) Except as provided by Subsection (e), on a defendant's

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

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

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

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

27 (f) The judge may suspend in whole or in part the imposition

of any fine imposed on conviction.

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

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

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

(2) order the sentence to be executed:

(A) in whole; or

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

SECTION 2.03. Section 402.035, Government Code, is amended by adding Subsection (f-3) to read as follows:

(f-3) The attorney general may enter into a contract with an institution of higher education or private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code, for the institution's assistance in the collection and analysis of information received under this section. The attorney general may adopt rules to administer the submission and collection of information under this section.

SECTION 2.04. The change in law made by this article applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is 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 amending Subdivisions (1) and (1-a) and adding Subdivisions (1-b),
8 (1-c), (1-d), and (1-e) to read as follows:

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

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

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

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

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

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

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

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

1 multiple users, including a service or system that provides access
2 to the Internet or a system operated or service offered by a library
3 or educational institution.

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

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

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

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

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

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

24 Sec. 43.041. AGGRAVATED ONLINE PROMOTION OF PROSTITUTION.

25 (a) A person commits an offense if the person owns, manages, or
26 operates an interactive computer service or information content
27 provider, or operates as an information content provider, with the

intent to promote the prostitution of five or more persons or facilitate five or more persons to engage in prostitution.

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

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

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

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

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

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

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

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

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

1 (2) knowingly or intentionally engages in promotion of
2 prostitution, online promotion of prostitution, aggravated
3 promotion of prostitution, or aggravated online promotion of
4 prostitution that results in compelling prostitution with respect
5 to the victim; or

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

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

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

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

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

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

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

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

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

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

- 1 (C) Section 20.03;
- 2 (D) Section 20.04;
- 3 (E) Chapter 20A;
- 4 (F) Chapter 34, if the criminal activity giving
- 5 rise to the proceeds involves the commission of an offense under
- 6 Title 5, Penal Code, or an offense under federal law or the laws of
- 7 another state containing elements that are substantially similar to
- 8 the elements of an offense under Title 5;
- 9 (G) Section 38.11;
- 10 (H) Section 43.04;
- 11 (I) Section 43.041;
- 12 (J) Section 43.05; or
- 13 (K) ~~(J)~~ Section 43.26; or
- 14 (3) an attempt, conspiracy, or solicitation to commit
- 15 an offense listed in Subdivision (1) or (2).

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

18 (14) "Trafficking of persons" means any offense that
19 results in a person engaging in forced labor or services, including
20 sexual conduct, and that may be prosecuted under Section 20A.02,
21 20A.03, 43.03, 43.031, 43.04, 43.041, 43.05, 43.25, 43.251, or
22 43.26, Penal Code.

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

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

results in a person:

(A) engaging in forced labor or services; or

(B) otherwise becoming a victim of the offense.

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

(b) The bureau of identification and records shall:

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

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

(A) offenses in which family violence was involved;

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

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

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

(4) cooperate with identification and crime records

1 bureaus in other states and the United States Department of
2 Justice;

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

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

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

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

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

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

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

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

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

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

15 (I) the date the order expires;

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

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

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

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

27 (B) as the control terminal for the entry of

1 records, in accordance with federal law and regulations, federal
2 executive orders, and federal policy, into the federal database
3 maintained by the Federal Bureau of Investigation.

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

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

8 (1) the inmate is awaiting transfer to the
9 institutional division, or serving a sentence, for an offense for
10 which the judgment contains an affirmative finding under Article
11 42A.054(c) or (d), Code of Criminal Procedure;

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

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

1 (M) Section 28.02 (arson);
2 (N) Section 29.02 (robbery);
3 (O) Section 29.03 (aggravated robbery);
4 (P) Section 30.02 (burglary), if the offense is
5 punished as a first-degree felony under that section;
6 (Q) Section 43.04 (aggravated promotion of
7 prostitution);
8 (R) Section 43.05 (compelling prostitution);
9 (S) Section 43.24 (sale, distribution, or
10 display of harmful material to minor);
11 (T) Section 43.25 (sexual performance by a
12 child);
13 (U) Section 46.10 (deadly weapon in penal
14 institution);
15 (V) Section 15.01 (criminal attempt), if the
16 offense attempted is listed in this subsection;
17 (W) Section 15.02 (criminal conspiracy), if the
18 offense that is the subject of the conspiracy is listed in this
19 subsection;
20 (X) Section 15.03 (criminal solicitation), if
21 the offense solicited is listed in this subsection;
22 (Y) Section 21.02 (continuous sexual abuse of
23 young child or children);
24 (Z) Section 20A.02 (trafficking of persons);
25 [~~ex~~]
26 (AA) Section 20A.03 (continuous trafficking of
27 persons); or

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

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

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

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

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

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

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

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

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

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

(a) A person commits an offense if the person knowingly:
(1) traffics another person with the intent that the trafficked person engage in forced labor or services;

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

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

- (A) Section 43.02 (Prostitution);
- (B) Section 43.03 (Promotion of Prostitution);
- (B-1) Section 43.031 (Online Promotion of Prostitution);
- (C) Section 43.04 (Aggravated Promotion of Prostitution);
- (C-1) Section 43.041 (Aggravated Online Promotion of Prostitution); or

(D) Section 43.05 (Compelling Prostitution);

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

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

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

(7) traffics a child and by any means causes the

1 trafficked child to engage in, or become the victim of, conduct
2 prohibited by:

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

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

6 (C) Section 22.011 (Sexual Assault);

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

8 (E) Section 43.02 (Prostitution);

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

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

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

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

16 (H) Section 43.05 (Compelling Prostitution);

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

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

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

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

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

SECTION 4.01. Section 411.0728, Government Code, is amended
to read as follows:

Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING
OF PERSONS OR COMPELLING PROSTITUTION. (a) This section applies
only to a person[÷

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

(1) ~~[(A)]~~ Section 481.120, Health and Safety Code, if
the offense is punishable under Subsection (b)(1) of that code;

(2) ~~[(B)]~~ Section 481.121, Health and Safety Code, if
the offense is punishable under Subsection (b)(1) of that code;

(3) ~~[(C)]~~ Section 31.03, Penal Code, if the offense is
punishable under Subsection (e)(1) or (2) of that code; or

(4) ~~[(D)]~~ Section 43.02, Penal Code[~~, or~~

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

~~[(2) with respect to whom the conviction is~~
~~subsequently set aside by the court under Article 42A.701, Code of~~
~~Criminal Procedure].~~

(b) Notwithstanding any other provision of this subchapter
or Subchapter F, a person described by Subsection (a) who satisfies
the requirements of Section 411.074(b) [411.074] may petition the
court that convicted the person or placed the person on deferred
adjudication community supervision for an order of nondisclosure of

1 criminal history record information under this section on the
2 grounds that the person committed the offense solely as a victim of
3 an offense under Section 20A.02, 20A.03, or 43.05, Penal Code
4 [~~trafficking of persons~~].

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

6 (1) be in writing;

7 (2) allege specific facts that, if proved, would
8 establish that the petitioner committed the offense described by
9 Subsection (a) solely as a victim of an offense under Section
10 20A.02, 20A.03, or 43.05, Penal Code; and

11 (3) assert that if the person has previously submitted
12 a petition for [seeking] an order of nondisclosure under this
13 section, the person has not committed an offense described by
14 Subsection (a) on or after the date on which the person's first
15 petition [~~previously received an order of nondisclosure~~] under this
16 section was submitted.

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

23 (b-3) A person convicted of or placed on deferred
24 adjudication community supervision for more than one offense
25 described by Subsection (a) that the person committed solely as a
26 victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal
27 Code, may file a petition for an order of nondisclosure of criminal

1 history record information under this section with respect to each
2 offense, and may request consolidation of those petitions, in a
3 district court in the county where the person was most recently
4 convicted or placed on deferred adjudication community supervision
5 as described by this subsection. On receipt of a request for
6 consolidation, the court shall consolidate the petitions and
7 exercise jurisdiction over the petitions, regardless of the county
8 in which the offenses described by Subsection (a) occurred. For
9 each offense that is the subject of a consolidated petition and that
10 occurred in a county other than the county in which the court
11 consolidating the petitions is located, the clerk of the court, in
12 addition to the clerk's duties under Subsection (b-2), shall
13 promptly serve a copy of the consolidated petition and any
14 supporting document related to the applicable offense on the
15 appropriate office of the attorney representing the state on behalf
16 of the other county. Each attorney representing the state who
17 receives a copy of a consolidated petition under this subsection
18 may file a response to the petition in accordance with Subsection
19 (b-2).

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

26 (c) After notice to the state ~~and~~[7] an opportunity for a
27 hearing, ~~[a determination by the court that the person has not~~

~~previously received an order of nondisclosure under this section,~~
~~and a determination by the court that the person committed the~~
~~offense solely as a victim of trafficking of persons and that~~
~~issuance of the order is in the best interest of justice,~~] the court
having jurisdiction over the petition shall issue an order
prohibiting criminal justice agencies from disclosing to the public
criminal history record information related to the offense if the
court determines that:

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

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

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

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

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

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

4 (2) received a dismissal and discharge under Article
5 42A.111, Code of Criminal Procedure, if the person was placed on
6 deferred adjudication community supervision [~~person's conviction~~
7 ~~is set aside as described by Subsection (a)].~~

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

10 (e) A victim of an offense under Section 20A.02, 20A.03, or
11 43.05, Penal Code, is entitled to be informed that the victim may
12 petition for an order of nondisclosure of criminal history record
13 information under Section 411.0728, Government Code, if the victim:

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

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

19 SECTION 4.03. Section 126.004, Government Code, is amended
20 by adding Subsection (d) to read as follows:

21 (d) A program established under this chapter shall provide
22 each program participant with information related to the right to
23 petition for an order of nondisclosure of criminal history record
24 information under Section 411.0728.

25 ARTICLE 5. EFFECTIVE DATE

26 SECTION 5.01. This Act takes effect September 1, 2019.