

By: Huffman, et al.

S.B. No. 20

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution of, penalties for, and other
3 consequences of prostitution, trafficking of persons, and related
4 criminal offenses, the admissibility of evidence in the
5 prosecutions of those offenses, and orders of nondisclosure for
6 persons who committed certain of those offenses; regulating
7 occupations and property to prevent and respond to those criminal
8 offenses, including requiring a student occupational permit for
9 those purposes; authorizing fees; increasing criminal penalties;
10 creating criminal offenses.

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

12 ARTICLE 1. TRAFFICKING OF PERSONS AND CONTINUOUS TRAFFICKING OF
13 PERSONS

14 SECTION 1.01. Section 20A.01, Penal Code, is amended by
15 adding Subdivision (1-a) to read as follows:

16 (1-a) "Coercion" as defined by Section 1.07 includes
17 destroying, concealing, confiscating, or withholding from a
18 person, or threatening to destroy, conceal, confiscate, or withhold
19 from a person, the person's actual or purported:

20 (A) government records; or

21 (B) identifying information or documents.

22 SECTION 1.02. Section 3.03(b), Penal Code, is amended to
23 read as follows:

24 (b) If the accused is found guilty of more than one offense

1 arising out of the same criminal episode, the sentences may run
2 concurrently or consecutively if each sentence is for a conviction
3 of:

4 (1) an offense:

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

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

13 (2) an offense:

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

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

27 (3) an offense:

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

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

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

12 (5) an offense:

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

22 or

23 (6) an offense:

24 (A) under Section 22.04(a)(1) or (2) or Section
25 22.04(a-1)(1) or (2) that is punishable as a felony of the first
26 degree, regardless of whether the accused is convicted of
27 violations of the same section more than once or is convicted of

1 violations of more than one section; or

2 (B) for which a plea agreement was reached in a
3 case in which the accused was charged with more than one offense
4 listed in Paragraph (A) and punishable as described by that
5 paragraph, regardless of whether the accused is charged with
6 violations of the same section more than once or is charged with
7 violations of more than one section.

8 SECTION 1.03. Section 20A.02(a-1), Penal Code, is repealed.

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

17 ARTICLE 2. PENALTIES FOR PROSTITUTION

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

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

25 (b) Except as provided by Subsection (e), on a defendant's
26 conviction of a state jail felony under Section 43.02(c)(2), Penal
27 Code, that is punished under Section 12.35(a), Penal Code, the

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

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

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

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

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

27 SECTION 2.02. Article 42A.551(d), Code of Criminal

1 Procedure, is amended to read as follows:

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

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

8 (2) order the sentence to be executed:

9 (A) in whole; or

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

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

15 (5) "Reportable conviction or adjudication" means a
16 conviction or adjudication, including an adjudication of
17 delinquent conduct or a deferred adjudication, that, regardless of
18 the pendency of an appeal, is a conviction for or an adjudication
19 for or based on:

20 (A) a violation of Section 21.02 (Continuous
21 sexual abuse of young child or children), 21.09 (Bestiality), 21.11
22 (Indecency with a child), 22.011 (Sexual assault), 22.021
23 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),
24 Penal Code;

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

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

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

8 (D) a violation of Section 30.02 (Burglary),
9 Penal Code, if the offense or conduct is punishable under
10 Subsection (d) of that section and the actor committed the offense
11 or engaged in the conduct with intent to commit a felony listed in
12 Paragraph (A) or (C);

13 (E) a violation of Section 20.02 (Unlawful
14 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
15 Penal Code, if, as applicable:

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

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

21 (F) the second violation of Section 21.08
22 (Indecent exposure), Penal Code, but not if the second violation
23 results in a deferred adjudication;

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

27 (H) a violation of the laws of another state,

1 federal law, the laws of a foreign country, or the Uniform Code of
2 Military Justice for or based on the violation of an offense
3 containing elements that are substantially similar to the elements
4 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
5 (G), (J), (K), or (L), but not if the violation results in a
6 deferred adjudication;

7 (I) the second violation of the laws of another
8 state, federal law, the laws of a foreign country, or the Uniform
9 Code of Military Justice for or based on the violation of an offense
10 containing elements that are substantially similar to the elements
11 of the offense of indecent exposure, but not if the second violation
12 results in a deferred adjudication;

13 (J) a violation of Section 33.021 (Online
14 solicitation of a minor), Penal Code;

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

17 (L) a violation of Section 20A.03 (Continuous
18 trafficking of persons), Penal Code, if the offense is based partly
19 or wholly on conduct that constitutes an offense under Section
20 [20A.02](#)(a)(3), (4), (7), or (8) of that code.

21 SECTION 2.04. Section [402.035](#)(d), Government Code, is
22 amended to read as follows:

23 (d) The task force shall:

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

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

1 (B) special agents or customs and border
2 protection officers and border patrol agents of:

3 (i) the Federal Bureau of Investigation;

4 (ii) the United States Drug Enforcement
5 Administration;

6 (iii) the Bureau of Alcohol, Tobacco,
7 Firearms and Explosives;

8 (iv) United States Immigration and Customs
9 Enforcement; or

10 (v) the United States Department of
11 Homeland Security;

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

16 (3) solicit cooperation and assistance from state and
17 local governmental agencies, political subdivisions of the state,
18 nongovernmental organizations, and other persons, as appropriate,
19 for the purpose of collecting and organizing statistical data under
20 Subdivision (2);

21 (4) ensure that each state or local governmental
22 agency and political subdivision of the state and each state or
23 local law enforcement agency, district attorney, or county attorney
24 that assists in the prevention of human trafficking collects
25 statistical data related to human trafficking, including, as
26 appropriate:

27 (A) the number of investigations concerning,

1 arrests and prosecutions for, and convictions of:

2 (i) the offense of trafficking of persons;

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

6 (iii) an offense punishable under Section
7 43.02(c-1)(2) [~~43.02(c-1)(3)~~], Penal Code, regardless of whether
8 the offense was committed as part of a criminal episode involving
9 the trafficking of persons;

10 (B) demographic information on persons who are
11 convicted of offenses described by Paragraph (A) and persons who
12 are the victims of those offenses;

13 (C) geographic routes by which human trafficking
14 victims are trafficked, including routes by which victims are
15 trafficked across this state's international border, and
16 geographic patterns in human trafficking, including the country or
17 state of origin and the country or state of destination;

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

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

23 (5) work with the Texas Commission on Law Enforcement
24 to develop and conduct training for law enforcement personnel,
25 victim service providers, and medical service providers to identify
26 victims of human trafficking;

27 (6) work with the Texas Education Agency, the

1 Department of Family and Protective Services, and the Health and
2 Human Services Commission to:

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

5 (B) develop a standardized curriculum for
6 training doctors, nurses, emergency medical services personnel,
7 teachers, school counselors, school administrators, and personnel
8 from the Department of Family and Protective Services and the
9 Health and Human Services Commission to identify and assist victims
10 of human trafficking;

11 (C) train doctors, nurses, emergency medical
12 services personnel, teachers, school counselors, school
13 administrators, and personnel from the Department of Family and
14 Protective Services and the Health and Human Services Commission to
15 identify and assist victims of human trafficking;

16 (D) develop and conduct training for personnel
17 from the Department of Family and Protective Services and the
18 Health and Human Services Commission on methods for identifying
19 children in foster care who may be at risk of becoming victims of
20 human trafficking; and

21 (E) develop a process for referring identified
22 human trafficking victims and individuals at risk of becoming
23 victims to appropriate entities for services;

24 (7) on the request of a judge of a county court, county
25 court at law, or district court or a county attorney, district
26 attorney, or criminal district attorney, assist and train the judge
27 or the judge's staff or the attorney or the attorney's staff in the

1 recognition and prevention of human trafficking;

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

5 (9) collaborate with state and local governmental
6 agencies, political subdivisions of the state, and nongovernmental
7 organizations to implement a media awareness campaign in
8 communities affected by human trafficking;

9 (10) develop recommendations on how to strengthen
10 state and local efforts to prevent human trafficking, protect and
11 assist human trafficking victims, curb markets and other economic
12 avenues that facilitate human trafficking and investigate and
13 prosecute human trafficking offenders;

14 (11) examine the extent to which human trafficking is
15 associated with the operation of sexually oriented businesses, as
16 defined by Section [243.002](#), Local Government Code, and the
17 workplace or public health concerns that are created by the
18 association of human trafficking and the operation of sexually
19 oriented businesses;

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

25 (13) identify and report to the governor and
26 legislature on laws, licensure requirements, or other regulations
27 that can be passed at the state and local level to curb trafficking

1 using the Internet and in sexually oriented businesses.

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

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

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

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

11 (2) [~~(3)~~] a felony of the second degree if the person
12 with whom the actor agrees to engage in sexual conduct is:

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

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

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

20 SECTION 2.06. The change in law made by this article applies
21 only to an offense committed on or after the effective date of this
22 Act. An offense committed before the effective date of this Act is
23 governed by the law in effect on the date the offense was committed,
24 and the former law is continued in effect for that purpose. For
25 purposes of this section, an offense was committed before the
26 effective date of this Act if any element of the offense occurred
27 before that date.

ARTICLE 3. ONLINE PROMOTION OF PROSTITUTION

SECTION 3.01. Section 43.01, Penal Code, is amended by adding Subdivisions (1-b) and (1-c) to read as follows:

(1-b) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access to a computer server by multiple users, including a service or system that provides access to the Internet or a system operated or service offered by a library or educational institution.

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

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

Sec. 43.031. ONLINE PROMOTION OF PROSTITUTION. (a) A person commits an offense if the person owns, manages, or operates an interactive computer service with the intent to promote the prostitution of another person or facilitate another person to engage in prostitution.

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

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

(2) engages in conduct described by Subsection (a) involving a person younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the

1 person at the time of the offense.

2 Sec. 43.041. AGGRAVATED ONLINE PROMOTION OF PROSTITUTION.

3 (a) A person commits an offense if the person owns, manages, or
4 operates an interactive computer service with the intent to promote
5 the prostitution of five or more persons or facilitate five or more
6 persons to engage in prostitution.

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

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

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

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

19 (1-a) "Aggravated online promotion of prostitution"
20 means conduct that constitutes an offense under Section 43.041,
21 Penal Code.

22 (4-a) "Online promotion of prostitution" means
23 conduct that constitutes an offense under Section 43.031, Penal
24 Code.

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

27 (a) A defendant is liable to a victim of compelled

1 prostitution, as provided by this chapter, for damages arising from
2 the compelled prostitution if the defendant:

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

5 (2) knowingly or intentionally engages in promotion of
6 prostitution, online promotion of prostitution, aggravated
7 promotion of prostitution, or aggravated online promotion of
8 prostitution that results in compelling prostitution with respect
9 to the victim; or

10 (3) purchases an advertisement that the defendant
11 knows or reasonably should know constitutes promotion of
12 prostitution or aggravated promotion of prostitution, and the
13 publication of the advertisement results in compelling
14 prostitution with respect to the victim.

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

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

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

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

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

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

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

- 3 (A) Section 19.02;
- 4 (B) Section 19.03;
- 5 (C) Section 20.03;
- 6 (D) Section 20.04;
- 7 (E) Chapter 20A;

8 (F) Chapter 34, if the criminal activity giving
9 rise to the proceeds involves the commission of an offense under
10 Title 5, Penal Code, or an offense under federal law or the laws of
11 another state containing elements that are substantially similar to
12 the elements of an offense under Title 5;

- 13 (G) Section 38.11;
- 14 (H) Section 43.04;
- 15 (I) Section 43.041;
- 16 (J) Section 43.05; or
- 17 (K) [~~(J)~~] Section 43.26; or

18 (3) an attempt, conspiracy, or solicitation to commit
19 an offense listed in Subdivision (1) or (2).

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

22 (14) "Trafficking of persons" means any offense that
23 results in a person engaging in forced labor or services, including
24 sexual conduct, and that may be prosecuted under Section 20A.02,
25 20A.03, 43.03, 43.031, 43.04, 43.041, 43.05, 43.25, 43.251, or
26 43.26, Penal Code.

27 SECTION 3.07. Article 56.81(7), Code of Criminal Procedure,

1 is amended to read as follows:

2 (7) "Trafficking of persons" means any conduct that
3 constitutes an offense under Section 20A.02, 20A.03, 43.03, 43.031,
4 43.04, 43.041, 43.05, 43.25, 43.251, or 43.26, Penal Code, and that
5 results in a person:

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

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

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

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

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

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

22 (A) offenses in which family violence was
23 involved;

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

26 (C) offenses under Sections 20A.02, 43.02(a),
27 43.02(b), 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

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

4 (4) cooperate with identification and crime records
5 bureaus in other states and the United States Department of
6 Justice;

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

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

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

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

26 (C) the name and county of residence of the
27 person protected by the order;

1 (D) the residence address and place of employment
2 or business of the person protected by the order, unless that
3 information is excluded from the order under Article 17.292(e),
4 Code of Criminal Procedure;

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

9 (F) the relationship or former relationship
10 between the person who is protected by the order and the person to
11 whom the order is directed;

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

16 (H) any minimum distance the person subject to
17 the order is required to maintain from the protected places or
18 persons; and

19 (I) the date the order expires;

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

22 (8) collect and disseminate information regarding
23 offenders with mental impairments in compliance with Chapter 614,
24 Health and Safety Code; and

25 (9) record data and maintain a state database for a
26 computerized criminal history record system and computerized
27 juvenile justice information system that serves:

1 (A) as the record creation point for criminal
2 history record information and juvenile justice information
3 maintained by the state; and

4 (B) as the control terminal for the entry of
5 records, in accordance with federal law and regulations, federal
6 executive orders, and federal policy, into the federal database
7 maintained by the Federal Bureau of Investigation.

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

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

12 (1) the inmate is awaiting transfer to the
13 institutional division, or serving a sentence, for an offense for
14 which the judgment contains an affirmative finding under Article
15 42A.054(c) or (d), Code of Criminal Procedure;

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

19 (A) Section 19.02 (murder);

20 (B) Section 19.03 (capital murder);

21 (C) Section 19.04 (manslaughter);

22 (D) Section 20.03 (kidnapping);

23 (E) Section 20.04 (aggravated kidnapping);

24 (F) Section 21.11 (indecent with a child);

25 (G) Section 22.011 (sexual assault);

26 (H) Section 22.02 (aggravated assault);

27 (I) Section 22.021 (aggravated sexual assault);

- 1 (J) Section 22.04 (injury to a child, elderly
2 individual, or disabled individual);
- 3 (K) Section 25.02 (prohibited sexual conduct);
- 4 (L) Section 25.08 (sale or purchase of a child);
- 5 (M) Section 28.02 (arson);
- 6 (N) Section 29.02 (robbery);
- 7 (O) Section 29.03 (aggravated robbery);
- 8 (P) Section 30.02 (burglary), if the offense is
9 punished as a first-degree felony under that section;
- 10 (Q) Section 43.04 (aggravated promotion of
11 prostitution);
- 12 (R) Section 43.05 (compelling prostitution);
- 13 (S) Section 43.24 (sale, distribution, or
14 display of harmful material to minor);
- 15 (T) Section 43.25 (sexual performance by a
16 child);
- 17 (U) Section 46.10 (deadly weapon in penal
18 institution);
- 19 (V) Section 15.01 (criminal attempt), if the
20 offense attempted is listed in this subsection;
- 21 (W) Section 15.02 (criminal conspiracy), if the
22 offense that is the subject of the conspiracy is listed in this
23 subsection;
- 24 (X) Section 15.03 (criminal solicitation), if
25 the offense solicited is listed in this subsection;
- 26 (Y) Section 21.02 (continuous sexual abuse of
27 young child or children);

1 (Z) Section 20A.02 (trafficking of persons);

2 [~~or~~]

3 (AA) Section 20A.03 (continuous trafficking of
4 persons); or

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

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

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

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

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

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

21 (A) an offense under Section 20A.02, 43.02,
22 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code;

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

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

27 SECTION 3.11. Section 20A.02(a), Penal Code, is amended to

1 read as follows:

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

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

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

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

12 (A) Section 43.02 (Prostitution);

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

14 (B-1) Section 43.031 (Online Promotion of
15 Prostitution);

16 (C) Section 43.04 (Aggravated Promotion of
17 Prostitution);

18 (C-1) Section 43.041 (Aggravated Online
19 Promotion of Prostitution); or

20 (D) Section 43.05 (Compelling Prostitution);

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

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

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

1 that involves an activity described by Subdivision (5), including
2 by receiving labor or services the person knows are forced labor or
3 services;

4 (7) traffics a child and by any means causes the
5 trafficked child to engage in, or become the victim of, conduct
6 prohibited by:

7 (A) Section 21.02 (Continuous Sexual Abuse of
8 Young Child or Children);

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

10 (C) Section 22.011 (Sexual Assault);

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

12 (E) Section 43.02 (Prostitution);

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

14 (F-1) Section 43.031 (Online Promotion of
15 Prostitution);

16 (G) Section 43.04 (Aggravated Promotion of
17 Prostitution);

18 (G-1) Section 43.041 (Aggravated Online
19 Promotion of Prostitution);

20 (H) Section 43.05 (Compelling Prostitution);

21 (I) Section 43.25 (Sexual Performance by a
22 Child);

23 (J) Section 43.251 (Employment Harmful to
24 Children); or

25 (K) Section 43.26 (Possession or Promotion of
26 Child Pornography); or

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

1 that involves an activity described by Subdivision (7) or engages
2 in sexual conduct with a child trafficked in the manner described in
3 Subdivision (7).

4 ARTICLE 4. ADMISSIBILITY OF EVIDENCE

5 SECTION 4.01. Section 1, Article 38.37, Code of Criminal
6 Procedure, is amended to read as follows:

7 Sec. 1. (a) Subsection (b) applies to a proceeding in the
8 prosecution of a defendant for an offense, or an attempt or
9 conspiracy to commit an offense, under the following provisions of
10 the Penal Code:

- 11 (1) Chapter 20A (Trafficking of Persons);
- 12 (2) [if committed against a child under 17 years of
13 age;
- 14 [(A)] Chapter 21 (Sexual Offenses);
- 15 (3) Section 22.01 (Assault), if committed against a
16 person younger than 18 years of age;
- 17 (4) Section 22.011 (Sexual Assault);
- 18 (5) Section 22.02 (Aggravated Assault), if committed
19 against a person younger than 18 years of age;
- 20 (6) Section 22.021 (Aggravated Sexual Assault);
- 21 (7) Section 22.04 (Injury to a Child, Elderly
22 Individual, or Disabled Individual), if committed against a person
23 younger than 18 years of age;
- 24 (8) Section 22.041 (Abandoning or Endangering a
25 Child);
- 26 (9) Section 22.05 (Deadly Conduct), if committed
27 against a person younger than 18 years of age;

1 (10) Section 22.07 (Terroristic Threat), if committed
2 under Subsection (a)(2) of that section against a person younger
3 than 18 years of age;

4 (11) [~~(B) Chapter 22 (Assaultive Offenses), or~~
5 [~~(C)~~] Section 25.02 (Prohibited Sexual Conduct);
6 [~~or~~]

7 (12) [~~(2) if committed against a person younger than~~
8 18 years of age;

9 [~~(A) Section 43.25 (Sexual Performance by a~~
10 Child),

11 [~~(B) Section 20A.02(a)(7) or (8), or~~
12 [~~(C)~~] Section 43.05(a)(2) (Compelling
13 Prostitution); or

14 (13) Section 43.25 (Sexual Performance by a Child).

15 (b) Notwithstanding Rules 404 and 405, Texas Rules of
16 Evidence, evidence of other crimes, wrongs, or acts committed by
17 the defendant against the [~~child who is the~~] victim of the alleged
18 offense shall be admitted for its bearing on relevant matters,
19 including:

20 (1) the state of mind of the defendant and the victim
21 [~~child~~]; and

22 (2) the previous and subsequent relationship between
23 the defendant and the victim [~~child~~].

24 SECTION 4.02. Section 2(a), Article 38.37, Code of Criminal
25 Procedure, is amended to read as follows:

26 (a) Subsection (b) applies only to the trial of a defendant
27 for:

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

3 (A) Section 20A.02, if punishable as a felony of
4 the first degree under Section 20A.02(b)(1) (Sex or Labor
5 Trafficking of a Child);

6 (B) Section 20A.03, if based partly or wholly on
7 conduct that constitutes an offense under Article 20A.02(a)(5),
8 (6), (7), or (8) (Continuous Trafficking of Persons);

9 (C) Section 21.02 (Continuous Sexual Abuse of
10 Young Child or Children);

11 (D) [~~(C)~~] Section 21.11 (Indecency With a
12 Child);

13 (E) [~~(D)~~] Section 22.011(a)(2) (Sexual Assault
14 of a Child);

15 (F) [~~(E)~~] Sections 22.021(a)(1)(B) and (2)
16 (Aggravated Sexual Assault of a Child);

17 (G) [~~(F)~~] Section 33.021 (Online Solicitation of
18 a Minor);

19 (H) [~~(G)~~] Section 43.25 (Sexual Performance by a
20 Child); or

21 (I) [~~(H)~~] Section 43.26 (Possession or Promotion
22 of Child Pornography), Penal Code; or

23 (2) an attempt or conspiracy to commit an offense
24 described by Subdivision (1).

25 SECTION 4.03. Chapter 38, Code of Criminal Procedure, is
26 amended by adding Article 38.51 to read as follows:

27 Art. 38.51. EVIDENCE OF VICTIM'S PAST SEXUAL BEHAVIOR. (a)

1 This article applies to the prosecution of an offense, or an attempt
2 to commit an offense, under the following provisions of the Penal
3 Code:

4 (1) Section 20A.02(a)(3), (4), (7), or (8) (Sex
5 Trafficking of Persons);

6 (2) Section 20A.03 (Continuous Trafficking of
7 Persons), if based partly or wholly on conduct that constitutes an
8 offense under Section 20A.02(a)(3), (4), (7), or (8);

9 (3) Chapter 21 (Sexual Offenses);

10 (4) Section 22.011 (Sexual Assault);

11 (5) Section 22.021 (Aggravated Sexual Assault);

12 (6) Section 25.02 (Prohibited Sexual Conduct);

13 (7) Section 43.05 (Compelling Prostitution);

14 (8) Section 43.24 (Sale, Distribution, or Display of
15 Harmful Material to Minor);

16 (9) Section 43.25 (Sexual Performance by a Child);

17 (10) Section 43.251 (Employment Harmful to Children);

18 (11) Section 43.26 (Possession or Promotion of Child
19 Pornography); or

20 (12) Section 43.262 (Possession or Promotion of Lewd
21 Visual Material Depicting Child).

22 (b) Except as provided by Subsection (c), in the prosecution
23 of an offense described by Subsection (a), reputation or opinion
24 evidence of a victim's past sexual behavior or evidence regarding
25 specific instances of a victim's past sexual behavior is not
26 admissible.

27 (c) Evidence of a specific instance of a victim's past

1 sexual behavior is admissible if:

2 (1) the evidence:

3 (A) is necessary to rebut or explain scientific
4 or medical evidence offered by the attorney representing the state;

5 (B) concerns past sexual behavior with the
6 defendant and is offered by the defendant to prove consent;

7 (C) relates to the victim's motive or bias;

8 (D) is admissible under Rule 609, Texas Rules of
9 Evidence; or

10 (E) is constitutionally required to be admitted;
11 and

12 (2) the probative value of the evidence outweighs the
13 danger of unfair prejudice.

14 (d) Before evidence described by Subsection (c) may be
15 introduced, the defendant must notify the court outside of the
16 jury's presence. The court shall conduct an in camera hearing to
17 determine whether the evidence is admissible. The court reporter
18 shall record the hearing, and the court shall preserve that record
19 under seal as part of the record in the case.

20 (e) Before referring to evidence that the court has
21 determined to be inadmissible, the defendant must, outside of the
22 jury's presence, request and obtain the court's permission.

23 SECTION 4.04. Under the terms of Section 22.109(b),
24 Government Code, Rule 412, Texas Rules of Evidence, is disapproved.

25 SECTION 4.05. The changes in law and rules made by this
26 article apply to the admissibility of evidence in a criminal
27 proceeding that commences on or after the effective date of this

1 Act. The admissibility of evidence in a criminal proceeding that
2 commences before the effective date of this Act is governed by the
3 law and rules in effect on the date the proceeding commenced, and
4 the former law and rules are continued in effect for that purpose.

5 ARTICLE 5. ORDERS OF NONDISCLOSURE FOR CERTAIN VICTIMS OF
6 TRAFFICKING OF PERSONS OR COMPELLED PROSTITUTION

7 SECTION 5.01. Section 411.0728, Government Code, is amended
8 to read as follows:

9 Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING
10 OF PERSONS. (a) This section applies only to a person:

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

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

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

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

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

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

23 (2) who, if requested by the applicable law
24 enforcement agency or prosecuting attorney to provide assistance in
25 the investigation or prosecution of an offense under Section
26 20A.02, 20A.03, or 43.05, Penal Code, or a federal offense
27 containing elements that are substantially similar to the elements

1 of an offense under any of those sections:

2 (A) provided assistance in the investigation or
3 prosecution of the offense; or

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

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

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

20 (1) be in writing;

21 (2) assert that the person seeking an order of
22 nondisclosure under this section has not previously received an
23 order of nondisclosure under this section; and

24 (3) allege specific facts that, if proved, would
25 establish that the petitioner committed the offense described by
26 Subsection (a)(1) solely as a victim of an offense under Section
27 20A.02, 20A.03, or 43.05, Penal Code.

1 (b-2) A person convicted of or placed on deferred
2 adjudication community supervision for more than one offense
3 described by Subsection (a)(1) that the person committed solely as
4 a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal
5 Code, may request consolidation of the person's petitions for an
6 order of nondisclosure of criminal history record information in a
7 district court in the county of the person's most recent conviction
8 or placement on deferred adjudication community supervision. On
9 receipt of a request for consolidation, the court shall consolidate
10 the petitions and exercise jurisdiction over the petitions,
11 regardless of the county in which the offenses described by
12 Subsection (a)(1) occurred.

13 (b-3) On the filing of the petition under Subsection (b),
14 the clerk of the court shall promptly serve a copy of the petition
15 and any supporting document on the appropriate office of the
16 attorney representing the state. If the court consolidates
17 petitions under Subsection (b-2), the court shall promptly serve a
18 copy of the consolidated petitions on the appropriate office of
19 each attorney representing the state. Any response to the petition
20 by an attorney representing the state must be filed not later than
21 the 20th business day after the date of service under this
22 subsection.

23 (b-4) If the consolidation occurs under Subsection (b-2)
24 with respect to petitions relating to offenses committed in more
25 than one county, an attorney representing the state from a county
26 other than the county in which the consolidating court resides may
27 appear telephonically or through a video conference call at any

1 hearing considered necessary by the court.

2 (c) After notice to the state, an opportunity for a hearing,
3 a determination by the court that the person has not previously
4 received an order of nondisclosure under this section, and a
5 determination by the court that the person committed the offense
6 described by Subsection (a)(1) solely as a victim of an offense
7 under Section 20A.02, 20A.03, or 43.05, Penal Code, [~~trafficking of~~
8 ~~persons]~~ and that issuance of the order is in the best interest of
9 justice, the court shall issue an order prohibiting criminal
10 justice agencies from disclosing to the public criminal history
11 record information related to the offense [~~for which the defendant~~
12 ~~was placed on community supervision as described by Subsection~~
13 ~~(a)]~~.

14 (d) A person may petition the court that convicted the
15 person or placed the person on deferred adjudication community
16 supervision for an order of nondisclosure of criminal history
17 record information under this section only on or after the first
18 anniversary of the date the person:

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

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

26 SECTION 5.02. Article 56.021, Code of Criminal Procedure,
27 is amended by adding Subsection (e) to read as follows:

1 (e) A victim of an offense under Section 20A.02, 20A.03, or
2 43.05, Penal Code, is entitled to the right to be informed that the
3 victim may petition for an order of nondisclosure of criminal
4 history record information under Section 411.0728, Government
5 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. Subchapter C, Chapter 72, Government Code, is
12 amended by adding Section 72.033 to read as follows:

13 Sec. 72.033. FORM FOR ORDER OF NONDISCLOSURE FOR CERTAIN
14 VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION. The
15 office, in consultation with the office of the attorney general,
16 shall develop and make available an online form for use by a person
17 in filing a petition for an order of nondisclosure of criminal
18 history record information under Section 411.0728.

19 SECTION 5.04. 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 an order of
23 nondisclosure of criminal history record information under Section
24 411.0728.

25 SECTION 5.05. Not later than December 1, 2019, the Office of
26 Court Administration of the Texas Judicial System, in consultation
27 with the office of the attorney general, shall develop and make

1 available the online form required by Section 72.033, Government
2 Code, as added by this article.

3 ARTICLE 6. REGULATION OF MASSAGE ESTABLISHMENTS, MASSAGE SCHOOLS,
4 AND MASSAGE THERAPISTS

5 SECTION 6.01. Section 455.152, Occupations Code, is amended
6 to read as follows:

7 Sec. 455.152. INELIGIBILITY FOR LICENSE. [~~(a)~~] A person is
8 not eligible for a license as a massage establishment, massage
9 school, massage therapist, or massage therapy instructor if the
10 person is an individual and has been convicted of, entered a plea of
11 nolo contendere or guilty to, or received deferred adjudication for
12 an offense under Chapter 20A, Penal Code, or Subchapter A, Chapter
13 43, Penal Code, or another sexual offense.

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

18 SECTION 6.02. Section 455.1525, Occupations Code, is
19 amended to read as follows:

20 Sec. 455.1525. CRIMINAL HISTORY RECORD INFORMATION
21 REQUIREMENT FOR LICENSE ISSUANCE [~~BACKGROUND CHECKS~~]. (a) The
22 department shall require an applicant for a license to submit a
23 complete and legible set of fingerprints, on a form prescribed by
24 the department, to the department or to the Department of Public
25 Safety for the purpose of obtaining criminal history record
26 information from the Department of Public Safety and the Federal
27 Bureau of Investigation [~~On receipt of an application for a license~~

1 ~~under this chapter, the department shall conduct a criminal~~
2 ~~background check on the applicant].~~

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

5 (c) The department shall conduct a criminal history record
6 information check of each applicant for a license using
7 information:

8 (1) provided by the individual under this section; and

9 (2) made available to the department by the Department
10 of Public Safety, the Federal Bureau of Investigation, and any
11 other criminal justice agency under Chapter 411, Government Code.

12 (d) The department may:

13 (1) enter into an agreement with the Department of
14 Public Safety to administer a criminal history record information
15 check required under this section; and

16 (2) authorize the Department of Public Safety to
17 collect from each applicant the costs incurred by the Department of
18 Public Safety in conducting the criminal history record information
19 check.

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

22 Sec. 455.1605. CRIMINAL HISTORY RECORD INFORMATION
23 REQUIREMENT FOR LICENSE RENEWAL. As required by department rule,
24 an applicant renewing a license issued under this chapter shall
25 submit a complete and legible set of fingerprints for purposes of
26 performing a criminal history record information check of the
27 applicant as provided by Section 455.1525.

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

3 Sec. 455.161. STUDENT PERMIT; ELIGIBILITY. (a) The
4 department shall require a student enrolled in a massage school in
5 this state to hold a permit stating the student's name and the name
6 of the school. The permit must be displayed in a reasonable manner
7 at the school.

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

11 (c) An applicant for a student permit described by this
12 section shall:

13 (1) submit an enrollment application to the department
14 in a form and manner prescribed by the department; and

15 (2) satisfy other requirements specified by the
16 department.

17 SECTION 6.05. Subchapter E, Chapter 455, Occupations Code,
18 is amended by adding Section 455.2035 to read as follows:

19 Sec. 455.2035. REPORTS TO DEPARTMENT. (a) A massage school
20 shall maintain a monthly progress report regarding each student
21 attending the school. The report must certify the daily attendance
22 record of each student and the number of credit hours earned by each
23 student during the previous month.

24 (b) On a student's completion of a prescribed course of
25 instruction, the school shall notify the department that the
26 student has completed the required number of hours and is eligible
27 to take the appropriate examination.

1 SECTION 6.06. Subchapter E, Chapter 455, Occupations Code,
2 is amended by adding Section 455.207 to read as follows:

3 Sec. 455.207. POSTING OF CERTAIN NOTICES REQUIRED. (a)
4 Each massage establishment and massage school shall display in the
5 form and manner prescribed by the commission a sign concerning
6 services and assistance available to victims of human trafficking.

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

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

12 SECTION 6.07. Sections 455.251(a) and (c), Occupations
13 Code, are amended to read as follows:

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

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

20 (2) sells, barter, or offers to sell or barter a
21 license;

22 (3) violates a rule adopted by the commission under
23 this chapter;

24 (4) engages in unprofessional conduct as defined by
25 commission rule that endangers or is likely to endanger the health,
26 welfare, or safety of the public;

27 (5) violates an order or ordinance adopted by a

1 political subdivision under Chapter 243, Local Government Code; or

2 (6) violates this chapter.

3 (c) The commission or executive director:

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

7 [~~1~~] the school or establishment is a sexually
8 oriented business; and [~~or~~]

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

16 SECTION 6.08. Section 455.158, Occupations Code, is
17 repealed.

18 SECTION 6.09. Not later than January 1, 2020, the Texas
19 Commission of Licensing and Regulation shall adopt rules necessary
20 to implement the changes in law made by this article to Chapter 455,
21 Occupations Code.

22 SECTION 6.10. Section 455.1525, Occupations Code, as
23 amended by this article, and Section 455.1605, Occupations Code, as
24 added by this article, apply only to an application for the issuance
25 or renewal of a license submitted on or after January 1, 2020. An
26 application submitted before that date is governed by the law in
27 effect on the date the application was submitted, and the former law

1 is continued in effect for that purpose.

2 SECTION 6.11. (a) In this section, "massage school" has the
3 meaning assigned by Section 455.001, Occupations Code.

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

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

10 SECTION 6.12. A massage establishment, as defined by
11 Section 455.001, Occupations Code, shall comply with Section
12 455.207, Occupations Code, as added by this article, not later than
13 January 1, 2020.

14 SECTION 6.13. The change in law made by this article to
15 Section 455.251, Occupations Code, applies only to conduct that
16 occurs on or after the effective date of this Act. Conduct that
17 occurs before the effective date of this Act is governed by the law
18 in effect on the date the conduct occurred, and the former law is
19 continued in effect for that purpose.

20 SECTION 6.14. (a) Except as provided by Subsection (b) of
21 this section, this article takes effect September 1, 2019.

22 (b) Sections 455.161 and 455.2035, Occupations Code, as
23 added by this article, take effect January 1, 2020.

24 ARTICLE 7. UNLAWFUL ACTIVITIES ON CERTAIN PROPERTY

25 SECTION 7.01. Section 93.013(a), Property Code, is amended
26 to read as follows:

27 (a) Notwithstanding a provision in a lease to the contrary,

1 a tenant's right of possession terminates and the landlord has a
2 right to recover possession of the leased premises if the tenant is
3 using the premises or allowing the premises to be used for the
4 purposes of:

5 (1) prostitution, promotion of prostitution,
6 aggravated promotion of prostitution, or compelling prostitution,
7 as prohibited by the Penal Code;

8 (2) [~~or~~] trafficking of persons as described by
9 Section 20A.02, Penal Code; or

10 (3) operating, maintaining, or advertising a massage
11 establishment, as defined by Section 455.001, Occupations Code,
12 that is not in compliance with:

13 (A) Chapter 455, Occupations Code; or

14 (B) an applicable local ordinance relating to the
15 licensing or regulation of a massage establishment.

16 SECTION 7.02. Chapter 93, Property Code, is amended by
17 adding Section 93.014 to read as follows:

18 Sec. 93.014. RIGHT TO VACATE DUE TO CERTAIN UNLAWFUL
19 ACTIVITIES IN MULTIUNIT COMMERCIAL PROPERTY. (a) In this section:

20 (1) "Multiunit commercial property" means a strip
21 mall, shopping center, office building, or other similar commercial
22 property with multiple contiguous or proximate rental units that
23 are owned or managed as a single property.

24 (2) "Unlawful activity" means:

25 (A) prostitution, promotion of prostitution,
26 aggravated promotion of prostitution, or compelling prostitution,
27 as prohibited under Chapter 43, Penal Code;

1 (B) trafficking of persons, as prohibited under
2 Section 20A.02, Penal Code; or

3 (C) operating, maintaining, or advertising a
4 massage establishment, as defined by Section 455.001, Occupations
5 Code, that is not in compliance with:

6 (i) Chapter 455, Occupations Code; or

7 (ii) an applicable local ordinance relating
8 to the licensing or regulation of a massage establishment.

9 (b) A landlord of a multiunit commercial property is in
10 breach of a lease with a tenant if:

11 (1) the tenant reasonably believes that another tenant
12 in the same multiunit commercial property is engaging in an
13 unlawful activity;

14 (2) the complaining tenant gives the landlord written
15 notice of the offending tenant's engagement in the unlawful
16 activity; and

17 (3) the landlord does not file a forcible detainer
18 suit against the offending tenant under Section 93.013 before the
19 30th day after the date the notice is given.

20 (c) Notwithstanding a provision of the lease to the
21 contrary, if a landlord is in breach of a tenant's lease under
22 Subsection (b), the tenant may:

23 (1) terminate the tenant's rights and obligations
24 under the lease;

25 (2) vacate the leased premises; and

26 (3) avoid liability for future rent and any other sums
27 due under the lease for terminating the lease and vacating the

1 premises before the end of the lease term.

2 SECTION 7.03. The changes in law made by this article apply
3 only to a commercial lease that is entered into or renewed on or
4 after the effective date of this Act. A commercial lease that is
5 entered into or renewed before the effective date of this Act is
6 governed by the law applicable to the lease immediately before the
7 effective date of this Act, and that law is continued in effect for
8 that purpose.

9 ARTICLE 8. EFFECTIVE DATE

10 SECTION 8.01. Except as otherwise provided by this Act,
11 this Act takes effect September 1, 2019.