

1-1 By: Huffman, et al. S.B. No. 20
 1-2 (In the Senate - Filed March 7, 2019; March 7, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 March 18, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 18, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 20 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the prevention of, prosecution of, penalties for, and
 1-22 other consequences of prostitution, trafficking of persons, and
 1-23 related criminal offenses and to orders of nondisclosure for
 1-24 persons who committed certain of those offenses; regulating
 1-25 occupations and property to prevent and respond to those criminal
 1-26 offenses, including requiring a student occupational permit for
 1-27 those purposes; authorizing fees; increasing criminal penalties;
 1-28 creating criminal offenses.

1-29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-30 ARTICLE 1. TRAFFICKING OF PERSONS AND CONTINUOUS TRAFFICKING OF
 1-31 PERSONS

1-32 SECTION 1.01. Section 20A.01, Penal Code, is amended by
 1-33 adding Subdivision (1-a) to read as follows:

1-34 (1-a) "Coercion" as defined by Section 1.07 includes
 1-35 destroying, concealing, confiscating, or withholding from a
 1-36 person, or threatening to destroy, conceal, confiscate, or withhold
 1-37 from a person, the person's actual or purported:

1-38 (A) government records; or

1-39 (B) identifying information or documents.

1-40 SECTION 1.02. Section 3.03(b), Penal Code, is amended to
 1-41 read as follows:

1-42 (b) If the accused is found guilty of more than one offense
 1-43 arising out of the same criminal episode, the sentences may run
 1-44 concurrently or consecutively if each sentence is for a conviction
 1-45 of:

1-46 (1) an offense:

1-47 (A) under Section 49.07 or 49.08, regardless of
 1-48 whether the accused is convicted of violations of the same section
 1-49 more than once or is convicted of violations of both sections; or

1-50 (B) for which a plea agreement was reached in a
 1-51 case in which the accused was charged with more than one offense
 1-52 listed in Paragraph (A), regardless of whether the accused is
 1-53 charged with violations of the same section more than once or is
 1-54 charged with violations of both sections;

1-55 (2) an offense:

1-56 (A) under Section 33.021 or an offense under
 1-57 Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed
 1-58 against a victim younger than 17 years of age at the time of the
 1-59 commission of the offense regardless of whether the accused is
 1-60 convicted of violations of the same section more than once or is

2-1 convicted of violations of more than one section; or
2-2 (B) for which a plea agreement was reached in a
2-3 case in which the accused was charged with more than one offense
2-4 listed in Paragraph (A) committed against a victim younger than 17
2-5 years of age at the time of the commission of the offense regardless
2-6 of whether the accused is charged with violations of the same
2-7 section more than once or is charged with violations of more than
2-8 one section;

2-9 (3) an offense:
2-10 (A) under Section 21.15 or 43.26, regardless of
2-11 whether the accused is convicted of violations of the same section
2-12 more than once or is convicted of violations of both sections; or

2-13 (B) for which a plea agreement was reached in a
2-14 case in which the accused was charged with more than one offense
2-15 listed in Paragraph (A), regardless of whether the accused is
2-16 charged with violations of the same section more than once or is
2-17 charged with violations of both sections;

2-18 (4) an offense for which the judgment in the case
2-19 contains an affirmative finding under Article 42.0197, Code of
2-20 Criminal Procedure;

2-21 (5) an offense:
2-22 (A) under Section 20A.02, 20A.03, or 43.05,
2-23 regardless of whether the accused is convicted of violations of the
2-24 same section more than once or is convicted of violations of more
2-25 than one section [~~both sections~~]; or

2-26 (B) for which a plea agreement was reached in a
2-27 case in which the accused was charged with more than one offense
2-28 listed in Paragraph (A), regardless of whether the accused is
2-29 charged with violations of the same section more than once or is
2-30 charged with violations of more than one section [~~both sections~~];
2-31 or

2-32 (6) an offense:
2-33 (A) under Section 22.04(a)(1) or (2) or Section
2-34 22.04(a-1)(1) or (2) that is punishable as a felony of the first
2-35 degree, regardless of whether the accused is convicted of
2-36 violations of the same section more than once or is convicted of
2-37 violations of more than one section; or

2-38 (B) for which a plea agreement was reached in a
2-39 case in which the accused was charged with more than one offense
2-40 listed in Paragraph (A) and punishable as described by that
2-41 paragraph, regardless of whether the accused is charged with
2-42 violations of the same section more than once or is charged with
2-43 violations of more than one section.

2-44 SECTION 1.03. The following provisions are repealed:

2-45 (1) Section 402.035(h), Government Code, as amended by
2-46 Chapter 762 (S.B. 2039), Acts of the 85th Legislature, Regular
2-47 Session, 2017, and repealed by Chapter 685 (H.B. 29), Acts of the
2-48 85th Legislature, Regular Session, 2017; and

2-49 (2) Section 20A.02(a-1), Penal Code.

2-50 SECTION 1.04. The change in law made by this article applies
2-51 only to an offense committed on or after the effective date of this
2-52 Act. An offense committed before the effective date of this Act is
2-53 governed by the law in effect on the date the offense was committed,
2-54 and the former law is continued in effect for that purpose. For
2-55 purposes of this section, an offense was committed before the
2-56 effective date of this Act if any element of the offense was
2-57 committed before that date.

2-58 ARTICLE 2. PENALTIES FOR PROSTITUTION

2-59 SECTION 2.01. Subchapter K, Chapter 42A, Code of Criminal
2-60 Procedure, is amended by adding Article 42A.515 to read as follows:

2-61 Art. 42A.515. COMMUNITY SUPERVISION FOR CERTAIN
2-62 PROSTITUTION OFFENSES. (a) Except as provided by Subsection (e),
2-63 on a defendant's conviction of a Class B misdemeanor under Section
2-64 43.02(a), Penal Code, the judge shall suspend imposition of the
2-65 sentence and place the defendant on community supervision.

2-66 (b) Except as provided by Subsection (e), on a defendant's
2-67 conviction of a state jail felony under Section 43.02(c)(2), Penal
2-68 Code, that is punished under Section 12.35(a), Penal Code, the
2-69 judge shall suspend the imposition of the sentence and place the

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

3-5 (c) A judge who places a defendant on community supervision
 3-6 under Subsection (a) or (b) shall require as a condition of
 3-7 community supervision that the defendant participate in a
 3-8 commercially sexually exploited persons court program established
 3-9 under Chapter 126, Government Code, if a program has been
 3-10 established for the county or municipality where the defendant
 3-11 resides. Sections 126.002(b) and (c), Government Code, do not
 3-12 apply with respect to a defendant required to participate in the
 3-13 court program under this subsection.

3-14 (d) A judge who requires a defendant to participate in a
 3-15 commercially sexually exploited persons court program under
 3-16 Subsection (c) may suspend in whole or in part the imposition of the
 3-17 program fee described by Section 126.006, Government Code.

3-18 (e) In any case in which the jury assesses punishment, the
 3-19 judge must follow the recommendations of the jury in suspending the
 3-20 imposition of a sentence or ordering a sentence to be executed. If
 3-21 a jury assessing punishment does not recommend community
 3-22 supervision, the judge must order the sentence to be executed in
 3-23 whole.

3-24 (f) The judge may suspend in whole or in part the imposition
 3-25 of any fine imposed on conviction.

3-26 SECTION 2.02. Article 42A.551(d), Code of Criminal
 3-27 Procedure, is amended to read as follows:

3-28 (d) On conviction of a state jail felony punished under
 3-29 Section 12.35(a), Penal Code, other than a state jail felony listed
 3-30 in Subsection (a) or to which Article 42A.515 applies, subject to
 3-31 Subsection (e), the judge may:

3-32 (1) suspend the imposition of the sentence and place
 3-33 the defendant on community supervision; or

3-34 (2) order the sentence to be executed:

3-35 (A) in whole; or

3-36 (B) in part, with a period of community
 3-37 supervision to begin immediately on release of the defendant from
 3-38 confinement.

3-39 SECTION 2.03. Article 62.001(5), Code of Criminal
 3-40 Procedure, is amended to read as follows:

3-41 (5) "Reportable conviction or adjudication" means a
 3-42 conviction or adjudication, including an adjudication of
 3-43 delinquent conduct or a deferred adjudication, that, regardless of
 3-44 the pendency of an appeal, is a conviction for or an adjudication
 3-45 for or based on:

3-46 (A) a violation of Section 21.02 (Continuous
 3-47 sexual abuse of young child or children), 21.09 (Bestiality), 21.11
 3-48 (Indecency with a child), 22.011 (Sexual assault), 22.021
 3-49 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),
 3-50 Penal Code;

3-51 (B) a violation of Section 43.05 (Compelling
 3-52 prostitution), 43.25 (Sexual performance by a child), or 43.26
 3-53 (Possession or promotion of child pornography), Penal Code;

3-54 (B-1) a violation of Section 43.02
 3-55 (Prostitution), Penal Code, if the offense is punishable under
 3-56 Subsection (c-1)(2) [~~(c-1)(3)~~] of that section;

3-57 (C) a violation of Section 20.04(a)(4)
 3-58 (Aggravated kidnapping), Penal Code, if the actor committed the
 3-59 offense or engaged in the conduct with intent to violate or abuse
 3-60 the victim sexually;

3-61 (D) a violation of Section 30.02 (Burglary),
 3-62 Penal Code, if the offense or conduct is punishable under
 3-63 Subsection (d) of that section and the actor committed the offense
 3-64 or engaged in the conduct with intent to commit a felony listed in
 3-65 Paragraph (A) or (C);

3-66 (E) a violation of Section 20.02 (Unlawful
 3-67 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
 3-68 Penal Code, if, as applicable:

3-69 (i) the judgment in the case contains an

4-1 affirmative finding under Article 42.015; or
 4-2 (ii) the order in the hearing or the papers
 4-3 in the case contain an affirmative finding that the victim or
 4-4 intended victim was younger than 17 years of age;
 4-5 (F) the second violation of Section 21.08
 4-6 (Indecent exposure), Penal Code, but not if the second violation
 4-7 results in a deferred adjudication;
 4-8 (G) an attempt, conspiracy, or solicitation, as
 4-9 defined by Chapter 15, Penal Code, to commit an offense or engage in
 4-10 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);
 4-11 (H) a violation of the laws of another state,
 4-12 federal law, the laws of a foreign country, or the Uniform Code of
 4-13 Military Justice for or based on the violation of an offense
 4-14 containing elements that are substantially similar to the elements
 4-15 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
 4-16 (G), (J), (K), or (L), but not if the violation results in a
 4-17 deferred adjudication;
 4-18 (I) the second violation of the laws of another
 4-19 state, federal law, the laws of a foreign country, or the Uniform
 4-20 Code of Military Justice for or based on the violation of an offense
 4-21 containing elements that are substantially similar to the elements
 4-22 of the offense of indecent exposure, but not if the second violation
 4-23 results in a deferred adjudication;
 4-24 (J) a violation of Section 33.021 (Online
 4-25 solicitation of a minor), Penal Code;
 4-26 (K) a violation of Section 20A.02(a)(3), (4),
 4-27 (7), or (8) (Trafficking of persons), Penal Code; or
 4-28 (L) a violation of Section 20A.03 (Continuous
 4-29 trafficking of persons), Penal Code, if the offense is based partly
 4-30 or wholly on conduct that constitutes an offense under Section
 4-31 20A.02(a)(3), (4), (7), or (8) of that code.
 4-32 SECTION 2.04. Section 402.035(d), Government Code, is
 4-33 amended to read as follows:
 4-34 (d) The task force shall:
 4-35 (1) collaborate, as needed to fulfill the duties of
 4-36 the task force, with:
 4-37 (A) United States attorneys' offices for all of
 4-38 the federal districts of Texas; and
 4-39 (B) special agents or customs and border
 4-40 protection officers and border patrol agents of:
 4-41 (i) the Federal Bureau of Investigation;
 4-42 (ii) the United States Drug Enforcement
 4-43 Administration;
 4-44 (iii) the Bureau of Alcohol, Tobacco,
 4-45 Firearms and Explosives;
 4-46 (iv) United States Immigration and Customs
 4-47 Enforcement; or
 4-48 (v) the United States Department of
 4-49 Homeland Security;
 4-50 (2) collect, organize, and periodically publish
 4-51 statistical data on the nature and extent of human trafficking in
 4-52 this state, including data described by Subdivisions (4)(A), (B),
 4-53 (C), (D), and (E);
 4-54 (3) solicit cooperation and assistance from state and
 4-55 local governmental agencies, political subdivisions of the state,
 4-56 nongovernmental organizations, and other persons, as appropriate,
 4-57 for the purpose of collecting and organizing statistical data under
 4-58 Subdivision (2);
 4-59 (4) ensure that each state or local governmental
 4-60 agency and political subdivision of the state and each state or
 4-61 local law enforcement agency, district attorney, or county attorney
 4-62 that assists in the prevention of human trafficking collects
 4-63 statistical data related to human trafficking, including, as
 4-64 appropriate:
 4-65 (A) the number of investigations concerning,
 4-66 arrests and prosecutions for, and convictions of:
 4-67 (i) the offense of trafficking of persons;
 4-68 (ii) the offense of forgery or an offense
 4-69 under Chapter 43, Penal Code, if the offense was committed as part

5-1 of a criminal episode involving the trafficking of persons; and
5-2 (iii) an offense punishable under Section
5-3 43.02(c-1)(2) [~~43.02(c-1)(3)~~], Penal Code, regardless of whether
5-4 the offense was committed as part of a criminal episode involving
5-5 the trafficking of persons;
5-6 (B) demographic information on persons who are
5-7 convicted of offenses described by Paragraph (A) and persons who
5-8 are the victims of those offenses;
5-9 (C) geographic routes by which human trafficking
5-10 victims are trafficked, including routes by which victims are
5-11 trafficked across this state's international border, and
5-12 geographic patterns in human trafficking, including the country or
5-13 state of origin and the country or state of destination;
5-14 (D) means of transportation and methods used by
5-15 persons who engage in trafficking to transport their victims; and
5-16 (E) social and economic factors that create a
5-17 demand for the labor or services that victims of human trafficking
5-18 are forced to provide;
5-19 (5) work with the Texas Commission on Law Enforcement
5-20 to develop and conduct training for law enforcement personnel,
5-21 victim service providers, and medical service providers to identify
5-22 victims of human trafficking;
5-23 (6) work with the Texas Education Agency, the
5-24 Department of Family and Protective Services, and the Health and
5-25 Human Services Commission to:
5-26 (A) develop a list of key indicators that a
5-27 person is a victim of human trafficking;
5-28 (B) develop a standardized curriculum for
5-29 training doctors, nurses, emergency medical services personnel,
5-30 teachers, school counselors, school administrators, and personnel
5-31 from the Department of Family and Protective Services and the
5-32 Health and Human Services Commission to identify and assist victims
5-33 of human trafficking;
5-34 (C) train doctors, nurses, emergency medical
5-35 services personnel, teachers, school counselors, school
5-36 administrators, and personnel from the Department of Family and
5-37 Protective Services and the Health and Human Services Commission to
5-38 identify and assist victims of human trafficking;
5-39 (D) develop and conduct training for personnel
5-40 from the Department of Family and Protective Services and the
5-41 Health and Human Services Commission on methods for identifying
5-42 children in foster care who may be at risk of becoming victims of
5-43 human trafficking; and
5-44 (E) develop a process for referring identified
5-45 human trafficking victims and individuals at risk of becoming
5-46 victims to appropriate entities for services;
5-47 (7) on the request of a judge of a county court, county
5-48 court at law, or district court or a county attorney, district
5-49 attorney, or criminal district attorney, assist and train the judge
5-50 or the judge's staff or the attorney or the attorney's staff in the
5-51 recognition and prevention of human trafficking;
5-52 (8) examine training protocols related to human
5-53 trafficking issues, as developed and implemented by federal, state,
5-54 and local law enforcement agencies;
5-55 (9) collaborate with state and local governmental
5-56 agencies, political subdivisions of the state, and nongovernmental
5-57 organizations to implement a media awareness campaign in
5-58 communities affected by human trafficking;
5-59 (10) develop recommendations on how to strengthen
5-60 state and local efforts to prevent human trafficking, protect and
5-61 assist human trafficking victims, curb markets and other economic
5-62 avenues that facilitate human trafficking and investigate and
5-63 prosecute human trafficking offenders;
5-64 (11) examine the extent to which human trafficking is
5-65 associated with the operation of sexually oriented businesses, as
5-66 defined by Section 243.002, Local Government Code, and the
5-67 workplace or public health concerns that are created by the
5-68 association of human trafficking and the operation of sexually
5-69 oriented businesses;

6-1 (12) develop recommendations for addressing the
6-2 demand for forced labor or services or sexual conduct involving
6-3 victims of human trafficking, including recommendations for
6-4 increased penalties for individuals who engage or attempt to engage
6-5 in prostitution with victims younger than 18 years of age; and

6-6 (13) identify and report to the governor and
6-7 legislature on laws, licensure requirements, or other regulations
6-8 that can be passed at the state and local level to curb trafficking
6-9 using the Internet and in sexually oriented businesses.

6-10 SECTION 2.05. Section 43.02(c-1), Penal Code, is amended to
6-11 read as follows:

6-12 (c-1) An offense under Subsection (b) is a Class A [~~B~~]
6-13 misdemeanor, except that the offense is:

6-14 (1) [~~a Class A misdemeanor if the actor has previously~~
6-15 ~~been convicted one or two times of an offense under Subsection (b),~~

6-16 [~~(2)~~] a state jail felony if the actor has previously
6-17 been convicted [~~three or more times~~] of an offense under Subsection
6-18 (b); or

6-19 (2) [~~(3)~~] a felony of the second degree if the person
6-20 with whom the actor agrees to engage in sexual conduct is:

6-21 (A) younger than 18 years of age, regardless of
6-22 whether the actor knows the age of the person at the time of the
6-23 offense;

6-24 (B) represented to the actor as being younger
6-25 than 18 years of age; or

6-26 (C) believed by the actor to be younger than 18
6-27 years of age.

6-28 SECTION 2.06. The change in law made by this article applies
6-29 only to an offense committed on or after the effective date of this
6-30 Act. An offense committed before the effective date of this Act is
6-31 governed by the law in effect on the date the offense was committed,
6-32 and the former law is continued in effect for that purpose. For
6-33 purposes of this section, an offense was committed before the
6-34 effective date of this Act if any element of the offense occurred
6-35 before that date.

6-36 ARTICLE 3. ONLINE PROMOTION OF PROSTITUTION

6-37 SECTION 3.01. Section 43.01, Penal Code, is amended by
6-38 adding Subdivisions (1-b) and (1-c) to read as follows:

6-39 (1-b) "Interactive computer service" means any
6-40 information service, system, or access software provider that
6-41 provides or enables computer access to a computer server by
6-42 multiple users, including a service or system that provides access
6-43 to the Internet or a system operated or service offered by a library
6-44 or educational institution.

6-45 (1-c) "Internet" means the international computer
6-46 network of both federal and nonfederal interoperable packet
6-47 switched data networks.

6-48 SECTION 3.02. Subchapter A, Chapter 43, Penal Code, is
6-49 amended by adding Sections 43.031 and 43.041 to read as follows:

6-50 Sec. 43.031. ONLINE PROMOTION OF PROSTITUTION. (a) A
6-51 person commits an offense if the person owns, manages, or operates
6-52 an interactive computer service with the intent to promote the
6-53 prostitution of another person or facilitate another person to
6-54 engage in prostitution.

6-55 (b) An offense under this section is a felony of the third
6-56 degree, except that the offense is a felony of the second degree if
6-57 the actor:

6-58 (1) has been previously convicted of an offense under
6-59 this section or Section 43.041; or

6-60 (2) engages in conduct described by Subsection (a)
6-61 involving a person younger than 18 years of age engaging in
6-62 prostitution, regardless of whether the actor knows the age of the
6-63 person at the time of the offense.

6-64 Sec. 43.041. AGGRAVATED ONLINE PROMOTION OF PROSTITUTION.

6-65 (a) A person commits an offense if the person owns, manages, or
6-66 operates an interactive computer service with the intent to promote
6-67 the prostitution of five or more persons or facilitate five or more
6-68 persons to engage in prostitution.

6-69 (b) An offense under this section is a felony of the second

7-1 degree, except that the offense is a felony of the first degree if
 7-2 the actor:

7-3 (1) has been previously convicted of an offense under
 7-4 this section; or

7-5 (2) engages in conduct described by Subsection (a)
 7-6 involving two or more persons younger than 18 years of age engaging
 7-7 in prostitution, regardless of whether the actor knows the age of
 7-8 the persons at the time of the offense.

7-9 SECTION 3.03. Section 98A.001, Civil Practice and Remedies
 7-10 Code, is amended by adding Subdivisions (1-a) and (4-a) to read as
 7-11 follows:

7-12 (1-a) "Aggravated online promotion of prostitution"
 7-13 means conduct that constitutes an offense under Section 43.041,
 7-14 Penal Code.

7-15 (4-a) "Online promotion of prostitution" means
 7-16 conduct that constitutes an offense under Section 43.031, Penal
 7-17 Code.

7-18 SECTION 3.04. Section 98A.002(a), Civil Practice and
 7-19 Remedies Code, is amended to read as follows:

7-20 (a) A defendant is liable to a victim of compelled
 7-21 prostitution, as provided by this chapter, for damages arising from
 7-22 the compelled prostitution if the defendant:

7-23 (1) engages in compelling prostitution with respect to
 7-24 the victim;

7-25 (2) knowingly or intentionally engages in promotion of
 7-26 prostitution, online promotion of prostitution, aggravated
 7-27 promotion of prostitution, or aggravated online promotion of
 7-28 prostitution that results in compelling prostitution with respect
 7-29 to the victim; or

7-30 (3) purchases an advertisement that the defendant
 7-31 knows or reasonably should know constitutes promotion of
 7-32 prostitution or aggravated promotion of prostitution, and the
 7-33 publication of the advertisement results in compelling
 7-34 prostitution with respect to the victim.

7-35 SECTION 3.05. Article 18A.101, Code of Criminal Procedure,
 7-36 is amended to read as follows:

7-37 Art. 18A.101. OFFENSES FOR WHICH INTERCEPTION ORDER MAY BE
 7-38 ISSUED. A judge of competent jurisdiction may issue an
 7-39 interception order only if the prosecutor applying for the order
 7-40 shows probable cause to believe that the interception will provide
 7-41 evidence of the commission of:

7-42 (1) a felony under any of the following provisions of
 7-43 the Health and Safety Code:

7-44 (A) Chapter 481, other than felony possession of
 7-45 marihuana;

7-46 (B) Chapter 483; or

7-47 (C) Section 485.032;

7-48 (2) an offense under any of the following provisions
 7-49 of the Penal Code:

7-50 (A) Section 19.02;

7-51 (B) Section 19.03;

7-52 (C) Section 20.03;

7-53 (D) Section 20.04;

7-54 (E) Chapter 20A;

7-55 (F) Chapter 34, if the criminal activity giving
 7-56 rise to the proceeds involves the commission of an offense under
 7-57 Title 5, Penal Code, or an offense under federal law or the laws of
 7-58 another state containing elements that are substantially similar to
 7-59 the elements of an offense under Title 5;

7-60 (G) Section 38.11;

7-61 (H) Section 43.04;

7-62 (I) Section 43.041;

7-63 (J) Section 43.05; or

7-64 (K) [~~J~~] Section 43.26; or

7-65 (3) an attempt, conspiracy, or solicitation to commit
 7-66 an offense listed in Subdivision (1) or (2).

7-67 SECTION 3.06. Article 56.32(a)(14), Code of Criminal
 7-68 Procedure, is amended to read as follows:

7-69 (14) "Trafficking of persons" means any offense that

8-1 results in a person engaging in forced labor or services, including
8-2 sexual conduct, and that may be prosecuted under Section [20A.02](#),
8-3 [20A.03](#), [43.03](#), [43.031](#), [43.04](#), [43.041](#), [43.05](#), [43.25](#), [43.251](#), or
8-4 [43.26](#), Penal Code.

8-5 SECTION 3.07. Article [56.81\(7\)](#), Code of Criminal Procedure,
8-6 is amended to read as follows:

8-7 (7) "Trafficking of persons" means any conduct that
8-8 constitutes an offense under Section [20A.02](#), [20A.03](#), [43.03](#), [43.031](#),
8-9 [43.04](#), [43.041](#), [43.05](#), [43.25](#), [43.251](#), or [43.26](#), Penal Code, and that
8-10 results in a person:

- 8-11 (A) engaging in forced labor or services; or
- 8-12 (B) otherwise becoming a victim of the offense.

8-13 SECTION 3.08. Section [411.042\(b\)](#), Government Code, is
8-14 amended to read as follows:

8-15 (b) The bureau of identification and records shall:

8-16 (1) procure and file for record photographs, pictures,
8-17 descriptions, fingerprints, measurements, and other pertinent
8-18 information of all persons arrested for or charged with a criminal
8-19 offense or convicted of a criminal offense, regardless of whether
8-20 the conviction is probated;

8-21 (2) collect information concerning the number and
8-22 nature of offenses reported or known to have been committed in the
8-23 state and the legal steps taken in connection with the offenses, and
8-24 other information useful in the study of crime and the
8-25 administration of justice, including information that enables the
8-26 bureau to create a statistical breakdown of:

8-27 (A) offenses in which family violence was
8-28 involved;

8-29 (B) offenses under Sections [22.011](#) and [22.021](#),
8-30 Penal Code; and

8-31 (C) offenses under Sections [20A.02](#), [43.02\(a\)](#),
8-32 [43.02\(b\)](#), [43.03](#), [43.031](#), [43.04](#), [43.041](#), and [43.05](#), Penal Code;

8-33 (3) make ballistic tests of bullets and firearms and
8-34 chemical analyses of bloodstains, cloth, materials, and other
8-35 substances for law enforcement officers of the state;

8-36 (4) cooperate with identification and crime records
8-37 bureaus in other states and the United States Department of
8-38 Justice;

8-39 (5) maintain a list of all previous background checks
8-40 for applicants for any position regulated under Chapter [1702](#),
8-41 Occupations Code, who have undergone a criminal history background
8-42 check under Section [411.119](#), if the check indicates a Class B
8-43 misdemeanor or equivalent offense or a greater offense;

8-44 (6) collect information concerning the number and
8-45 nature of protective orders and magistrate's orders of emergency
8-46 protection and all other pertinent information about all persons
8-47 subject to active orders, including pertinent information about
8-48 persons subject to conditions of bond imposed for the protection of
8-49 the victim in any family violence, sexual assault or abuse,
8-50 stalking, or trafficking case. Information in the law enforcement
8-51 information system relating to an active order shall include:

8-52 (A) the name, sex, race, date of birth, personal
8-53 descriptors, address, and county of residence of the person to whom
8-54 the order is directed;

8-55 (B) any known identifying number of the person to
8-56 whom the order is directed, including the person's social security
8-57 number or driver's license number;

8-58 (C) the name and county of residence of the
8-59 person protected by the order;

8-60 (D) the residence address and place of employment
8-61 or business of the person protected by the order, unless that
8-62 information is excluded from the order under Article [17.292\(e\)](#),
8-63 Code of Criminal Procedure;

8-64 (E) the child-care facility or school where a
8-65 child protected by the order normally resides or which the child
8-66 normally attends, unless that information is excluded from the
8-67 order under Article [17.292\(e\)](#), Code of Criminal Procedure;

8-68 (F) the relationship or former relationship
8-69 between the person who is protected by the order and the person to

9-1 whom the order is directed;

9-2 (G) the conditions of bond imposed on the person

9-3 to whom the order is directed, if any, for the protection of a

9-4 victim in any family violence, sexual assault or abuse, stalking,

9-5 or trafficking case;

9-6 (H) any minimum distance the person subject to

9-7 the order is required to maintain from the protected places or

9-8 persons; and

9-9 (I) the date the order expires;

9-10 (7) grant access to criminal history record

9-11 information in the manner authorized under Subchapter F;

9-12 (8) collect and disseminate information regarding

9-13 offenders with mental impairments in compliance with Chapter 614,

9-14 Health and Safety Code; and

9-15 (9) record data and maintain a state database for a

9-16 computerized criminal history record system and computerized

9-17 juvenile justice information system that serves:

9-18 (A) as the record creation point for criminal

9-19 history record information and juvenile justice information

9-20 maintained by the state; and

9-21 (B) as the control terminal for the entry of

9-22 records, in accordance with federal law and regulations, federal

9-23 executive orders, and federal policy, into the federal database

9-24 maintained by the Federal Bureau of Investigation.

9-25 SECTION 3.09. Section 499.027(b), Government Code, is

9-26 amended to read as follows:

9-27 (b) An inmate is not eligible under this subchapter to be

9-28 considered for release to intensive supervision parole if:

9-29 (1) the inmate is awaiting transfer to the

9-30 institutional division, or serving a sentence, for an offense for

9-31 which the judgment contains an affirmative finding under Article

9-32 42A.054(c) or (d), Code of Criminal Procedure;

9-33 (2) the inmate is awaiting transfer to the

9-34 institutional division, or serving a sentence, for an offense

9-35 listed in one of the following sections of the Penal Code:

9-36 (A) Section 19.02 (murder);

9-37 (B) Section 19.03 (capital murder);

9-38 (C) Section 19.04 (manslaughter);

9-39 (D) Section 20.03 (kidnapping);

9-40 (E) Section 20.04 (aggravated kidnapping);

9-41 (F) Section 21.11 (indecenty with a child);

9-42 (G) Section 22.011 (sexual assault);

9-43 (H) Section 22.02 (aggravated assault);

9-44 (I) Section 22.021 (aggravated sexual assault);

9-45 (J) Section 22.04 (injury to a child, elderly

9-46 individual, or disabled individual);

9-47 (K) Section 25.02 (prohibited sexual conduct);

9-48 (L) Section 25.08 (sale or purchase of a child);

9-49 (M) Section 28.02 (arson);

9-50 (N) Section 29.02 (robbery);

9-51 (O) Section 29.03 (aggravated robbery);

9-52 (P) Section 30.02 (burglary), if the offense is

9-53 punished as a first-degree felony under that section;

9-54 (Q) Section 43.04 (aggravated promotion of

9-55 prostitution);

9-56 (R) Section 43.05 (compelling prostitution);

9-57 (S) Section 43.24 (sale, distribution, or

9-58 display of harmful material to minor);

9-59 (T) Section 43.25 (sexual performance by a

9-60 child);

9-61 (U) Section 46.10 (deadly weapon in penal

9-62 institution);

9-63 (V) Section 15.01 (criminal attempt), if the

9-64 offense attempted is listed in this subsection;

9-65 (W) Section 15.02 (criminal conspiracy), if the

9-66 offense that is the subject of the conspiracy is listed in this

9-67 subsection;

9-68 (X) Section 15.03 (criminal solicitation), if

9-69 the offense solicited is listed in this subsection;

10-1 (Y) Section 21.02 (continuous sexual abuse of
 10-2 young child or children);
 10-3 (Z) Section 20A.02 (trafficking of persons);
 10-4 [~~or~~]
 10-5 (AA) Section 20A.03 (continuous trafficking of
 10-6 persons); or
 10-7 (BB) Section 43.041 (aggravated online promotion
 10-8 of prostitution); or

10-9 (3) the inmate is awaiting transfer to the
 10-10 institutional division, or serving a sentence, for an offense under
 10-11 Chapter 481, Health and Safety Code, punishable by a minimum term of
 10-12 imprisonment or a maximum fine that is greater than the minimum term
 10-13 of imprisonment or the maximum fine for a first degree felony.

10-14 SECTION 3.10. Section 169.002(b), Health and Safety Code,
 10-15 is amended to read as follows:

10-16 (b) A defendant is eligible to participate in a first
 10-17 offender prostitution prevention program established under this
 10-18 chapter only if:

10-19 (1) the attorney representing the state consents to
 10-20 the defendant's participation in the program; and

10-21 (2) the court in which the criminal case is pending
 10-22 finds that the defendant has not been previously convicted of:

10-23 (A) an offense under Section 20A.02, 43.02,
 10-24 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code;

10-25 (B) an offense listed in Article 42A.054(a), Code
 10-26 of Criminal Procedure; or

10-27 (C) an offense punishable as a felony under
 10-28 Chapter 481.

10-29 SECTION 3.11. Section 20A.02(a), Penal Code, is amended to
 10-30 read as follows:

10-31 (a) A person commits an offense if the person knowingly:

10-32 (1) traffics another person with the intent that the
 10-33 trafficked person engage in forced labor or services;

10-34 (2) receives a benefit from participating in a venture
 10-35 that involves an activity described by Subdivision (1), including
 10-36 by receiving labor or services the person knows are forced labor or
 10-37 services;

10-38 (3) traffics another person and, through force, fraud,
 10-39 or coercion, causes the trafficked person to engage in conduct
 10-40 prohibited by:

10-41 (A) Section 43.02 (Prostitution);

10-42 (B) Section 43.03 (Promotion of Prostitution);

10-43 (B-1) Section 43.031 (Online Promotion of
 10-44 Prostitution);

10-45 (C) Section 43.04 (Aggravated Promotion of
 10-46 Prostitution);

10-47 (C-1) Section 43.041 (Aggravated Online
 10-48 Promotion of Prostitution); or

10-49 (D) Section 43.05 (Compelling Prostitution);

10-50 (4) receives a benefit from participating in a venture
 10-51 that involves an activity described by Subdivision (3) or engages
 10-52 in sexual conduct with a person trafficked in the manner described
 10-53 in Subdivision (3);

10-54 (5) traffics a child with the intent that the
 10-55 trafficked child engage in forced labor or services;

10-56 (6) receives a benefit from participating in a venture
 10-57 that involves an activity described by Subdivision (5), including
 10-58 by receiving labor or services the person knows are forced labor or
 10-59 services;

10-60 (7) traffics a child and by any means causes the
 10-61 trafficked child to engage in, or become the victim of, conduct
 10-62 prohibited by:

10-63 (A) Section 21.02 (Continuous Sexual Abuse of
 10-64 Young Child or Children);

10-65 (B) Section 21.11 (Indecency with a Child);

10-66 (C) Section 22.011 (Sexual Assault);

10-67 (D) Section 22.021 (Aggravated Sexual Assault);

10-68 (E) Section 43.02 (Prostitution);

10-69 (F) Section 43.03 (Promotion of Prostitution);

11-1 (F-1) Section 43.031 (Online Promotion of
 11-2 Prostitution);
 11-3 (G) Section 43.04 (Aggravated Promotion of
 11-4 Prostitution);
 11-5 (G-1) Section 43.041 (Aggravated Online
 11-6 Promotion of Prostitution);
 11-7 (H) Section 43.05 (Compelling Prostitution);
 11-8 (I) Section 43.25 (Sexual Performance by a
 11-9 Child);
 11-10 (J) Section 43.251 (Employment Harmful to
 11-11 Children); or
 11-12 (K) Section 43.26 (Possession or Promotion of
 11-13 Child Pornography); or
 11-14 (8) receives a benefit from participating in a venture
 11-15 that involves an activity described by Subdivision (7) or engages
 11-16 in sexual conduct with a child trafficked in the manner described in
 11-17 Subdivision (7).

ARTICLE 4. ADMISSIBILITY OF EVIDENCE

11-19 SECTION 4.01. Section 1, Article 38.37, Code of Criminal
 11-20 Procedure, is amended to read as follows:

11-21 Sec. 1. (a) Subsection (b) applies to a proceeding in the
 11-22 prosecution of a defendant for an offense, or an attempt or
 11-23 conspiracy to commit an offense, under the following provisions of
 11-24 the Penal Code:

11-25 (1) Chapter 20A (Trafficking of Persons);
 11-26 (2) ~~[if committed against a child under 17 years of~~
 11-27 ~~age;~~

11-28 ~~[(A)] Chapter 21 (Sexual Offenses);~~
 11-29 (3) Section 22.01 (Assault), if committed against a
 11-30 person younger than 18 years of age;

11-31 (4) Section 22.011 (Sexual Assault);
 11-32 (5) Section 22.02 (Aggravated Assault), if committed
 11-33 against a person younger than 18 years of age;

11-34 (6) Section 22.021 (Aggravated Sexual Assault);
 11-35 (7) Section 22.04 (Injury to a Child, Elderly
 11-36 Individual, or Disabled Individual), if committed against a person
 11-37 younger than 18 years of age;

11-38 (8) Section 22.041 (Abandoning or Endangering a
 11-39 Child);

11-40 (9) Section 22.05 (Deadly Conduct), if committed
 11-41 against a person younger than 18 years of age;

11-42 (10) Section 22.07 (Terroristic Threat), if committed
 11-43 under Subsection (a)(2) of that section against a person younger
 11-44 than 18 years of age;

11-45 (11) ~~[(B)] Chapter 22 (Assaultive Offenses); or~~
 11-46 ~~[(C)] Section 25.02 (Prohibited Sexual Conduct);~~

11-47 ~~[or]~~
 11-48 (12) ~~[(2)] if committed against a person younger than~~
 11-49 ~~18 years of age;~~

11-50 ~~[(A)] Section 43.25 (Sexual Performance by a~~
 11-51 ~~Child);~~

11-52 ~~[(B)] Section 20A.02(a)(7) or (8); or~~
 11-53 ~~[(C)] Section 43.05(a)(2) (Compelling~~

11-54 Prostitution); or
 11-55 (13) Section 43.25 (Sexual Performance by a Child).

11-56 (b) Notwithstanding Rules 404 and 405, Texas Rules of
 11-57 Evidence, evidence of other crimes, wrongs, or acts committed by
 11-58 the defendant against the ~~[child who is the]~~ victim of the alleged
 11-59 offense shall be admitted for its bearing on relevant matters,
 11-60 including:

11-61 (1) the state of mind of the defendant and the victim
 11-62 ~~[child]~~; and

11-63 (2) the previous and subsequent relationship between
 11-64 the defendant and the victim ~~[child]~~.

11-65 SECTION 4.02. Section 2(a), Article 38.37, Code of Criminal
 11-66 Procedure, is amended to read as follows:

11-67 (a) Subsection (b) applies only to the trial of a defendant
 11-68 for:

11-69 (1) an offense under any of the following provisions

12-1 of the Penal Code:

12-2 (A) Section 20A.02, if punishable as a felony of

12-3 the first degree under Section 20A.02(b)(1) (Sex or Labor

12-4 Trafficking of a Child);

12-5 (B) Section 20A.03, if based partly or wholly on

12-6 conduct that constitutes an offense under Article 20A.02(a)(5),

12-7 (6), (7), or (8) (Continuous Trafficking of Persons);

12-8 (C) Section 21.02 (Continuous Sexual Abuse of

12-9 Young Child or Children);

12-10 (D) [~~(C)~~] Section 21.11 (Indecency With a

12-11 Child);

12-12 (E) [~~(D)~~] Section 22.011(a)(2) (Sexual Assault

12-13 of a Child);

12-14 (F) [~~(E)~~] Sections 22.021(a)(1)(B) and (2)

12-15 (Aggravated Sexual Assault of a Child);

12-16 (G) [~~(F)~~] Section 33.021 (Online Solicitation of

12-17 a Minor);

12-18 (H) [~~(G)~~] Section 43.25 (Sexual Performance by a

12-19 Child); or

12-20 (I) [~~(H)~~] Section 43.26 (Possession or Promotion

12-21 of Child Pornography), Penal Code; or

12-22 (2) an attempt or conspiracy to commit an offense

12-23 described by Subdivision (1).

12-24 SECTION 4.03. Chapter 38, Code of Criminal Procedure, is

12-25 amended by adding Article 38.51 to read as follows:

12-26 Art. 38.51. EVIDENCE OF VICTIM'S PAST SEXUAL BEHAVIOR.

12-27 (a) This article applies to the prosecution of an offense, or an

12-28 attempt to commit an offense, under the following provisions of the

12-29 Penal Code:

12-30 (1) Section 20A.02(a)(3), (4), (7), or (8) (Sex

12-31 Trafficking of Persons);

12-32 (2) Section 20A.03 (Continuous Trafficking of

12-33 Persons), if based partly or wholly on conduct that constitutes an

12-34 offense under Section 20A.02(a)(3), (4), (7), or (8);

12-35 (3) Chapter 21 (Sexual Offenses);

12-36 (4) Section 22.011 (Sexual Assault);

12-37 (5) Section 22.021 (Aggravated Sexual Assault);

12-38 (6) Section 25.02 (Prohibited Sexual Conduct);

12-39 (7) Section 43.05 (Compelling Prostitution);

12-40 (8) Section 43.24 (Sale, Distribution, or Display of

12-41 Harmful Material to Minor);

12-42 (9) Section 43.25 (Sexual Performance by a Child);

12-43 (10) Section 43.251 (Employment Harmful to Children);

12-44 (11) Section 43.26 (Possession or Promotion of Child

12-45 Pornography); or

12-46 (12) Section 43.262 (Possession or Promotion of Lewd

12-47 Visual Material Depicting Child).

12-48 (b) Except as provided by Subsection (c), in the prosecution

12-49 of an offense described by Subsection (a), reputation or opinion

12-50 evidence of a victim's past sexual behavior or evidence regarding

12-51 specific instances of a victim's past sexual behavior is not

12-52 admissible.

12-53 (c) Evidence of a specific instance of a victim's past

12-54 sexual behavior is admissible if:

12-55 (1) the evidence:

12-56 (A) is necessary to rebut or explain scientific

12-57 or medical evidence offered by the attorney representing the state;

12-58 (B) concerns past sexual behavior with the

12-59 defendant and is offered by the defendant to prove consent;

12-60 (C) relates to the victim's motive or bias;

12-61 (D) is admissible under Rule 609, Texas Rules of

12-62 Evidence; or

12-63 (E) is constitutionally required to be admitted;

12-64 and

12-65 (2) the probative value of the evidence outweighs the

12-66 danger of unfair prejudice.

12-67 (d) Before evidence described by Subsection (c) may be

12-68 introduced, the defendant must notify the court outside of the

12-69 jury's presence. The court shall conduct an in camera hearing to

13-1 determine whether the evidence is admissible. The court reporter
 13-2 shall record the hearing, and the court shall preserve that record
 13-3 under seal as part of the record in the case.

13-4 (e) Before referring to evidence that the court has
 13-5 determined to be inadmissible, the defendant must, outside of the
 13-6 jury's presence, request and obtain the court's permission.

13-7 SECTION 4.04. Under the terms of Section 22.109(b),
 13-8 Government Code, Rule 412, Texas Rules of Evidence, is disapproved.

13-9 SECTION 4.05. The changes in law and rules made by this
 13-10 article apply to the admissibility of evidence in a criminal
 13-11 proceeding that commences on or after the effective date of this
 13-12 Act. The admissibility of evidence in a criminal proceeding that
 13-13 commences before the effective date of this Act is governed by the
 13-14 law and rules in effect on the date the proceeding commenced, and
 13-15 the former law and rules are continued in effect for that purpose.

13-16 ARTICLE 5. ORDERS OF NONDISCLOSURE FOR CERTAIN VICTIMS OF
 13-17 TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION

13-18 SECTION 5.01. Section 411.0728, Government Code, is amended
 13-19 to read as follows:

13-20 Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING
 13-21 OF PERSONS OR COMPELLING PROSTITUTION. (a) This section applies
 13-22 only to a person:

13-23 (1) who is convicted of or placed on deferred
 13-24 adjudication community supervision [~~under Chapter 42A, Code of~~
 13-25 ~~Criminal Procedure, after conviction~~] for an offense under:

13-26 (A) Section 481.120, Health and Safety Code, if
 13-27 the offense is punishable under Subsection (b)(1);

13-28 (B) Section 481.121, Health and Safety Code, if
 13-29 the offense is punishable under Subsection (b)(1);

13-30 (C) Section 31.03, Penal Code, if the offense is
 13-31 punishable under Subsection (e)(1) or (2); or

13-32 (D) Section 43.02, Penal Code; [~~or~~
 13-33 [~~(E) Section 43.03(a)(2), Penal Code, if the~~
 13-34 ~~offense is punishable as a Class A misdemeanor,~~] and

13-35 (2) who, if requested by the applicable law
 13-36 enforcement agency or prosecuting attorney to provide assistance in
 13-37 the investigation or prosecution of an offense under Section
 13-38 20A.02, 20A.03, or 43.05, Penal Code, or a federal offense
 13-39 containing elements that are substantially similar to the elements
 13-40 of an offense under any of those sections:

13-41 (A) provided assistance in the investigation or
 13-42 prosecution of the offense; or

13-43 (B) did not provide assistance in the
 13-44 investigation or prosecution of the offense due to the person's age
 13-45 or a physical or mental disability resulting from being a victim of
 13-46 an offense described by this subdivision [~~with respect to whom the~~
 13-47 ~~conviction is subsequently set aside by the court under Article~~
 13-48 ~~42A.701, Code of Criminal Procedure~~].

13-49 (b) Notwithstanding any other provision of this subchapter
 13-50 or Subchapter F, a person described by Subsection (a) who satisfies
 13-51 the requirements of Section 411.074(b) [411.074] may petition the
 13-52 court that convicted the person or placed the person on deferred
 13-53 adjudication community supervision for an order of nondisclosure of
 13-54 criminal history record information under this section on the
 13-55 grounds that the person committed the offense solely as a victim of
 13-56 an offense under Section 20A.02, 20A.03, or 43.05, Penal Code
 13-57 [~~trafficking of persons~~].

13-58 (b-1) A petition under Subsection (b) must:

13-59 (1) be in writing;

13-60 (2) allege specific facts that, if proved, would
 13-61 establish that the petitioner committed the offense described by
 13-62 Subsection (a)(1) solely as a victim of an offense under Section
 13-63 20A.02, 20A.03, or 43.05, Penal Code; and

13-64 (3) assert that if the person has previously submitted
 13-65 a petition for [~~seeking~~] an order of nondisclosure under this
 13-66 section, the person has not committed an offense described by
 13-67 Subsection (a)(1) on or after the date on which the person's first
 13-68 petition [~~previously received an order of nondisclosure~~] under this
 13-69 section was submitted.

14-1 (b-2) On the filing of the petition under Subsection (b),
 14-2 the clerk of the court shall promptly serve a copy of the petition
 14-3 and any supporting document on the appropriate office of the
 14-4 attorney representing the state. Any response to the petition by
 14-5 the attorney representing the state must be filed not later than the
 14-6 20th business day after the date of service under this subsection.

14-7 (b-3) A person convicted of or placed on deferred
 14-8 adjudication community supervision for more than one offense
 14-9 described by Subsection (a)(1) that the person committed solely as
 14-10 a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal
 14-11 Code, may request consolidation of the person's petitions for an
 14-12 order of nondisclosure of criminal history record information in a
 14-13 district court in the county where the person was most recently
 14-14 convicted or placed on deferred adjudication community
 14-15 supervision. On receipt of a request for consolidation, the court
 14-16 shall consolidate the petitions and exercise jurisdiction over the
 14-17 petitions, regardless of the county in which the offenses described
 14-18 by Subsection (a)(1) occurred.

14-19 (b-4) A district court that consolidates petitions under
 14-20 Subsection (b-3) shall allow an attorney representing the state who
 14-21 receives a petition involving an offense that was committed outside
 14-22 the county in which the court is located to appear at any hearing
 14-23 regarding the consolidated petition by telephone or video
 14-24 conference call.

14-25 (c) After notice to the state and~~[7]~~ an opportunity for a
 14-26 hearing, ~~[a determination by the court that the person has not~~
 14-27 ~~previously received an order of nondisclosure under this section,~~
 14-28 ~~and a determination by the court that the person committed the~~
 14-29 ~~offense solely as a victim of trafficking of persons and that~~
 14-30 ~~issuance of the order is in the best interest of justice,~~] the court
 14-31 having jurisdiction over the petition shall issue an order
 14-32 prohibiting criminal justice agencies from disclosing to the public
 14-33 criminal history record information related to the offense if the
 14-34 court determines that:

14-35 (1) the person committed the offense described by
 14-36 Subsection (a)(1) solely as a victim of an offense under Section
 14-37 20A.02, 20A.03, or 43.05, Penal Code;

14-38 (2) if applicable, the person did not commit another
 14-39 offense described by Subsection (a)(1) on or after the date on which
 14-40 the person's first petition for an order of nondisclosure under
 14-41 this section was submitted; and

14-42 (3) issuance of the order is in the best interest of
 14-43 justice ~~[for which the defendant was placed on community~~
 14-44 ~~supervision as described by Subsection (a)].~~

14-45 (c-1) In determining whether a person committed an offense
 14-46 described by Subsection (a)(1) solely as a victim of an offense
 14-47 under Section 20A.02, 20A.03, or 43.05, Penal Code, the court may
 14-48 consider any order of nondisclosure previously granted to the
 14-49 person under this section.

14-50 (d) A person may petition the applicable court ~~[that placed~~
 14-51 ~~the person on community supervision]~~ for an order of nondisclosure
 14-52 of criminal history record information under this section only on
 14-53 or after the first anniversary of the date the person:

14-54 (1) completed the sentence, including any term of
 14-55 confinement imposed and payment of all fines, costs, and
 14-56 restitution imposed; or

14-57 (2) received a dismissal and discharge under Article
 14-58 42A.111, Code of Criminal Procedure, if the person was placed on
 14-59 deferred adjudication community supervision ~~[person's conviction~~
 14-60 ~~is set aside as described by Subsection (a)].~~

14-61 SECTION 5.02. Article 56.021, Code of Criminal Procedure,
 14-62 is amended by adding Subsection (e) to read as follows:

14-63 (e) A victim of an offense under Section 20A.02, 20A.03, or
 14-64 43.05, Penal Code, is entitled to be informed that the victim may
 14-65 petition for an order of nondisclosure of criminal history record
 14-66 information under Section 411.0728, Government Code, if the victim:

14-67 (1) has been convicted of or placed on deferred
 14-68 adjudication community supervision for an offense described by
 14-69 Subsection (a)(1) of that section; and

15-1 (2) committed that offense solely as a victim of an
15-2 offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

15-3 SECTION 5.03. Section 126.004, Government Code, is amended
15-4 by adding Subsection (d) to read as follows:

15-5 (d) A program established under this chapter shall provide
15-6 each program participant with information related to the right to
15-7 petition for an order of nondisclosure of criminal history record
15-8 information under Section 411.0728.

15-9 ARTICLE 6. REGULATION OF MESSAGE ESTABLISHMENTS, MESSAGE SCHOOLS,
15-10 AND MESSAGE THERAPISTS

15-11 SECTION 6.01. Section 455.152, Occupations Code, is amended
15-12 to read as follows:

15-13 Sec. 455.152. INELIGIBILITY FOR LICENSE. [~~(a)~~] A person
15-14 is not eligible for a license as a message establishment, message
15-15 school, message therapist, or message therapy instructor if the
15-16 person is an individual and has been convicted of, entered a plea of
15-17 nolo contendere or guilty to, or received deferred adjudication for
15-18 an offense under Chapter 20A, Penal Code, or Subchapter A, Chapter
15-19 43, Penal Code, or another sexual offense.

15-20 [~~(b) A person convicted of a violation of this chapter is~~
15-21 ~~ineligible for a license as a message establishment, message~~
15-22 ~~school, message therapist, or message therapy instructor until the~~
15-23 ~~fifth anniversary of the date of the conviction.]~~

15-24 SECTION 6.02. Section 455.1525, Occupations Code, is
15-25 amended to read as follows:

15-26 Sec. 455.1525. CRIMINAL HISTORY RECORD INFORMATION
15-27 REQUIREMENT FOR LICENSE ISSUANCE [~~BACKGROUND CHECKS~~]. (a) The
15-28 department shall require an applicant for a license to submit a
15-29 complete and legible set of fingerprints, on a form prescribed by
15-30 the department, to the department or to the Department of Public
15-31 Safety for the purpose of obtaining criminal history record
15-32 information from the Department of Public Safety and the Federal
15-33 Bureau of Investigation [~~On receipt of an application for a license~~
15-34 ~~under this chapter, the department shall conduct a criminal~~
15-35 ~~background check on the applicant].~~

15-36 (b) The department may not issue a license to a person who
15-37 does not comply with the requirement of Subsection (a).

15-38 (c) The department shall conduct a criminal history record
15-39 information check of each applicant for a license using
15-40 information:

- 15-41 (1) provided by the individual under this section; and
- 15-42 (2) made available to the department by the Department
15-43 of Public Safety, the Federal Bureau of Investigation, and any
15-44 other criminal justice agency under Chapter 411, Government Code.

15-45 (d) The department may:

15-46 (1) enter into an agreement with the Department of
15-47 Public Safety to administer a criminal history record information
15-48 check required under this section; and

15-49 (2) authorize the Department of Public Safety to
15-50 collect from each applicant the costs incurred by the Department of
15-51 Public Safety in conducting the criminal history record information
15-52 check.

15-53 SECTION 6.03. Subchapter D, Chapter 455, Occupations Code,
15-54 is amended by adding Section 455.1605 to read as follows:

15-55 Sec. 455.1605. CRIMINAL HISTORY RECORD INFORMATION
15-56 REQUIREMENT FOR LICENSE RENEWAL. As required by department rule,
15-57 an applicant renewing a license issued under this chapter shall
15-58 submit a complete and legible set of fingerprints for purposes of
15-59 performing a criminal history record information check of the
15-60 applicant as provided by Section 455.1525.

15-61 SECTION 6.04. Subchapter D, Chapter 455, Occupations Code,
15-62 is amended by adding Section 455.161 to read as follows:

15-63 Sec. 455.161. STUDENT PERMIT; ELIGIBILITY. (a) The
15-64 department shall require a student enrolled in a message school in
15-65 this state to hold a permit stating the student's name and the name
15-66 of the school. The permit must be displayed in a reasonable manner
15-67 at the school.

15-68 (b) The department shall issue a student permit to an
15-69 applicant who submits an application to the department for a

16-1 student permit accompanied by any required fee.

16-2 (c) An applicant for a student permit described by this
 16-3 section shall:

16-4 (1) submit an enrollment application to the department
 16-5 in a form and manner prescribed by the department; and

16-6 (2) satisfy other requirements specified by the
 16-7 department.

16-8 SECTION 6.05. Subchapter E, Chapter 455, Occupations Code,
 16-9 is amended by adding Section 455.2035 to read as follows:

16-10 Sec. 455.2035. REPORTS TO DEPARTMENT. (a) A massage
 16-11 school shall maintain a monthly progress report regarding each
 16-12 student attending the school. The report must certify the daily
 16-13 attendance record of each student and the number of credit hours
 16-14 earned by each student during the previous month.

16-15 (b) On a student's completion of a prescribed course of
 16-16 instruction, the school shall notify the department that the
 16-17 student has completed the required number of hours and is eligible
 16-18 to take the appropriate examination.

16-19 SECTION 6.06. Subchapter E, Chapter 455, Occupations Code,
 16-20 is amended by adding Section 455.207 to read as follows:

16-21 Sec. 455.207. POSTING OF CERTAIN NOTICES REQUIRED.
 16-22 (a) Each massage establishment and massage school shall display in
 16-23 the form and manner prescribed by the commission a sign concerning
 16-24 services and assistance available to victims of human trafficking.

16-25 (b) The sign required by this section must include a
 16-26 toll-free telephone number of a nationally recognized information
 16-27 and referral hotline for victims of human trafficking.

16-28 (c) The commission by rule shall establish requirements
 16-29 regarding the posting of signs under this section.

16-30 SECTION 6.07. Sections 455.251(a) and (c), Occupations
 16-31 Code, are amended to read as follows:

16-32 (a) The commission or executive director may refuse to issue
 16-33 a license to a person and may ~~shall~~ suspend, revoke, or refuse to
 16-34 renew the license of a person or may ~~shall~~ reprimand a person
 16-35 licensed under this chapter if the person:

16-36 (1) obtains or attempts to obtain a license by fraud,
 16-37 misrepresentation, or concealment of material facts;

16-38 (2) sells, barter, or offers to sell or barter a
 16-39 license;

16-40 (3) violates a rule adopted by the commission under
 16-41 this chapter;

16-42 (4) engages in unprofessional conduct as defined by
 16-43 commission rule that endangers or is likely to endanger the health,
 16-44 welfare, or safety of the public;

16-45 (5) violates an order or ordinance adopted by a
 16-46 political subdivision under Chapter 243, Local Government Code; or

16-47 (6) violates this chapter.

16-48 (c) The commission or executive director:

16-49 (1) shall revoke the license of a person licensed as a
 16-50 massage school or massage establishment if the commission or
 16-51 executive director determines that ~~+~~

16-52 ~~(1)~~ the school or establishment is a sexually
 16-53 oriented business; and ~~+~~

16-54 (2) may revoke the license of a person licensed as a
 16-55 massage school or massage establishment if the commission or
 16-56 executive director determines that an offense involving
 16-57 prostitution or another sexual offense that resulted in a
 16-58 conviction for the offense, a plea of nolo contendere or guilty to
 16-59 the offense, or a grant of deferred adjudication for the offense
 16-60 occurred on the premises of the school or establishment.

16-61 SECTION 6.08. Section 455.158, Occupations Code, is
 16-62 repealed.

16-63 SECTION 6.09. Not later than January 1, 2020, the Texas
 16-64 Commission of Licensing and Regulation shall adopt rules necessary
 16-65 to implement the changes in law made by this article to Chapter 455,
 16-66 Occupations Code.

16-67 SECTION 6.10. Section 455.1525, Occupations Code, as
 16-68 amended by this article, and Section 455.1605, Occupations Code, as
 16-69 added by this article, apply only to an application for the issuance

17-1 or renewal of a license submitted on or after January 1, 2020. An
17-2 application submitted before that date is governed by the law in
17-3 effect on the date the application was submitted, and the former law
17-4 is continued in effect for that purpose.

17-5 SECTION 6.11. (a) In this section, "massage school" has
17-6 the meaning assigned by Section 455.001, Occupations Code.

17-7 (b) Section 455.161, Occupations Code, as added by this
17-8 article, applies to a student who is enrolled in a massage school on
17-9 or after January 1, 2020.

17-10 (c) The Texas Commission of Licensing and Regulation shall
17-11 adopt rules under Section 455.161, Occupations Code, as added by
17-12 this article, not later than November 1, 2019.

17-13 SECTION 6.12. A massage establishment, as defined by
17-14 Section 455.001, Occupations Code, shall comply with Section
17-15 455.207, Occupations Code, as added by this article, not later than
17-16 January 1, 2020.

17-17 SECTION 6.13. The change in law made by this article to
17-18 Section 455.251, Occupations Code, applies only to conduct that
17-19 occurs on or after the effective date of this Act. Conduct that
17-20 occurs before the effective date of this Act is governed by the law
17-21 in effect on the date the conduct occurred, and the former law is
17-22 continued in effect for that purpose.

17-23 SECTION 6.14. (a) Except as provided by Subsection (b) of
17-24 this section, this article takes effect September 1, 2019.

17-25 (b) Sections 455.161 and 455.2035, Occupations Code, as
17-26 added by this article, take effect January 1, 2020.

17-27 ARTICLE 7. UNLAWFUL ACTIVITIES ON CERTAIN PROPERTY

17-28 SECTION 7.01. Section 93.013(a), Property Code, is amended
17-29 to read as follows:

17-30 (a) Notwithstanding a provision in a lease to the contrary,
17-31 a tenant's right of possession terminates and the landlord has a
17-32 right to recover possession of the leased premises if the tenant is
17-33 using the premises or allowing the premises to be used for the
17-34 purposes of:

17-35 (1) prostitution, promotion of prostitution,
17-36 aggravated promotion of prostitution, or compelling prostitution,
17-37 as prohibited by the Penal Code;

17-38 (2) [~~trafficking~~] trafficking of persons as described by
17-39 Section 20A.02, Penal Code; or

17-40 (3) operating, maintaining, or advertising a massage
17-41 establishment, as defined by Section 455.001, Occupations Code,
17-42 that is not in compliance with:

17-43 (A) Chapter 455, Occupations Code; or

17-44 (B) an applicable local ordinance relating to the
17-45 licensing or regulation of a massage establishment.

17-46 SECTION 7.02. Chapter 93, Property Code, is amended by
17-47 adding Section 93.014 to read as follows:

17-48 Sec. 93.014. RIGHT TO VACATE DUE TO CERTAIN UNLAWFUL
17-49 ACTIVITIES IN MULTIUNIT COMMERCIAL PROPERTY. (a) In this section:

17-50 (1) "Multiunit commercial property" means a strip
17-51 mall, shopping center, office building, or other similar commercial
17-52 property with multiple contiguous or proximate rental units that
17-53 are owned or managed as a single property.

17-54 (2) "Unlawful activity" means:

17-55 (A) prostitution, promotion of prostitution,
17-56 aggravated promotion of prostitution, or compelling prostitution,
17-57 as prohibited under Chapter 43, Penal Code;

17-58 (B) trafficking of persons, as prohibited under
17-59 Section 20A.02, Penal Code; or

17-60 (C) operating, maintaining, or advertising a
17-61 massage establishment, as defined by Section 455.001, Occupations
17-62 Code, that is not in compliance with:

17-63 (i) Chapter 455, Occupations Code; or

17-64 (ii) an applicable local ordinance relating
17-65 to the licensing or regulation of a massage establishment.

17-66 (b) A landlord of a multiunit commercial property is in
17-67 breach of a lease with a tenant if:

17-68 (1) the tenant reasonably believes that another tenant
17-69 in the same multiunit commercial property is engaging in an

18-1 unlawful activity;
18-2 (2) the complaining tenant gives the landlord written
18-3 notice of the offending tenant's engagement in the unlawful
18-4 activity, including a statement of the basis for the complaining
18-5 tenant's reasonable belief that the offending tenant is engaging in
18-6 the activity; and

18-7 (3) the landlord does not file a forcible detainer
18-8 suit against the offending tenant under Section 93.013 before the
18-9 30th day after the date the notice is given.

18-10 (c) Notwithstanding a provision of the lease to the
18-11 contrary, if a landlord is in breach of a tenant's lease under
18-12 Subsection (b), the tenant may:

18-13 (1) terminate the tenant's rights and obligations
18-14 under the lease;

18-15 (2) vacate the leased premises; and

18-16 (3) avoid liability for future rent and any other sums
18-17 due under the lease for terminating the lease and vacating the
18-18 premises before the end of the lease term.

18-19 (d) This section does not prohibit a landlord from pursuing
18-20 a civil action against a complaining tenant for any amount due under
18-21 the complaining tenant's lease if, after the landlord investigates
18-22 the offending tenant, the landlord determines the complaining
18-23 tenant's belief regarding the unlawful activity, as stated in the
18-24 written notice under Subsection (b)(2), was not reasonable.

18-25 (e) In a civil action described by Subsection (d), there is
18-26 a rebuttable presumption that a complaining tenant's belief
18-27 regarding an offending tenant's engagement in unlawful activity is
18-28 reasonable if the complaining tenant gave the landlord the notice
18-29 required by Subsection (b)(2).

18-30 SECTION 7.03. The changes in law made by this article apply
18-31 only to a commercial lease that is entered into or renewed on or
18-32 after the effective date of this Act. A commercial lease that is
18-33 entered into or renewed before the effective date of this Act is
18-34 governed by the law applicable to the lease immediately before the
18-35 effective date of this Act, and that law is continued in effect for
18-36 that purpose.

18-37 ARTICLE 8. EFFECTIVE DATE

18-38 SECTION 8.01. Except as otherwise provided by this Act,
18-39 this Act takes effect September 1, 2019.

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