

House Bill 3800
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.305 to read as follows:

Art. 2.305. REPORT REQUIRED CONCERNING HUMAN TRAFFICKING CASES. (a) This article applies only to:

(1) a municipal police department, sheriff's department, constable's office, county attorney's office, district attorney's office, and criminal district attorney's office, as applicable, in a county with a population of more than 50,000; and

(2) the Department of Public Safety.

(b) An entity described by Subsection (a) that investigates the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:

(1) the offense being investigated, including a brief description of the alleged prohibited conduct;

(2) regarding each person suspected of committing the offense and each victim of the offense:

(A) the person's:

(i) age;

(ii) gender; and

(iii) race or ethnicity, as defined by Article 2.132; and

(B) the case number associated with the offense and the person suspected of committing the offense;

(3) the date, time, and location of the alleged offense;

(4) the type of human trafficking involved, including:

(A) forced labor or services, as defined by Section 20A.01, Penal Code;

(B) causing the victim by force, fraud, or coercion to engage in prohibited conduct involving one or more sexual

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activities, including conduct described by Section 20A.02(a)(3), Penal Code; or
(C) causing a child victim by any means to engage in, or become the victim of, prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(7), Penal Code;
(5) if available, information regarding any victims' service organization or program to which the victim was referred as part of the investigation; and
(6) the disposition of the investigation, regardless of the manner of disposition.
(c) An attorney representing the state who prosecutes the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:
(1) the offense being prosecuted, including a brief description of the alleged prohibited conduct;
(2) any other charged offense that is part of the same criminal episode out of which the offense described by Subdivision (1) arose;
(3) the information described by Subsections (b)(2), (3), (4), and (5); and
(4) the disposition of the prosecution, regardless of the manner of disposition.
(d) The attorney general shall enter into a contract with a university that provides for the university's assistance in the collection and analysis of information received under this article.
(e) In consultation with the entities described by Subsection (a), the attorney general shall adopt rules to administer this article, including rules prescribing:

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activities, including conduct described by Section 20A.02(a)(3), Penal Code; or
(C) causing a child victim by any means to engage in, or become the victim of, prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(7), Penal Code;
(5) if available, information regarding any victims' service organization or program to which the victim was referred as part of the investigation; and
(6) the disposition of the investigation, regardless of the manner of disposition.
(c) An attorney representing the state who prosecutes the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:
(1) the offense being prosecuted, including a brief description of the alleged prohibited conduct;
(2) any other charged offense that is part of the same criminal episode out of which the offense described by Subdivision (1) arose;
(3) the information described by Subsections (b)(2), (3), (4), and (5); and
(4) the disposition of the prosecution, regardless of the manner of disposition.
(d) The attorney general shall enter into a contract with a public or private institution of higher education for the institution's assistance in the collection and analysis of information received under this article.
(e) In consultation with the entities described by Subsection (a), the attorney general shall adopt rules to administer this article, including rules prescribing:

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(1) the form and manner of submission of a report required by Subsection (b) or (c); and
(2) additional information to include in a report required by Subsection (b) or (c).

No equivalent provision.

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(1) the form and manner of submission of a report required by Subsection (b) or (c); and
(2) additional information to include in a report required by Subsection (b) or (c).

SECTION 2. Article 13.12, Code of Criminal Procedure, is amended to read as follows:

Art. 13.12. **TRAFFICKING OF PERSONS, FALSE IMPRISONMENT, KIDNAPPING, AND SMUGGLING OF PERSONS.** (a) Venue for trafficking of persons, false imprisonment, kidnapping, and smuggling of persons is in:

(1) the county in which the offense was committed; or
(2) any county through, into, or out of which the person trafficked, falsely imprisoned, kidnapped, or transported may have been taken.

(b) If a defendant commits an offense under Chapter 20A, Penal Code, that is part of a criminal episode, as defined by Section 3.01, Penal Code, all of the offenses arising out of the same criminal episode may be prosecuted in any county that has venue over an offense constituting part of that criminal episode.

SECTION 3. Chapter 20A, Penal Code, is amended by adding Section 20A.05 to read as follows:

Sec. 20A.05. **FORWARDING OF CASE INFORMATION ON COMPLETION OF INVESTIGATION BY CERTAIN STATE AGENCIES.** On completion of an investigation of an offense under this chapter that is conducted by a state agency other than the office of the attorney general, the state

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agency shall forward copies of each offense report prepared in the investigation and all other case information to:

- (1) the appropriate local county or district attorney; and
- (2) the attorney general.

No equivalent provision.

SECTION 4. Title 5, Penal Code, is amended by adding Chapter 20B to read as follows:

CHAPTER 20B. CONCURRENT JURISDICTION IN CASES INVOLVING TRAFFICKING OF PERSONS

Sec. 20B.01. DEFINITION. In this chapter, "criminal episode" has the meaning assigned by Section 3.01.

Sec. 20B.02. PROSECUTION BY ATTORNEY GENERAL IN MULTIJURISDICTIONAL CASES AUTHORIZED. (a) The attorney general may prosecute an offense under Chapter 20A if the offense or any element of the offense:

- (1) occurs in more than one county in this state; or
- (2) occurs in a county in this state as well as in another state or country.

(b) The attorney general may prosecute any other offense that occurs in this state and arises out of the same criminal episode as an offense described by Subsection (a).

(c) The attorney general may appear before a grand jury in connection with an offense the attorney general is authorized to prosecute under this section.

(d) The authority to prosecute prescribed by this section does not affect the authority derived from other law to prosecute the same offenses.

Sec. 20B.03. SINGLE JURISDICTIONAL CASE: CONCURRENT JURISDICTION FOLLOWING LOCAL PROSECUTOR'S RIGHT OF FIRST REFUSAL. (a) This

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section does not apply to an offense described by Section 20B.02(a).

(b) Not later than the 30th day after the date a local county or district attorney becomes aware of conduct that may constitute an offense under Chapter 20A, the local county or district attorney shall notify the attorney general in writing of the conduct. The notice provided under this subsection must describe the conduct that may constitute an offense under Chapter 20A and must describe or otherwise identify each person suspected at that time of having engaged in the conduct.

(c) If a local county or district attorney described by Subsection (b) determines that the attorney will not pursue a criminal investigation of the applicable conduct or will not prosecute a criminal charge in relation to that conduct, the local county or district attorney shall notify the attorney general of that determination not later than the 30th day after the date of the determination. On receipt of notice under this subsection, the attorney general may begin a criminal investigation of the applicable conduct and may prosecute:

(1) any offense under Chapter 20A relating to the attorney general's investigation of that conduct; and

(2) any other offense arising out of the same criminal episode.

Sec. 20B.04. EXPIRATION. This chapter expires September 1, 2031.

SECTION 2. Notwithstanding Article 2.305, Code of Criminal Procedure, as added by this Act:

SECTION 5. Same as House version.

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- (1) the Department of Public Safety of the State of Texas is not required to comply with that article until August 1, 2020; and
- (2) an entity described by Subsection (a) of that article, other than the Department of Public Safety of the State of Texas:
 - (A) if located in a county with a population of more than 500,000, is not required to comply with that article until August 1, 2020; and
 - (B) if located in a county with a population of 500,000 or less, is not required to comply with that article until August 1, 2021.

No equivalent provision.

SECTION 3. This Act takes effect September 1, 2019.

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SECTION 6. Article 13.12, Code of Criminal Procedure, as amended by this Act, and Section 20A.05 and Chapter 20B, Penal Code, as added by this Act, apply only to the investigation and prosecution of an offense committed on or after the effective date of this Act. The investigation and prosecution of an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. Same as House version.

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