

BILL ANALYSIS

Senate Research Center
87R14315 MAW-D

H.B. 1005
By: Leman et al. (Huffman)
Jurisprudence
5/11/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Human trafficking is among the world's fastest-growing criminal enterprises. It is a form of modern day slavery that profits from the exploitation of our most vulnerable populations. At any given time in Texas, there are roughly a quarter million victims of labor trafficking and tens of thousands of victims of youth and minor sex trafficking. Great strides have been made over the last several years in Texas to put an end to all forms of human trafficking, including campaigns that help the public identify trafficking victims, increased training for certain professions to be able to identify victims, and increased penalties for certain trafficking offenses, but there is still more work that can be done. H.B. 1005 seeks to further combat human trafficking in Texas and provide law enforcement with critical contact information they need to identify traffickers by imposing additional bond requirements for defendants charged with trafficking and certain prostitution offenses.

H.B. 1005 amends current law relating to the requisites of a bail bond given by certain defendants and to conditions of release on bond for certain defendants.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 17, Code of Criminal Procedure, by adding Article 17.081, as follows:

Art. 17.081. ADDITIONAL REQUISITES OF BAIL BOND GIVEN BY CERTAIN DEFENDANTS. Requires that a bail bond for a defendant charged with an offense under Section 20A.02 (Trafficking of Persons), 20A.03 (Continuous Trafficking of Persons), 43.02 (Prostitution), 43.03 (Promotion of Prostitution), 43.031 (Online Promotion of Prostitution), 43.04 (Aggravated Promotion of Prostitution), 43.041 (Aggravated Online Promotion of Prostitution), or 43.05 (Compelling Prostitution), Penal Code, in addition to the requirements of Article 17.08 (Requisites of a Bail Bond), include certain information for the defendant and any surety, including any agent executing the bail bond on behalf of a corporation acting as a surety.

SECTION 2. Amends Article 17.41(a), Code of Criminal Procedure, as follows:

(a) Provides that Article 17.41 (Condition Where Child Alleged Victim) applies to a defendant charged with an offense under certain provisions of the Penal Code, if committed against a child younger than 18 years of age, rather than 14 years of age, including Chapter 20A (Trafficking of Persons) or 43 (Public Indecency), Penal Code. Deletes existing text providing that Article 17.41 applies to a defendant charged with an offense under Section 43.25 (Sexual Performance by a Child), Penal Code. Makes nonsubstantive changes.

SECTION 3. Amends Chapter 17, Code of Criminal Procedure, by adding Article 17.465, as follows:

Art. 17.465. CONDITIONS FOR DEFENDANT CHARGED WITH CERTAIN TRAFFICKING OR PROSTITUTION RELATED OFFENSES INVOLVING ADULT VICTIMS. (a) Provides that this article does not apply with respect to a defendant to whom Article 17.41 applies.

(b) Requires a magistrate to require as a condition of release on bond that a defendant charged with an offense under Section 20A.02, 20A.03, 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code, committed against a person 18 years of age or older is prohibited from:

(1) communicating directly or indirectly with the victim; or

(2) going to or near the residence, place of employment, or business of the victim or, if applicable, a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.

(c) Requires the magistrate to specifically describe the prohibited locations under Subsection (b)(2) and the minimum distances, if any, that the defendant is required to maintain from the locations.

(d) Authorizes the magistrate, at a hearing limited to determining whether the defendant violated a condition of bond imposed under Subsection (b), to revoke the defendant's bond only if the magistrate finds by a preponderance of the evidence that the violation occurred. Requires the magistrate, if the magistrate finds that the violation occurred, to revoke the defendant's bond and order that the defendant be immediately returned to custody. Provides that, once the defendant is placed in custody, the revocation of the defendant's bond discharges the sureties on the bond, if any, from any future liability on the bond. Provides that a discharge under this subsection from any future liability on the bond does not discharge any surety from liability for previous forfeitures on the bond.

SECTION 4. Makes application of Article 17.081, Code of Criminal Procedure, as added by this Act, prospective.

SECTION 5. Makes application of Article 17.41(a), Code of Criminal Procedure, as amended by this Act, and Article 17.465, Code of Criminal Procedure, as added by this Act, prospective.

SECTION 6. Effective date: September 1, 2021.