

## **BILL ANALYSIS**

Senate Research Center

S.B. 1831  
By: Taylor  
Criminal Justice  
6/9/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It is estimated that around 79,000 Texas children and youth have become victims of sex trafficking. Experts and professional advocates have indicated that school campuses are hotspots for this crime. In fact, a 2018 survey of trafficking survivors found that 55 percent of the respondents were in school when they were trafficked.

Case studies have also shown that traffickers use highly organized systems to recruit and schedule meetings during school hours and on school premises. These systems are supported by technological advances and social media platforms that increase access to students by those who would exploit them. This access has made it easier to buy and sell the most vulnerable among us: our children.

Texas is taking an active role in combating trafficking in all forms across the state. The Texas Education Agency, the United States Department of Health and Human Services, and notable studies from Texas universities have discussed the prevalence of students trafficked on school campuses and have called for proactive measures that prevent trafficking at the school level. This includes training for educators and staff on recognition, reporting, and resources available to students at risk of being exploited. However, more can be done to protect young Texans and we must remain vigilant.

S.B. 1831, named the "No Trafficking Zone Act," addresses the vulnerability of students by increasing penalties for offenses occurring on and around school premises and premises in which school functions are taking place. Specifically, under this statute, offenders contacting, arranging meetings, or picking up students within this designated "no trafficking zone" would be charged with a first degree felony. This would include the practice of using technology and social media to arrange pick-ups during school hours. "No trafficking zones" would be established on school grounds, at school functions and school sponsored events, and within 600 feet of these areas. Finally, S.B. 1831 provides for the posting of signs that provide information necessary to report suspicious activity in these spaces which, in turn, will reduce the impact that traffickers and their strategic partners have on our children's learning environment.

There will be a committee substitute that: (1) names S.B. 1831 the "No Trafficking Zone Act"; changes "600 feet" to "1,000 feet"; and (3) includes language to minimize a possible fiscal note.

(Original Author's / Sponsor's Statement of Intent)

S.B. 1831 amends current law relating to the punishment for trafficking of persons, online solicitation of a minor, and prostitution and to the dissemination of certain information, including the required posting of certain signs, regarding human trafficking; increases criminal penalties; and provides a civil penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to Texas Education Agency in SECTION 2 (Section 37.086, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 3 (Section 1001.1021, Education Code) of this bill.

Rulemaking authority is expressly granted to the attorney general in SECTION 4 (Section 402.0351, Government Code) of this bill.

Rulemaking authority previously granted to the attorney general is modified in SECTION 4 (Section 402.0351, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Authorizes this Act to be cited as the No Trafficking Zone Act.

SECTION 2. Amends Subchapter C, Chapter 37, Education Code, by adding Section 37.086, as follows:

Sec. 37.086. **REQUIRED POSTING OF WARNING SIGNS OF INCREASED TRAFFICKING PENALTIES.** (a) Defines "premises" and "school."

(b) Requires each school to post warning signs of the increased penalties for trafficking of persons under Section 20A.02(b-1)(2), Penal Code, at certain locations.

(c) Requires the Texas Education Agency (TEA), in consultation with the human trafficking prevention task force created under Section 402.035 (Human Trafficking Prevention Task Force), Government Code, to adopt rules regarding the placement, installation, design, size, wording, and maintenance procedures for the warning signs required under this section. Requires that the rules require that each warning sign meet certain characteristics.

(d) Requires TEA to provide each school without charge the number of warning signs required to comply with this section and rules adopted under this section. Authorizes TEA, if TEA is unable to provide each school with the number of signs necessary to comply with Subsection (b), to take certain actions.

SECTION 3. (a) Requires that this section, notwithstanding Section 1 of this Act, be known as the Julia Wells Act.

(b) Amends Subchapter C, Chapter 1001, Education Code, by adding Section 1001.1021, as follows:

Sec. 1001.1021. **HUMAN TRAFFICKING PREVENTION INFORMATION.** (a) Requires the Texas Commission of Licensing and Regulation (TCLR) by rule to require that information relating to human trafficking prevention be included in the curriculum of any driver education course or driving safety course.

(b) Requires TCLR, in developing rules under this section, to consult with the human trafficking prevention coordinating council (council) established under Section 402.034 (Human Trafficking Prevention Coordinating Council), Government Code.

(c) Requires TCLR, not later than May 1, 2022, to adopt the rules required by Section 1001.1021, Education Code, as added by this section.

(d) Requires that each driver education course or driving safety course held on or after September 1, 2022, include in the course curriculum the information required by Section 1001.1021, Education Code, as added by this section.

SECTION 4. Amends Section 402.0351, Government Code, as follows:

Sec. 402.0351. New heading: **REQUIRED POSTING OF HUMAN TRAFFICKING SIGNS BY CERTAIN ENTITIES; CIVIL PENALTY.** (a) Defines "cosmetology

facility," "council," "hospital," "massage establishment," "massage school," "sexually oriented business," and "tattoo studio," and redefines "transportation hub."

(a-1) Requires a person who operates any of the following entities, except as provided by Subsection (a-3), to post at the entity the sign prescribed under Subsection (b), or, if applicable, a similar sign or notice as prescribed by other state law: an entity permitted or licensed under certain chapters in the Alcoholic Beverage Code, other than an entity holding a food and beverage certificate; a cosmetology facility; a hospital; a massage establishment; a massage school; a sexually oriented business; a tattoo studio; or a transportation hub.

(a-2) Requires the Texas Parks and Wildlife Department (TPWD) to post the sign prescribed under Subsection (b), or a substantially similar sign, in the manner prescribed by Subsection (d) at each state park and other recreational site under TPWD's jurisdiction.

(a-3) Authorizes a state agency that enforces another state law that requires a person described by Subsection (a-1) to post a sign or notice relating to human trafficking, notwithstanding any other law, to by rule authorize the person to use the sign prescribed by the attorney general under Subsection (b) in lieu of the sign or notice required by the other law.

(b) Requires the attorney general by rule to prescribe the design and content of a sign required to be posted under this section. Requires that the sign meet certain criteria. Makes conforming changes.

(c) Requires the attorney general to develop the sign that complies with the requirements of Subsection (b) and make the sign available on the attorney general's Internet website to persons required to post a sign under this section and to the public. Makes conforming changes.

(d) Requires the attorney general by rule to prescribe the best practices for the manner in which the sign is required to be displayed, rather than prescribe the manner the sign is required to be displayed at the transportation hub, and any exceptions to the sign posting requirement. Provides that the rules meet certain parameters. Makes conforming and nonsubstantive changes.

(e) Requires the attorney general, in adopting the rules under this section, to consult with the council. Deletes existing text requiring the attorney general, in adopting rules under Subsection (b), to consult with the Texas Department of Transportation.

(f) Authorizes the attorney general, if the attorney general becomes aware that a person is in violation or may be in violation of a law enforced by another state agency that requires the posting of a sign or notice relating to human trafficking, to notify the appropriate state agency of the violation or potential violation.

(g) Requires the attorney general to issue a warning to a person described by Subsection (a-1) for a first violation of a rule adopted under this section. Provides that after receiving a warning for the first violation, a person who violates a rule adopted under this section is subject to a civil penalty in the amount of \$200 for each subsequent violation. Provides that each day a violation continues is a separate violation.

SECTION 5. Amends Section 20A.01, Penal Code, by adding Subdivisions (2-a) and (2-b), to define "premises" and "school" for purposes of Chapter 20A (Trafficking of Persons).

SECTION 6. Amends Section 20A.02, Penal Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Provides that except as otherwise provided by this subsection and Subsection (b-1), rather than except as provided by this subsection, an offense under Section 20A.02 (Trafficking of Persons) is a felony of the second degree.

(b-1) Provides that an offense under Section 20A.02 is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in a location that was:

- (1) on the premises of or within 1,000 feet of the premises of a school; or
- (2) on premises or within 1,000 feet of premises where an official school function was taking place or where an event sponsored or sanctioned by the University Interscholastic League (UIL) was taking place.

SECTION 7. Amends Section 33.021, Penal Code, by adding Subsection (f-1), as follows:

(f-1) Provides that the punishment for an offense under Section 33.021 (Online Solicitation of a Minor) is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that:

- (1) the actor committed the offense during regular public or private primary or secondary school hours; and
- (2) the actor knew or reasonably should have known that the minor was enrolled in a public or private primary or secondary school at the time of the offense.

SECTION 8. Amends Section 43.01, Penal Code, by adding Subdivisions (1-f) and (2-a), to define "premises" and "school" for purposes of Subchapter A (Prostitution).

SECTION 9. Amends Section 43.02, Penal Code, by adding Subsection (c-2), as follows:

(c-2) Provides that the punishment prescribed for an offense under Subsection (b) (relating to the provision that a person commits an offense if offering or agreeing to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another) is increased to the punishment prescribed for the next highest category of offense if it is shown on the trial of the offense that the actor committed the offense in a location that was:

- (1) on the premises of or within 1,000 feet of the premises of a school; or
- (2) on premises or within 1,000 feet of premises where an official school function was taking place or where an event sponsored or sanctioned by UIL was taking place.

SECTION 10. Provides that TEA is required to implement the change in law made by Section 37.086(d), Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. Provides that if the legislature does not appropriate money specifically for that purpose, TEA is authorized, but is not required, to implement the change in law made by Section 37.086(d), Education Code, as added by this Act, using other appropriations available for that purpose.

SECTION 11. Requires the attorney general to:

- (1) in consultation with the council, adopt rules necessary to implement Section 402.0351, Government Code, as amended by this Act, including rules prescribing the content and design of the sign required by that section; and
- (2) make the sign available on the attorney general's Internet website as required by Section 402.0351(c), Government Code, as amended by this Act.

SECTION 12. Makes application of this Act prospective.

SECTION 13. Effective date: September 1, 2021.