87R177 LHC-D

By:  Shaheen H.B. No. 462

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of trafficking of persons.

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

SECTION 1.  Section 20A.02, Penal Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a)  A person commits an offense if the person [~~knowingly~~]:

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

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

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

(A)  Section 43.02 (Prostitution);

(B)  Section 43.03 (Promotion of Prostitution);

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

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

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

(D)  Section 43.05 (Compelling Prostitution);

(4)  either:

(A)  in the course of engaging in conduct that constitutes an offense under Section 43.02(b), engages in sexual conduct with a person trafficked in the manner described by Subdivision (3), regardless of whether the actor knows that the person has been trafficked in the manner described by that subdivision; or

(B)  knowingly receives a benefit from participating in a venture that involves an activity described by Subdivision (3) [~~or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3)~~];

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

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

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

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

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

(C)  Section 22.011 (Sexual Assault);

(D)  Section 22.021 (Aggravated Sexual Assault);

(E)  Section 43.02 (Prostitution);

(F)  Section 43.03 (Promotion of Prostitution);

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

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

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

(H)  Section 43.05 (Compelling Prostitution);

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

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

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

(8)  either:

(A)  in the course of engaging in conduct that constitutes an offense under Section 43.02(b), engages in sexual conduct with a child trafficked in the manner described by Subdivision (7), regardless of whether the actor knows that the child has been trafficked in the manner described by that subdivision; or

(B)  knowingly receives a benefit from participating in a venture that involves an activity described by Subdivision (7) [~~or engages in sexual conduct with a child trafficked in the manner described in Subdivision (7)~~].

(b)  Except as otherwise provided by Subsection (b-1) [~~this subsection~~], an offense under this section is a felony of the second degree and an offense under Subsection (a)(4)(A) is a state jail felony.

(b-1)  An offense under this section is a felony of the first degree if:

(1)  the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8), regardless of whether the actor knows the age of the child at the time of the offense;

(2)  the commission of the offense results in the death of the person who is trafficked; or

(3)  the commission of the offense results in the death of an unborn child of the person who is trafficked.

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

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

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

(A)  Section 20A.02, if punishable as a felony of the first degree under Section 20A.02(b-1)(1) [~~20A.02(b)(1)~~] ([~~Sex~~] Trafficking of a Child);

(B)  Section 21.02 (Continuous Sexual Abuse of Young Child or Children);

(C)  Section 21.11 (Indecency With a Child);

(D)  Section 22.011(a)(2) (Sexual Assault of a Child);

(E)  Sections 22.021(a)(1)(B) and (2) (Aggravated Sexual Assault of a Child);

(F)  Section 33.021 (Online Solicitation of a Minor);

(G)  Section 43.25 (Sexual Performance by a Child); or

(H)  Section 43.26 (Possession or Promotion of Child Pornography), Penal Code; or

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

SECTION 3.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. 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 4.  This Act takes effect September 1, 2021.