By:  Taylor S.B. No. 1831

A BILL TO BE ENTITLED

AN ACT

relating to the increase of penalties for those who engage in the crime of solicitation or trafficking on school premises.

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

SECTION 1.  Section 33.021, Penal Code, is amended by adding Subsection (f-1) to read as follows:

(f-1)  The punishment for an offense under this section 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 2.  Section 43.01, Penal Code, is amended to read as follows:

(1)  "Access software provider" means a provider of software, including client or server software, or enabling tools that perform one or more of the following functions:

(A)  filter, screen, allow, or disallow content;

(B)  select, analyze, or digest content; or

(C)  transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.

(1-a) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person.

(1-b) "Fee" means the payment or offer of payment in the form of money, goods, services, or other benefit.

(1-c) "Information content provider" means any person or entity that is wholly or partly responsible for the creation or development of information provided through the Internet or any other interactive computer service.

(1-d) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access to a computer server by multiple users, including a service or system that provides

access to the Internet or a system operated or service offered by a library or educational institution.

(1-e) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks.

(2) "Premises" has the meaning assigned by Section 481.134, Health and Safety Code.

~~(2)~~ (3) "Prostitution" means the offense defined in Section 43.02.

(4) "School" means a private or public elementary or secondary school.

~~(3)~~ (5) "Sexual contact" means any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.

~~(4)~~ (6) "Sexual conduct" includes deviate sexual intercourse, sexual contact, and sexual intercourse.

~~(5)~~ (7) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

SECTION 3.  Section 43.02, Penal Code, is amended by adding Subsection (c-2) to read as follows:

(c-2)  The punishment prescribed for an offense under Subsection (b) is increased to the punishment prescribed for the next highest category of offense if it is shown beyond a reasonable doubt on the trial of the offense that the actor committed the offense in a location:

(1)  on the premises of a school;

(2)  within 600 feet of the premises of a school;

(3)  on the premises or within 600 feet of the premises where:

(A)  an official school function was taking place; or

(B)  an event sponsored or sanctioned by the University Interscholastic League was taking place;

SECTION 4.  Section 20A.02, Penal Code, is amended to read as follows:

(b)  Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. 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 occurs:

(A)  on the premises of a school;

(B)  within 600 feet of the premises of a school;

(C)  on the premises or within 600 feet of the premises where:

(i)  an official school function was taking place; or

(ii)  an event sponsored or sanctioned by the University Interscholastic League was taking place;

~~(2)~~ (3) the commission of the offense results in the death of the person who is trafficked; or

~~(3)~~ (4) the commission of the offense results in the death of an unborn child of the person who is trafficked.

SECTION 5.  Section 20A.01, Penal Code, is amended by adding Subsections (3) and (4) to read as follows:

(1)  "Child" means a person younger than 18 years of age.

(2) "Commission" means the Health and Human Services Commission.

(3) "Executive Commissioner" means the Executive Commissioner of the Health and Human Services Commissioner.

~~(2)~~ (4) "Forced labor or services" means labor or services, other than labor or services that constitute sexual conduct, that are performed or provided by another person and obtained through an actor's use of force, fraud, or coercion.

(5)  "School" means a private or public elementary or secondary school.

~~(3)~~ (6) "Sexual conduct" has the meaning assigned by Section 43.25.

(7)  "Premises" has the meaning assigned by Section 481.134, Health and Safety Code.

~~(4)~~ (8) "Traffic" means to transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means.

SECTION 6.  Chapter 20A, Penal Code, is amended by adding Sections 20A.05 to read as follows:

Sec. 20A.05.  POSTING NOTICE OF NO TRAFFICKING ZONES. (a) a school, as defined by this Chapter, shall post "No Trafficking" notices on the premises of the school in the following locations:

(1)  parallel to and along the exterior boundaries of the school's premises;

(2)  at each roadway or other way of access to the premises;

(3)  for premises not fenced, at least every five hundred feet along the exterior boundaries of the premises;

(4)  at each entrance to the premises; and

(5)  at conspicuous places reasonably likely to be viewed by all persons entering the premises.

(b)  Each "No Trafficking" notice posted on the premises of a school must:

(1)  include a description of the provisions of Subsection 20A.02(b)(2), Penal Code, including the penalties for violating Subsection 20A.02, Penal Code;

(2)  include the name and address of the person under whose authority the notice is posted;

(3)  be written in English and Spanish; and

(4)  be at least 8-1/2 by 11 inches in size.

(c)  The executive commissioner by rule shall determine and prescribe the requirements regarding the placement, installation, design, size, wording, and maintenance procedures for the "No Trafficking" notices.

(d)  The commission shall provide without charge to schools the number of "No Trafficking" notices required to comply with this section and rules adopted under this section.

SECTION 7.  The change in law made by this Act applies 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 8.  This Act takes effect September 1, 2021.