By:  Taylor S.B. No. 1831

(In the Senate - Filed March 12, 2021; March 26, 2021, read first time and referred to Committee on Criminal Justice; April 21, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 0; April 21, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Bettencourt     X

Birdwell        X

Hinojosa        X

Miles                    X

Nichols         X

COMMITTEE SUBSTITUTE FOR S.B. No. 1831 By:  Bettencourt

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for trafficking of persons, online solicitation of a minor, and prostitution and warning signs regarding certain penalties for trafficking of persons; increasing criminal penalties.

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

SECTION 1.  This Act may be cited as the No Trafficking Zone Act.

SECTION 2.  Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.086 to read as follows:

Sec. 37.086.  REQUIRED POSTING OF WARNING SIGNS OF INCREASED TRAFFICKING PENALTIES. (a) In this section:

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

(2)  "School" means a public or private primary or secondary school.

(b)  Each school shall post warning signs of the increased penalties for trafficking of persons under Section 20A.02(b-1)(2), Penal Code, at 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.

(c)  The agency, in consultation with the human trafficking prevention task force created under Section 402.035, Government Code, shall adopt rules regarding the placement, installation, design, size, wording, and maintenance procedures for the warning signs required under this section. The rules must require that each warning sign:

(1)  include a description of the provisions of Section 20A.02(b-1), Penal Code, including the penalties for violating that section;

(2)  be written in English and Spanish; and

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

(d)  The agency shall provide each school without charge the number of warning signs required to comply with this section and rules adopted under this section. If the agency is unable to provide each school with the number of signs necessary to comply with Subsection (b), the agency may:

(1)  provide to a school fewer signs than the number necessary to comply with that section; and

(2)  prioritize distribution of signs to schools based on reports of criminal activity in the areas near that school.

SECTION 3.  Section 20A.01, Penal Code, is amended by adding Subdivisions (2-a) and (2-b) to read as follows:

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

(2-b)  "School" means a public or private primary or secondary school.

SECTION 4.  Section 20A.02, Penal Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b)  Except as otherwise provided by this subsection and Subsection (b-1), 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 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.

(b-1)  An offense under this section 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:

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

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

SECTION 5.  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 6.  Section 43.01, Penal Code, is amended by adding Subdivisions (1-f) and (2-a) to read as follows.

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

(2-a)  "School" means a public or private primary or secondary school.

SECTION 7.  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 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:

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

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

SECTION 8.  The Texas Education Agency 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. If the legislature does not appropriate money specifically for that purpose, the agency may, 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 9.  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 10.  This Act takes effect September 1, 2021.

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