

AN ACT

1
2 relating to regulation of certain facilities and establishments
3 with respect to, civil remedies for certain criminal activities
4 affecting, and certain criminal offenses involving health, safety,
5 and welfare; creating a criminal offense; increasing criminal
6 penalties.

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

8 SECTION 1. Section [11.44](#)(b), Alcoholic Beverage Code, is
9 amended to read as follows:

10 (b) The commission shall deny an application for a permit or
11 license for any location of an applicant who submitted a prior
12 application that expired or was voluntarily surrendered before the
13 hearing on the application was held on a protest involving
14 allegations of prostitution, a shooting, stabbing, or other violent
15 act, or an offense involving drugs, ~~or~~ trafficking of persons, or
16 drink solicitation as described by Section [104.01](#) before the third
17 anniversary of the date the prior application expired or was
18 voluntarily surrendered.

19 SECTION 2. Section [11.46](#)(c), Alcoholic Beverage Code, is
20 amended to read as follows:

21 (c) The commission shall deny for a period of one year after
22 cancellation an application for a mixed beverage permit or private
23 club registration permit for a premises where a license or permit
24 has been canceled during the preceding 12 months as a result of:

- 1 (1) a shooting, stabbing, or other violent act; ~~[7]~~ or
2 (2) ~~[as a result of]~~ an offense involving drugs,
3 prostitution, ~~[or]~~ trafficking of persons, or drink solicitation as
4 described by Section 104.01.

5 SECTION 3. Section 61.42(c), Alcoholic Beverage Code, as
6 effective September 1, 2021, is amended to read as follows:

7 (c) The commission shall deny for a period of one year an
8 application for a retail dealer's on-premise license or a wine and
9 malt beverage retailer's permit for a premises where a license or
10 permit has been canceled during the preceding 12 months as a result
11 of:

- 12 (1) a shooting, stabbing, or other violent act; ~~[7]~~ or
13 (2) ~~[as a result of]~~ an offense involving drugs,
14 prostitution, ~~[or]~~ trafficking of persons, or drink solicitation as
15 described by Section 104.01.

16 SECTION 4. Chapter 98, Civil Practice and Remedies Code, is
17 amended by adding Section 98.007 to read as follows:

18 Sec. 98.007. CONFIDENTIAL IDENTITY IN CERTAIN ACTIONS. (a)
19 In this section, "confidential identity" means:

- 20 (1) the use of a pseudonym; and
21 (2) the absence of any other identifying information,
22 including address, telephone number, and social security number.

23 (b) Except as otherwise provided by this section, in an
24 action under this chapter, the court shall:

- 25 (1) make it known to the claimant as early as possible
26 in the proceedings of the action that the claimant may use a
27 confidential identity in relation to the action;

1 (2) allow a claimant to use a confidential identity in
2 all petitions, filings, and other documents presented to the court;

3 (3) use the confidential identity in all of the court's
4 proceedings and records relating to the action, including any
5 appellate proceedings; and

6 (4) maintain the records relating to the action in a
7 manner that protects the confidentiality of the claimant.

8 (c) In an action under this chapter, only the following
9 persons are entitled to know the true identifying information about
10 the claimant:

11 (1) the judge;

12 (2) a party to the action;

13 (3) the attorney representing a party to the action;

14 and

15 (4) a person authorized by a written order of a court
16 specific to that person.

17 (d) The court shall order that a person entitled to know the
18 true identifying information under Subsection (c) may not divulge
19 that information to anyone without a written order of the court. A
20 court shall hold a person who violates the order in contempt.

21 (e) Notwithstanding Section 22.004, Government Code, the
22 supreme court may not amend or adopt rules in conflict with this
23 section.

24 (f) A claimant is not required to use a confidential
25 identity as provided by this section.

26 SECTION 5. Section 125.0017, Civil Practice and Remedies
27 Code, as added by Chapter 858 (H.B. 2552), Acts of the 85th

1 Legislature, Regular Session, 2017, is amended to read as follows:

2 Sec. 125.0017. NOTICE BY LAW ENFORCEMENT OF [~~ARREST FOR~~
3 CERTAIN ACTIVITIES. If a law enforcement agency has reason to
4 believe [~~makes an arrest related to~~] an activity described by
5 Section 125.0015(a)(6), (7), or (18) has occurred [~~that occurs~~] at
6 property leased to a person operating a massage establishment as
7 defined by Section 455.001, Occupations Code, [~~not later than the~~
8 ~~seventh day after the date of the arrest,~~] the law enforcement
9 agency may [~~shall~~] provide written notice by certified mail to each
10 person maintaining the property of the alleged activity [~~arrest~~].

11 SECTION 6. Section 125.0025(b), Civil Practice and Remedies
12 Code, is amended to read as follows:

13 (b) Except as provided by Section 125.005 [~~125.003(d)~~], on a
14 finding that a web address or computer network is a common nuisance,
15 the sole remedy available is a judicial finding issued to the
16 attorney general.

17 SECTION 7. Sections 125.004(a-1) and (a-2), Civil Practice
18 and Remedies Code, are amended to read as follows:

19 (a-1) Proof in the form of a person's arrest or the
20 testimony of a law enforcement agent that an activity described by
21 Section 125.0015(a)(6) or (7) is committed at a place licensed as a
22 massage establishment under Chapter 455, Occupations Code, or
23 advertised as offering massage therapy or massage services, after
24 notice [~~of an arrest~~] was provided to the defendant in accordance
25 with Section 125.0017, is prima facie evidence that the defendant:

- 26 (1) knowingly tolerated the activity; and
27 (2) did not make a reasonable attempt to abate the

1 activity.

2 (a-2) Proof that an activity described by Section
3 125.0015(a)(18) is committed at a place maintained by the
4 defendant, after notice [~~of an arrest~~] was provided to the
5 defendant in accordance with Section 125.0017, is prima facie
6 evidence that the defendant:

7 (1) knowingly tolerated the activity; and

8 (2) did not make a reasonable attempt to abate the
9 activity.

10 SECTION 8. Section 125.004(a-3), Civil Practice and
11 Remedies Code, as added by Chapter 858 (H.B. 2552), Acts of the 85th
12 Legislature, Regular Session, 2017, is amended to read as follows:

13 (a-3) For purposes of Subsections (a-1) and (a-2), notice is
14 considered to be provided to the defendant the earlier of:

15 (1) seven days after the postmark date of the notice
16 provided under Section 125.0017; or

17 (2) the date the defendant actually received notice
18 under Section 125.0017.

19 SECTION 9. Subchapter A, Chapter 125, Civil Practice and
20 Remedies Code, is amended by adding Section 125.005 to read as
21 follows:

22 Sec. 125.005. ATTORNEY'S FEES AND COSTS IN ACTION UNDER
23 CHAPTER. In an action brought under this chapter, the court may
24 award a prevailing party reasonable attorney's fees in addition to
25 costs incurred in bringing the action. In determining the amount of
26 attorney's fees, the court shall consider:

27 (1) the time and labor involved;

1 (2) the novelty and difficulty of the questions;

2 (3) the expertise, reputation, and ability of the
3 attorney; and

4 (4) any other factor considered relevant by the court.

5 SECTION 10. Section 125.070(d), Civil Practice and Remedies
6 Code, is amended to read as follows:

7 (d) A district, county, or city attorney or the attorney
8 general may sue for money damages on behalf of the state or a
9 governmental entity. If the state or a governmental entity
10 prevails in a suit under this section, the state or governmental
11 entity may recover:

12 (1) actual damages;

13 (2) a civil penalty in an amount not to exceed \$20,000
14 for each violation; and

15 (3) court costs and attorney's fees in accordance with
16 Section 125.005.

17 SECTION 11. Section 140A.002, Civil Practice and Remedies
18 Code, is amended to read as follows:

19 Sec. 140A.002. CIVIL RACKETEERING. A person or enterprise
20 commits racketeering if, for financial gain, the person or
21 enterprise commits an offense under Chapter 20A, Penal Code
22 (trafficking of persons) [~~and the offense or an element of the~~
23 ~~offense.~~

24 ~~[(1) occurs in more than one county in this state, or~~

25 ~~[(2) is facilitated by the use of United States mail,~~
26 ~~e-mail, telephone, facsimile, or a wireless communication from one~~
27 ~~county in this state to another].~~

1 SECTION 12. Section 140A.102(b), Civil Practice and
2 Remedies Code, is amended to read as follows:

3 (b) Following a final determination of liability under this
4 chapter, the court may issue an appropriate order, including an
5 order that:

6 (1) requires a person to divest any direct or indirect
7 interest in an enterprise;

8 (2) imposes reasonable restrictions on the future
9 activities or investments of a person that affect the laws of this
10 state, including prohibiting a person from engaging in the type of
11 endeavor or enterprise that gave rise to the racketeering offense,
12 to the extent permitted by the constitutions of this state and the
13 United States;

14 (3) requires the dissolution or reorganization of an
15 enterprise involved in the suit;

16 (4) orders the recovery of reasonable fees, expenses,
17 and costs incurred in obtaining injunctive relief or civil remedies
18 or in conducting investigations under this chapter, including court
19 costs, investigation costs, attorney's fees, witness fees, and
20 deposition fees;

21 (5) orders payment to the state of an amount equal to:

22 (A) the gain acquired or maintained through
23 racketeering; or

24 (B) the amount for which a person is liable under
25 this chapter;

26 (6) orders payment to the state of a civil penalty by a
27 person or enterprise found liable for racketeering, in an amount

1 not to exceed \$250,000 for each separately alleged and proven act of
2 racketeering;

3 (7) orders payment of damages to the state for
4 racketeering shown to have materially damaged the state; and ~~[or]~~

5 (8) orders that property attached under Chapter 61 be
6 used to satisfy an award of the court, including damages,
7 penalties, costs, and fees.

8 SECTION 13. Section 140A.104(d), Civil Practice and
9 Remedies Code, is amended to read as follows:

10 (d) An enterprise may not be held liable under this chapter
11 based on the conduct of a person ~~[an agent]~~ unless the finder of
12 fact finds by a preponderance of the evidence that a director or
13 high managerial agent performed, authorized, requested, commanded,
14 participated in, ratified, or recklessly tolerated the unlawful
15 conduct of the person ~~[agent]~~.

16 SECTION 14. Articles 42A.453(a) and (c), Code of Criminal
17 Procedure, are amended to read as follows:

18 (a) In this article, "playground," "premises," "school,"
19 "video arcade facility," and "youth center" have the meanings
20 assigned by Section 481.134, Health and Safety Code, and "general
21 residential operation" has the meaning assigned by Section 42.002,
22 Human Resources Code.

23 (c) If a judge grants community supervision to a defendant
24 described by Subsection (b) and the judge determines that a child as
25 defined by Section 22.011(c), Penal Code, was the victim of the
26 offense, the judge shall establish a child safety zone applicable
27 to the defendant by requiring as a condition of community

1 supervision that the defendant:

2 (1) not:

3 (A) supervise or participate in any program that:

4 (i) includes as participants or recipients
5 persons who are 17 years of age or younger; and

6 (ii) regularly provides athletic, civic, or
7 cultural activities; or

8 (B) go in, on, or within 1,000 feet of a premises
9 where children commonly gather, including a school, day-care
10 facility, playground, public or private youth center, public
11 swimming pool, ~~or~~ video arcade facility, or general residential
12 operation operating as a residential treatment center; and

13 (2) attend psychological counseling sessions for sex
14 offenders with an individual or organization that provides sex
15 offender treatment or counseling as specified or approved by the
16 judge or the defendant's supervision officer.

17 SECTION 15. Subchapter B, Chapter 301, Government Code, is
18 amended by adding Section 301.0221 to read as follows:

19 Sec. 301.0221. USE OF PSEUDONYM BY VICTIMS OF HUMAN
20 TRAFFICKING. (a) Each legislative committee shall allow a witness
21 who is the victim of an offense under Section 20A.02 or 20A.03,
22 Penal Code, to give testimony to the committee relating to the
23 witness's experience as a victim of trafficking of persons using a
24 pseudonym instead of the witness's name.

25 (b) The name of a witness who uses a pseudonym authorized by
26 Subsection (a) is confidential and may not be included in any public
27 records of the committee.

1 SECTION 16. Section 481.134(a), Health and Safety Code, is
2 amended by adding Subdivision (8) to read as follows:

3 (8) "General residential operation" has the meaning
4 assigned by Section 42.002, Human Resources Code.

5 SECTION 17. Sections 481.134(b), (c), (d), (e), and (f),
6 Health and Safety Code, are amended to read as follows:

7 (b) An offense otherwise punishable as a state jail felony
8 under Section 481.112, 481.1121, 481.113, 481.114, or 481.120 is
9 punishable as a felony of the third degree, and an offense otherwise
10 punishable as a felony of the second degree under any of those
11 sections is punishable as a felony of the first degree, if it is
12 shown at the punishment phase of the trial of the offense that the
13 offense was committed:

14 (1) in, on, or within 1,000 feet of premises owned,
15 rented, or leased by an institution of higher learning, the
16 premises of a public or private youth center, or a playground; ~~or~~

17 (2) in, on, or within 300 feet of the premises of a
18 public swimming pool or video arcade facility; or

19 (3) by any unauthorized person 18 years of age or
20 older, in, on, or within 1,000 feet of premises owned, rented, or
21 leased by a general residential operation operating as a
22 residential treatment center.

23 (c) The minimum term of confinement or imprisonment for an
24 offense otherwise punishable under Section 481.112(c), (d), (e), or
25 (f), 481.1121(b)(2), (3), or (4), 481.113(c), (d), or (e),
26 481.114(c), (d), or (e), 481.115(c)-(f), 481.1151(b)(2), (3), (4),
27 or (5), 481.116(c), (d), or (e), 481.1161(b)(4), (5), or (6),

1 481.117(c), (d), or (e), 481.118(c), (d), or (e), 481.120(b)(4),
2 (5), or (6), or 481.121(b)(4), (5), or (6) is increased by five
3 years and the maximum fine for the offense is doubled if it is shown
4 on the trial of the offense that the offense was committed:

5 (1) in, on, or within 1,000 feet of the premises of a
6 school, the premises of a public or private youth center, or a
7 playground; ~~or~~

8 (2) on a school bus; or

9 (3) by any unauthorized person 18 years of age or
10 older, in, on, or within 1,000 feet of premises owned, rented, or
11 leased by a general residential operation operating as a
12 residential treatment center.

13 (d) An offense otherwise punishable under Section
14 481.112(b), 481.1121(b)(1), 481.113(b), 481.114(b), 481.115(b),
15 481.1151(b)(1), 481.116(b), 481.1161(b)(3), 481.120(b)(3), or
16 481.121(b)(3) is a felony of the third degree if it is shown on the
17 trial of the offense that the offense was committed:

18 (1) in, on, or within 1,000 feet of any real property
19 that is owned, rented, or leased to a school or school board, the
20 premises of a public or private youth center, or a playground; ~~or~~

21 (2) on a school bus; or

22 (3) by any unauthorized person 18 years of age or
23 older, in, on, or within 1,000 feet of premises owned, rented, or
24 leased by a general residential operation operating as a
25 residential treatment center.

26 (e) An offense otherwise punishable under Section
27 481.117(b), 481.119(a), 481.120(b)(2), or 481.121(b)(2) is a state

1 jail felony if it is shown on the trial of the offense that the
2 offense was committed:

3 (1) in, on, or within 1,000 feet of any real property
4 that is owned, rented, or leased to a school or school board, the
5 premises of a public or private youth center, or a playground; [~~or~~]

6 (2) on a school bus; or

7 (3) by any unauthorized person 18 years of age or
8 older, in, on, or within 1,000 feet of premises owned, rented, or
9 leased by a general residential operation operating as a
10 residential treatment center.

11 (f) An offense otherwise punishable under Section
12 481.118(b), 481.119(b), 481.120(b)(1), or 481.121(b)(1) is a Class
13 A misdemeanor if it is shown on the trial of the offense that the
14 offense was committed:

15 (1) in, on, or within 1,000 feet of any real property
16 that is owned, rented, or leased to a school or school board, the
17 premises of a public or private youth center, or a playground; [~~or~~]

18 (2) on a school bus; or

19 (3) by any unauthorized person 18 years of age or
20 older, in, on, or within 1,000 feet of premises owned, rented, or
21 leased by a general residential operation operating as a
22 residential treatment center.

23 SECTION 18. Section 42.002, Human Resources Code, is
24 amended by adding Subdivision (25) to read as follows:

25 (25) "Grounds" means, with regard to property, the
26 real property, whether fenced or unfenced, of the parcel of land on
27 which is located any appurtenant building, structure, or other

1 improvement, including a public or private driveway, street,
2 sidewalk or walkway, parking lot, and parking garage on the
3 property.

4 SECTION 19. Sections 42.042(e), (g), and (g-2), Human
5 Resources Code, are amended to read as follows:

6 (e) The executive commissioner shall promulgate minimum
7 standards that apply to licensed child-care facilities and to
8 registered family homes covered by this chapter and that will:

9 (1) promote the health, safety, and welfare of
10 children attending a facility or registered family home;

11 (2) promote safe, comfortable, and healthy physical
12 facilities and registered family homes for children;

13 (3) ensure adequate supervision of children by
14 capable, qualified, and healthy personnel;

15 (4) ensure adequate and healthy food service where
16 food service is offered;

17 (5) prohibit racial discrimination by child-care
18 facilities and registered family homes;

19 (6) require procedures for parental and guardian
20 consultation in the formulation of children's educational and
21 therapeutic programs;

22 (7) prevent the breakdown of foster care and adoptive
23 placement; ~~and~~

24 (8) ensure that a child-care facility or registered
25 family home:

26 (A) follows the directions of a child's physician
27 or other health care provider in providing specialized medical

1 assistance required by the child; and

2 (B) maintains for a reasonable time a copy of any
3 directions from the physician or provider that the parent provides
4 to the facility or home; and

5 (9) ensure that a child's health, safety, and welfare
6 are adequately protected on the grounds of a child-care facility or
7 registered family home.

8 (g) In promulgating minimum standards the executive
9 commissioner may recognize and treat differently the types of
10 services provided by and the grounds appurtenant to the following:

- 11 (1) listed family homes;
- 12 (2) registered family homes;
- 13 (3) child-care facilities, including general
14 residential operations, cottage home operations, specialized
15 child-care homes, group day-care homes, and day-care centers;
- 16 (4) child-placing agencies;
- 17 (5) agency foster homes;
- 18 (6) continuum-of-care residential operations;
- 19 (7) before-school or after-school programs; and
- 20 (8) school-age programs.

21 (g-2) The executive commissioner by rule shall adopt
22 minimum standards that apply to general residential operations that
23 provide comprehensive residential and nonresidential services to
24 persons who are victims of trafficking under Section 20A.02, Penal
25 Code. In adopting the minimum standards under this subsection, the
26 executive commissioner shall consider:

- 27 (1) the special circumstances, ~~and~~ needs, and

1 precautions required of victims of trafficking of persons; [~~and~~]

2 (2) the role of the general residential operations in
3 assisting, [~~and~~] supporting, and protecting victims of trafficking
4 of persons; and

5 (3) the vulnerability of victims of trafficking of
6 persons on the grounds of a general residential operation operating
7 as a residential treatment center.

8 SECTION 20. Subchapter C, Chapter 42, Human Resources Code,
9 is amended by adding Section 42.068 to read as follows:

10 Sec. 42.068. REQUIRED POSTING OF NO TRESPASSING NOTICE;
11 CRIMINAL PENALTY. (a) Each general residential operation
12 operating as a residential treatment center shall post "No
13 Trespassing" notices on the grounds of the general residential
14 operation in the following locations:

15 (1) parallel to and along the exterior boundaries of
16 the general residential operation's grounds;

17 (2) at each roadway or other way of access to the
18 grounds;

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

21 (4) at each entrance to the grounds; and

22 (5) at conspicuous places reasonably likely to be
23 viewed by intruders.

24 (b) Each "No Trespassing" notice posted on the grounds of a
25 general residential operation operating as a residential treatment
26 center must:

27 (1) state that entry to the property is forbidden;

1 (2) include a description of the provisions of
2 Section 30.05, Penal Code, including the penalties for violating
3 Section 30.05, Penal Code;

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

6 (4) be written in English and Spanish; and

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

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

12 (d) The commission shall provide without charge to each
13 general residential operation operating as a residential treatment
14 center the number of "No Trespassing" notices required to comply
15 with this section and rules adopted under this section.

16 (e) A person who operates a general residential operation
17 operating as a residential treatment center commits an offense if
18 the commission provides "No Trespassing" notices to the facility
19 and the person fails to display the "No Trespassing" notices on the
20 operation's grounds as required by this section before the end of
21 the 30th business day after the date the operation receives the
22 notices. An offense under this subsection is a Class C misdemeanor.

23 SECTION 21. Section 20A.01, Penal Code, is amended by
24 adding Subdivisions (1-a), (2-a), and (2-b) to read as follows:

25 (1-a) "Coercion" as defined by Section 1.07 includes:

26 (A) destroying, concealing, confiscating, or
27 withholding from a trafficked person, or threatening to destroy,

1 conceal, confiscate, or withhold from a trafficked person, the
2 person's actual or purported:

3 (i) government records; or

4 (ii) identifying information or documents;

5 (B) causing a trafficked person, without the
6 person's consent, to become intoxicated, as defined by Section
7 49.01, to a degree that impairs the person's ability to appraise the
8 nature of or resist engaging in any conduct, including performing
9 or providing labor or services; or

10 (C) withholding alcohol or a controlled
11 substance to a degree that impairs the ability of a trafficked
12 person with a chemical dependency, as defined by Section 462.001,
13 Health and Safety Code, to appraise the nature of or resist engaging
14 in any conduct, including performing or providing labor or
15 services.

16 (2-a) "Premises" has the meaning assigned by Section
17 481.134, Health and Safety Code.

18 (2-b) "School" means a public or private primary or
19 secondary school.

20 SECTION 22. Sections 20A.02, Penal Code, is amended by
21 amending Subsections (a) and (b) and adding Subsection (b-1) to
22 read as follows:

23 (a) A person commits an offense if the person knowingly:

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

26 (2) receives a benefit from participating in a venture
27 that involves an activity described by Subdivision (1), including

1 by receiving labor or services the person knows are forced labor or
2 services;

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

6 (A) Section 43.02 (Prostitution);

7 (B) Section 43.03 (Promotion of Prostitution);

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

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

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

14 (D) Section 43.05 (Compelling Prostitution);

15 (4) receives a benefit from participating in a venture
16 that involves an activity described by Subdivision (3) or engages
17 in sexual conduct with a person trafficked in the manner described
18 in Subdivision (3);

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

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

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

- 1 (A) Section 21.02 (Continuous Sexual Abuse of
2 Young Child or Children);
- 3 (B) Section 21.11 (Indecency with a Child);
- 4 (C) Section 22.011 (Sexual Assault);
- 5 (D) Section 22.021 (Aggravated Sexual Assault);
- 6 (E) Section 43.02 (Prostitution);
- 7 (E-1) Section 43.021 (Solicitation of
8 Prostitution);
- 9 (F) Section 43.03 (Promotion of Prostitution);
- 10 (F-1) Section 43.031 (Online Promotion of
11 Prostitution);
- 12 (G) Section 43.04 (Aggravated Promotion of
13 Prostitution);
- 14 (G-1) Section 43.041 (Aggravated Online
15 Promotion of Prostitution);
- 16 (H) Section 43.05 (Compelling Prostitution);
- 17 (I) Section 43.25 (Sexual Performance by a
18 Child);
- 19 (J) Section 43.251 (Employment Harmful to
20 Children); or
- 21 (K) Section 43.26 (Possession or Promotion of
22 Child Pornography); or
- 23 (8) receives a benefit from participating in a venture
24 that involves an activity described by Subdivision (7) or engages
25 in sexual conduct with a child trafficked in the manner described in
26 Subdivision (7).

27 (b) Except as otherwise provided by this subsection and

1 Subsection (b-1), an offense under this section is a felony of the
2 second degree. An offense under this section is a felony of the
3 first degree if:

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

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

9 (3) the commission of the offense results in the death
10 of an unborn child of the person who is trafficked; or

11 (4) the actor recruited, enticed, or obtained the
12 victim of the offense from a shelter or facility operating as a
13 residential treatment center that serves runaway youth, foster
14 children, the homeless, or persons subjected to human trafficking,
15 domestic violence, or sexual assault.

16 (b-1) An offense under this section is a felony of the first
17 degree punishable by imprisonment in the Texas Department of
18 Criminal Justice for life or for a term of not more than 99 years or
19 less than 25 years if it is shown on the trial of the offense that
20 the actor committed the offense in a location that was:

21 (1) on the premises of or within 1,000 feet of the
22 premises of a school; or

23 (2) on premises or within 1,000 feet of premises
24 where:

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

26 or

27 (B) an event sponsored or sanctioned by the

1 University Interscholastic League was taking place.

2 SECTION 23. Section 30.05(a), Penal Code, is amended to
3 read as follows:

4 (a) A person commits an offense if the person enters or
5 remains on or in property of another, including residential land,
6 agricultural land, a recreational vehicle park, a building, a
7 general residential operation operating as a residential treatment
8 center, or an aircraft or other vehicle, without effective consent
9 and the person:

10 (1) had notice that the entry was forbidden; or

11 (2) received notice to depart but failed to do so.

12 SECTION 24. Section 30.05(b), Penal Code, is amended by
13 adding Subdivision (13) to read as follows:

14 (13) "General residential operation" has the meaning
15 assigned by Section 42.002, Human Resources Code.

16 SECTION 25. Section 30.05(d), Penal Code, is amended to
17 read as follows:

18 (d) An offense under this section is:

19 (1) a Class B misdemeanor, except as provided by
20 Subdivisions (2) and (3);

21 (2) a Class C misdemeanor, except as provided by
22 Subdivision (3), if the offense is committed:

23 (A) on agricultural land and within 100 feet of
24 the boundary of the land; or

25 (B) on residential land and within 100 feet of a
26 protected freshwater area; and

27 (3) a Class A misdemeanor if:

1 (A) the offense is committed:
2 (i) in a habitation or a shelter center;
3 (ii) on a Superfund site; or
4 (iii) on or in a critical infrastructure
5 facility;

6 (B) the offense is committed on or in property of
7 an institution of higher education and it is shown on the trial of
8 the offense that the person has previously been convicted of:

9 (i) an offense under this section relating
10 to entering or remaining on or in property of an institution of
11 higher education; or

12 (ii) an offense under Section 51.204(b)(1),
13 Education Code, relating to trespassing on the grounds of an
14 institution of higher education; ~~or~~

15 (C) the person carries a deadly weapon during the
16 commission of the offense; or

17 (D) the offense is committed on the property of
18 or within a general residential operation operating as a
19 residential treatment center.

20 SECTION 26. Section 71.028(a), Penal Code, is amended to
21 read as follows:

22 (a) In this section:

23 (1) "General residential operation" has the meaning
24 assigned by Section 42.002, Human Resources Code.

25 (2) "Institution of higher education," "playground,"
26 "premises," "school," "video arcade facility," and "youth center"
27 have the meanings assigned by Section 481.134, Health and Safety

1 Code.

2 (3) [~~2~~] "Shopping mall" means an enclosed public
3 walkway or hall area that connects retail, service, or professional
4 establishments.

5 SECTION 27. Section 71.028(c), Penal Code, is amended to
6 read as follows:

7 (c) Except as provided by Subsection (d), the punishment
8 prescribed for an offense described by Subsection (b) is increased
9 to the punishment prescribed for the next highest category of
10 offense if the actor is 17 years of age or older and it is shown
11 beyond a reasonable doubt on the trial of the offense that the actor
12 committed the offense at a location that was:

13 (1) in, on, or within 1,000 feet of any:

14 (A) real property that is owned, rented, or
15 leased by a school or school board;

16 (B) premises owned, rented, or leased by an
17 institution of higher education;

18 (C) premises of a public or private youth center;

19 [~~or~~]

20 (D) playground; or

21 (E) general residential operation operating as a
22 residential treatment center;

23 (2) in, on, or within 300 feet of any:

24 (A) shopping mall;

25 (B) movie theater;

26 (C) premises of a public swimming pool; or

27 (D) premises of a video arcade facility; or

1 (3) on a school bus.

2 SECTION 28. Chapter 43, Penal Code, is amended by adding
3 Section 43.021, and a heading is added to that section to read as
4 follows:

5 Sec. 43.021. SOLICITATION OF PROSTITUTION.

6 SECTION 29. Sections 43.02(b) and (c-1), Penal Code, are
7 transferred to Section 43.021, Penal Code, as added by this Act,
8 redesignated as Sections 43.021(a) and (b), Penal Code,
9 respectively, and amended to read as follows:

10 (a) ~~[(b)]~~ A person commits an offense if the person
11 knowingly offers or agrees to pay a fee to another person for the
12 purpose of engaging in sexual conduct with that person or another.

13 (b) ~~[(c-1)]~~ An offense under Subsection (a) ~~[(b)]~~ is a state
14 jail felony ~~[Class A misdemeanor]~~, except that the offense is:

15 (1) a ~~[state jail]~~ felony of the third degree if the
16 actor has previously been convicted of an offense under Subsection
17 (a) or under Section 43.02(b), as that law existed before September
18 1, 2021 ~~[(b)]~~; or

19 (2) a felony of the second degree if the person with
20 whom the actor agrees to engage in sexual conduct is:

21 (A) younger than 18 years of age, regardless of
22 whether the actor knows the age of the person at the time of the
23 offense;

24 (B) represented to the actor as being younger
25 than 18 years of age; or

26 (C) believed by the actor to be younger than 18
27 years of age.

1 SECTION 30. Section 43.021, Penal Code, as added by this
2 Act, is amended by adding Subsection (c) to read as follows:

3 (c) A conviction may be used for purposes of enhancement
4 under this section or enhancement under Subchapter D, Chapter 12,
5 but not under both this section and that subchapter. For purposes of
6 enhancement of penalties under this section or Subchapter D,
7 Chapter 12, a defendant is considered to have been previously
8 convicted of an offense under this section or under Section
9 43.02(b), as that law existed before September 1, 2021, if the
10 defendant was adjudged guilty of the offense or entered a plea of
11 guilty or nolo contendere in return for a grant of deferred
12 adjudication, regardless of whether the sentence for the offense
13 was ever imposed or whether the sentence was probated and the
14 defendant was subsequently discharged from community supervision.

15 SECTION 31. Section 25.06(a), Alcoholic Beverage Code, as
16 effective September 1, 2021, is amended to read as follows:

17 (a) The commission shall deny an original application for a
18 wine and malt beverage retailer's permit if the commission finds
19 that the applicant, or the applicant's spouse, during the five
20 years immediately preceding the application, was finally convicted
21 of a felony or one of the following offenses:

- 22 (1) prostitution or solicitation of prostitution;
23 (2) a vagrancy offense involving moral turpitude;
24 (3) bookmaking;
25 (4) gambling or gaming;
26 (5) an offense involving controlled substances as
27 defined in Chapter 481, Health and Safety Code, or other dangerous

1 drugs;

2 (6) a violation of this code resulting in the
3 cancellation of a license or permit, or a fine of not less than
4 \$500;

5 (7) more than three violations of this code relating
6 to minors;

7 (8) bootlegging; or

8 (9) an offense involving firearms or a deadly weapon.

9 SECTION 32. Section 69.06(a), Alcoholic Beverage Code, is
10 amended to read as follows:

11 (a) The commission shall deny an original application for a
12 retail dealer's on-premise license if the commission finds that the
13 applicant or the applicant's spouse, during the five years
14 immediately preceding the application, was finally convicted of a
15 felony or one of the following offenses:

16 (1) prostitution or solicitation of prostitution;

17 (2) a vagrancy offense involving moral turpitude;

18 (3) bookmaking;

19 (4) gambling or gaming;

20 (5) an offense involving controlled substances as
21 defined in the Texas Controlled Substances Act, including an
22 offense involving a synthetic cannabinoid, or an offense involving
23 other dangerous drugs;

24 (6) a violation of this code resulting in the
25 cancellation of a license or permit, or a fine of not less than
26 \$500;

27 (7) more than three violations of this code relating

1 to minors;

2 (8) bootlegging; or

3 (9) an offense involving firearms or a deadly weapon.

4 SECTION 33. Section 125.0015(a), Civil Practice and
5 Remedies Code, is amended to read as follows:

6 (a) A person who maintains a place to which persons
7 habitually go for the following purposes and who knowingly
8 tolerates the activity and furthermore fails to make reasonable
9 attempts to abate the activity maintains a common nuisance:

10 (1) discharge of a firearm in a public place as
11 prohibited by the Penal Code;

12 (2) reckless discharge of a firearm as prohibited by
13 the Penal Code;

14 (3) engaging in organized criminal activity as a
15 member of a combination as prohibited by the Penal Code;

16 (4) delivery, possession, manufacture, or use of a
17 substance or other item in violation of Chapter 481, Health and
18 Safety Code;

19 (5) gambling, gambling promotion, or communicating
20 gambling information as prohibited by the Penal Code;

21 (6) prostitution as described by Section 43.02, Penal
22 Code, solicitation of prostitution as described by Section 43.021,
23 Penal Code, promotion of prostitution as described by Section
24 43.03, Penal Code, or aggravated promotion of prostitution as
25 described by Section 43.04, [~~prohibited by the~~] Penal Code;

26 (7) compelling prostitution as prohibited by the Penal
27 Code;

- 1 (8) commercial manufacture, commercial distribution,
2 or commercial exhibition of obscene material as prohibited by the
3 Penal Code;
- 4 (9) aggravated assault as described by Section 22.02,
5 Penal Code;
- 6 (10) sexual assault as described by Section 22.011,
7 Penal Code;
- 8 (11) aggravated sexual assault as described by Section
9 22.021, Penal Code;
- 10 (12) robbery as described by Section 29.02, Penal
11 Code;
- 12 (13) aggravated robbery as described by Section 29.03,
13 Penal Code;
- 14 (14) unlawfully carrying a weapon as described by
15 Section 46.02, Penal Code;
- 16 (15) murder as described by Section 19.02, Penal Code;
- 17 (16) capital murder as described by Section 19.03,
18 Penal Code;
- 19 (17) continuous sexual abuse of young child or
20 children as described by Section 21.02, Penal Code;
- 21 (18) massage therapy or other massage services in
22 violation of Chapter 455, Occupations Code;
- 23 (19) employing a minor at a sexually oriented business
24 as defined by Section 243.002, Local Government Code;
- 25 (20) trafficking of persons as described by Section
26 20A.02, Penal Code;
- 27 (21) sexual conduct or performance by a child as

1 described by Section 43.25, Penal Code;

2 (22) employment harmful to a child as described by
3 Section 43.251, Penal Code;

4 (23) criminal trespass as described by Section 30.05,
5 Penal Code;

6 (24) disorderly conduct as described by Section 42.01,
7 Penal Code;

8 (25) arson as described by Section 28.02, Penal Code;

9 (26) criminal mischief as described by Section 28.03,
10 Penal Code, that causes a pecuniary loss of \$500 or more; or

11 (27) a graffiti offense in violation of Section 28.08,
12 Penal Code.

13 SECTION 34. Article 17.45, Code of Criminal Procedure, is
14 amended to read as follows:

15 Art. 17.45. CONDITIONS REQUIRING AIDS AND HIV INSTRUCTION.
16 A magistrate may require as a condition of bond that a defendant
17 charged with an offense under Section 43.02 or 43.021, Penal Code,
18 receive counseling or education, or both, relating to acquired
19 immune deficiency syndrome or human immunodeficiency virus.

20 SECTION 35. Article 42A.751(a), Code of Criminal Procedure,
21 is amended to read as follows:

22 (a) At any time during the period of community supervision,
23 the judge may issue a warrant for a violation of any condition of
24 community supervision and cause a defendant convicted under Section
25 43.02 or 43.021, Penal Code, Chapter 481, Health and Safety Code, or
26 Sections 485.031 through 485.035, Health and Safety Code, or placed
27 on deferred adjudication community supervision after being charged

1 with one of those offenses, to be subject to:

2 (1) the control measures of Section 81.083, Health and
3 Safety Code; and

4 (2) the court-ordered-management provisions of
5 Subchapter G, Chapter 81, Health and Safety Code.

6 SECTION 36. Section 62.001(5), Code of Criminal Procedure,
7 is amended to read as follows:

8 (5) "Reportable conviction or adjudication" means a
9 conviction or adjudication, including an adjudication of
10 delinquent conduct or a deferred adjudication, that, regardless of
11 the pendency of an appeal, is a conviction for or an adjudication
12 for or based on:

13 (A) a violation of Section 21.02 (Continuous
14 sexual abuse of young child or children), 21.09 (Bestiality), 21.11
15 (Indecency with a child), 22.011 (Sexual assault), 22.021
16 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),
17 Penal Code;

18 (B) a violation of Section 43.04 (Aggravated
19 promotion of prostitution), 43.05 (Compelling prostitution), 43.25
20 (Sexual performance by a child), or 43.26 (Possession or promotion
21 of child pornography), Penal Code;

22 (B-1) a violation of Section 43.021
23 (Solicitation of Prostitution) [~~43.02 (Prostitution)~~], Penal Code,
24 if the offense is punishable as a felony of the second degree [~~under~~
25 ~~Subsection (c-1)(2) of that section~~];

26 (C) a violation of Section 20.04(a)(4)
27 (Aggravated kidnapping), Penal Code, if the actor committed the

1 offense or engaged in the conduct with intent to violate or abuse
2 the victim sexually;

3 (D) a violation of Section 30.02 (Burglary),
4 Penal Code, if the offense or conduct is punishable under
5 Subsection (d) of that section and the actor committed the offense
6 or engaged in the conduct with intent to commit a felony listed in
7 Paragraph (A) or (C);

8 (E) a violation of Section 20.02 (Unlawful
9 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
10 Penal Code, if, as applicable:

11 (i) the judgment in the case contains an
12 affirmative finding under Article 42.015; or

13 (ii) the order in the hearing or the papers
14 in the case contain an affirmative finding that the victim or
15 intended victim was younger than 17 years of age;

16 (F) the second violation of Section 21.08
17 (Indecent exposure), Penal Code, but not if the second violation
18 results in a deferred adjudication;

19 (G) an attempt, conspiracy, or solicitation, as
20 defined by Chapter 15, Penal Code, to commit an offense or engage in
21 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

22 (H) a violation of the laws of another state,
23 federal law, the laws of a foreign country, or the Uniform Code of
24 Military Justice for or based on the violation of an offense
25 containing elements that are substantially similar to the elements
26 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
27 (G), (J), (K), or (L), but not if the violation results in a

1 deferred adjudication;

2 (I) the second violation of the laws of another
3 state, federal law, the laws of a foreign country, or the Uniform
4 Code of Military Justice for or based on the violation of an offense
5 containing elements that are substantially similar to the elements
6 of the offense of indecent exposure, but not if the second violation
7 results in a deferred adjudication;

8 (J) a violation of Section 33.021 (Online
9 solicitation of a minor), Penal Code;

10 (K) a violation of Section 20A.02(a)(3), (4),
11 (7), or (8) (Trafficking of persons), Penal Code; or

12 (L) a violation of Section 20A.03 (Continuous
13 trafficking of persons), Penal Code, if the offense is based partly
14 or wholly on conduct that constitutes an offense under Section
15 20A.02(a)(3), (4), (7), or (8) of that code.

16 SECTION 37. Section 11.066, Education Code, is amended to
17 read as follows:

18 Sec. 11.066. ELIGIBILITY FOR SERVICE BY TRUSTEE CONVICTED
19 OF CERTAIN OFFENSES. A person is ineligible to serve as a member of
20 the board of trustees of a school district if the person has been
21 convicted of a felony or an offense under Section 43.021
22 [~~43.02(b)~~], Penal Code.

23 SECTION 38. Section 51.03(b), Family Code, is amended to
24 read as follows:

25 (b) Conduct indicating a need for supervision is:

26 (1) subject to Subsection (f), conduct, other than a
27 traffic offense, that violates:

1 (A) the penal laws of this state of the grade of
2 misdemeanor that are punishable by fine only; or

3 (B) the penal ordinances of any political
4 subdivision of this state;

5 (2) the voluntary absence of a child from the child's
6 home without the consent of the child's parent or guardian for a
7 substantial length of time or without intent to return;

8 (3) conduct prohibited by city ordinance or by state
9 law involving the inhalation of the fumes or vapors of paint and
10 other protective coatings or glue and other adhesives and the
11 volatile chemicals itemized in Section 485.001, Health and Safety
12 Code;

13 (4) an act that violates a school district's
14 previously communicated written standards of student conduct for
15 which the child has been expelled under Section 37.007(c),
16 Education Code;

17 (5) notwithstanding Subsection (a)(1), conduct
18 described by Section 43.02 or 43.021 [~~43.02(a) or (b)~~], Penal Code;
19 or

20 (6) notwithstanding Subsection (a)(1), conduct that
21 violates Section 43.261, Penal Code.

22 SECTION 39. Section 261.001(1), Family Code, is amended to
23 read as follows:

24 (1) "Abuse" includes the following acts or omissions
25 by a person:

26 (A) mental or emotional injury to a child that
27 results in an observable and material impairment in the child's

1 growth, development, or psychological functioning;

2 (B) causing or permitting the child to be in a
3 situation in which the child sustains a mental or emotional injury
4 that results in an observable and material impairment in the
5 child's growth, development, or psychological functioning;

6 (C) physical injury that results in substantial
7 harm to the child, or the genuine threat of substantial harm from
8 physical injury to the child, including an injury that is at
9 variance with the history or explanation given and excluding an
10 accident or reasonable discipline by a parent, guardian, or
11 managing or possessory conservator that does not expose the child
12 to a substantial risk of harm;

13 (D) failure to make a reasonable effort to
14 prevent an action by another person that results in physical injury
15 that results in substantial harm to the child;

16 (E) sexual conduct harmful to a child's mental,
17 emotional, or physical welfare, including conduct that constitutes
18 the offense of continuous sexual abuse of young child or children
19 under Section 21.02, Penal Code, indecency with a child under
20 Section 21.11, Penal Code, sexual assault under Section 22.011,
21 Penal Code, or aggravated sexual assault under Section 22.021,
22 Penal Code;

23 (F) failure to make a reasonable effort to
24 prevent sexual conduct harmful to a child;

25 (G) compelling or encouraging the child to engage
26 in sexual conduct as defined by Section 43.01, Penal Code,
27 including compelling or encouraging the child in a manner that

1 constitutes an offense of trafficking of persons under Section
2 [20A.02](#)(a)(7) or (8), Penal Code, solicitation of prostitution under
3 Section [43.021](#) [~~[43.02\(b\)](#)~~], Penal Code, or compelling prostitution
4 under Section [43.05](#)(a)(2), Penal Code;

5 (H) causing, permitting, encouraging, engaging
6 in, or allowing the photographing, filming, or depicting of the
7 child if the person knew or should have known that the resulting
8 photograph, film, or depiction of the child is obscene as defined by
9 Section [43.21](#), Penal Code, or pornographic;

10 (I) the current use by a person of a controlled
11 substance as defined by Chapter [481](#), Health and Safety Code, in a
12 manner or to the extent that the use results in physical, mental, or
13 emotional injury to a child;

14 (J) causing, expressly permitting, or
15 encouraging a child to use a controlled substance as defined by
16 Chapter [481](#), Health and Safety Code;

17 (K) causing, permitting, encouraging, engaging
18 in, or allowing a sexual performance by a child as defined by
19 Section [43.25](#), Penal Code;

20 (L) knowingly causing, permitting, encouraging,
21 engaging in, or allowing a child to be trafficked in a manner
22 punishable as an offense under Section [20A.02](#)(a)(5), (6), (7), or
23 (8), Penal Code, or the failure to make a reasonable effort to
24 prevent a child from being trafficked in a manner punishable as an
25 offense under any of those sections; or

26 (M) forcing or coercing a child to enter into a
27 marriage.

1 SECTION 40. Section 71.0353, Government Code, is amended to
2 read as follows:

3 Sec. 71.0353. TRAFFICKING OF PERSONS INFORMATION. As a
4 component of the official monthly report submitted to the Office of
5 Court Administration of the Texas Judicial System, a district court
6 or county court at law shall report the number of cases filed for
7 the following offenses:

8 (1) trafficking of persons under Section 20A.02, Penal
9 Code;

10 (2) prostitution under Section 43.02, Penal Code;

11 (3) solicitation of prostitution under Section
12 43.021, Penal Code; and

13 (4) [~~3~~] compelling prostitution under Section
14 43.05, Penal Code.

15 SECTION 41. Section 402.035(d), Government Code, is amended
16 to read as follows:

17 (d) The task force shall:

18 (1) collaborate, as needed to fulfill the duties of
19 the task force, with:

20 (A) United States attorneys' offices for all of
21 the federal districts of Texas; and

22 (B) special agents or customs and border
23 protection officers and border patrol agents of:

24 (i) the Federal Bureau of Investigation;

25 (ii) the United States Drug Enforcement
26 Administration;

27 (iii) the Bureau of Alcohol, Tobacco,

1 Firearms and Explosives;

2 (iv) United States Immigration and Customs
3 Enforcement; or

4 (v) the United States Department of
5 Homeland Security;

6 (2) collect, organize, and periodically publish
7 statistical data on the nature and extent of human trafficking in
8 this state, including data described by Subdivisions (4)(A), (B),
9 (C), (D), and (E);

10 (3) solicit cooperation and assistance from state and
11 local governmental agencies, political subdivisions of the state,
12 nongovernmental organizations, and other persons, as appropriate,
13 for the purpose of collecting and organizing statistical data under
14 Subdivision (2);

15 (4) ensure that each state or local governmental
16 agency and political subdivision of the state and each state or
17 local law enforcement agency, district attorney, or county attorney
18 that assists in the prevention of human trafficking collects
19 statistical data related to human trafficking, including, as
20 appropriate:

21 (A) the number of investigations concerning,
22 arrests and prosecutions for, and convictions of:

23 (i) the offense of trafficking of persons;

24 (ii) the offense of forgery or an offense
25 under Chapter 43, Penal Code, if the offense was committed as part
26 of a criminal episode involving the trafficking of persons; and

27 (iii) an offense punishable as a felony of

1 the second degree under Section 43.021 [~~43.02(c-1)(2)~~], Penal Code,
2 regardless of whether the offense was committed as part of a
3 criminal episode involving the trafficking of persons;

4 (B) demographic information on persons who are
5 convicted of offenses described by Paragraph (A) and persons who
6 are the victims of those offenses;

7 (C) geographic routes by which human trafficking
8 victims are trafficked, including routes by which victims are
9 trafficked across this state's international border, and
10 geographic patterns in human trafficking, including the country or
11 state of origin and the country or state of destination;

12 (D) means of transportation and methods used by
13 persons who engage in trafficking to transport their victims; and

14 (E) social and economic factors that create a
15 demand for the labor or services that victims of human trafficking
16 are forced to provide;

17 (5) work with the Texas Commission on Law Enforcement
18 to develop and conduct training for law enforcement personnel,
19 victim service providers, and medical service providers to identify
20 victims of human trafficking;

21 (6) work with the Texas Education Agency, the
22 Department of Family and Protective Services, and the Health and
23 Human Services Commission to:

24 (A) develop a list of key indicators that a
25 person is a victim of human trafficking;

26 (B) develop a standardized curriculum for
27 training doctors, nurses, emergency medical services personnel,

1 teachers, school counselors, school administrators, and personnel
2 from the Department of Family and Protective Services and the
3 Health and Human Services Commission to identify and assist victims
4 of human trafficking;

5 (C) train doctors, nurses, emergency medical
6 services personnel, teachers, school counselors, school
7 administrators, and personnel from the Department of Family and
8 Protective Services and the Health and Human Services Commission to
9 identify and assist victims of human trafficking;

10 (D) develop and conduct training for personnel
11 from the Department of Family and Protective Services and the
12 Health and Human Services Commission on methods for identifying
13 children in foster care who may be at risk of becoming victims of
14 human trafficking; and

15 (E) develop a process for referring identified
16 human trafficking victims and individuals at risk of becoming
17 victims to appropriate entities for services;

18 (7) on the request of a judge of a county court, county
19 court at law, or district court or a county attorney, district
20 attorney, or criminal district attorney, assist and train the judge
21 or the judge's staff or the attorney or the attorney's staff in the
22 recognition and prevention of human trafficking;

23 (8) examine training protocols related to human
24 trafficking issues, as developed and implemented by federal, state,
25 and local law enforcement agencies;

26 (9) collaborate with state and local governmental
27 agencies, political subdivisions of the state, and nongovernmental

1 organizations to implement a media awareness campaign in
2 communities affected by human trafficking;

3 (10) develop recommendations on how to strengthen
4 state and local efforts to prevent human trafficking, protect and
5 assist human trafficking victims, curb markets and other economic
6 avenues that facilitate human trafficking and investigate and
7 prosecute human trafficking offenders;

8 (11) examine the extent to which human trafficking is
9 associated with the operation of sexually oriented businesses, as
10 defined by Section 243.002, Local Government Code, and the
11 workplace or public health concerns that are created by the
12 association of human trafficking and the operation of sexually
13 oriented businesses;

14 (12) develop recommendations for addressing the
15 demand for forced labor or services or sexual conduct involving
16 victims of human trafficking, including recommendations for
17 increased penalties for individuals who engage or attempt to engage
18 in solicitation of prostitution with victims younger than 18 years
19 of age; and

20 (13) identify and report to the governor and
21 legislature on laws, licensure requirements, or other regulations
22 that can be passed at the state and local level to curb trafficking
23 using the Internet and in sexually oriented businesses.

24 SECTION 42. Section 411.042(b), Government Code, is amended
25 to read as follows:

26 (b) The bureau of identification and records shall:

27 (1) procure and file for record photographs, pictures,

1 descriptions, fingerprints, measurements, and other pertinent
2 information of all persons arrested for or charged with a criminal
3 offense or convicted of a criminal offense, regardless of whether
4 the conviction is probated;

5 (2) collect information concerning the number and
6 nature of offenses reported or known to have been committed in the
7 state and the legal steps taken in connection with the offenses, and
8 other information useful in the study of crime and the
9 administration of justice, including information that enables the
10 bureau to create a statistical breakdown of:

11 (A) offenses in which family violence was
12 involved;

13 (B) offenses under Sections 22.011 and 22.021,
14 Penal Code; and

15 (C) offenses under Sections 20A.02, 43.02
16 [~~43.02(a)~~], 43.021 [~~43.02(b)~~], 43.03, 43.031, 43.04, 43.041, and
17 43.05, Penal Code;

18 (3) make ballistic tests of bullets and firearms and
19 chemical analyses of bloodstains, cloth, materials, and other
20 substances for law enforcement officers of the state;

21 (4) cooperate with identification and crime records
22 bureaus in other states and the United States Department of
23 Justice;

24 (5) maintain a list of all previous background checks
25 for applicants for any position regulated under Chapter 1702,
26 Occupations Code, who have undergone a criminal history background
27 check as required by that chapter, if the check indicates a Class B

1 misdemeanor or equivalent offense or a greater offense;

2 (6) collect information concerning the number and
3 nature of protective orders and magistrate's orders of emergency
4 protection and all other pertinent information about all persons
5 subject to active orders, including pertinent information about
6 persons subject to conditions of bond imposed for the protection of
7 the victim in any family violence, sexual assault or abuse,
8 indecent assault, stalking, or trafficking case. Information in the
9 law enforcement information system relating to an active order
10 shall include:

11 (A) the name, sex, race, date of birth, personal
12 descriptors, address, and county of residence of the person to whom
13 the order is directed;

14 (B) any known identifying number of the person to
15 whom the order is directed, including the person's social security
16 number or driver's license number;

17 (C) the name and county of residence of the
18 person protected by the order;

19 (D) the residence address and place of employment
20 or business of the person protected by the order;

21 (E) the child-care facility or school where a
22 child protected by the order normally resides or which the child
23 normally attends;

24 (F) the relationship or former relationship
25 between the person who is protected by the order and the person to
26 whom the order is directed;

27 (G) the conditions of bond imposed on the person

1 to whom the order is directed, if any, for the protection of a
2 victim in any family violence, sexual assault or abuse, indecent
3 assault, stalking, or trafficking case;

4 (H) any minimum distance the person subject to
5 the order is required to maintain from the protected places or
6 persons; and

7 (I) the date the order expires;

8 (7) grant access to criminal history record
9 information in the manner authorized under Subchapter F;

10 (8) collect and disseminate information regarding
11 offenders with mental impairments in compliance with Chapter 614,
12 Health and Safety Code; and

13 (9) record data and maintain a state database for a
14 computerized criminal history record system and computerized
15 juvenile justice information system that serves:

16 (A) as the record creation point for criminal
17 history record information and juvenile justice information
18 maintained by the state; and

19 (B) as the control terminal for the entry of
20 records, in accordance with federal law and regulations, federal
21 executive orders, and federal policy, into the federal database
22 maintained by the Federal Bureau of Investigation.

23 SECTION 43. Section 411.1471(a), Government Code, is
24 amended to read as follows:

25 (a) This section applies to a defendant who is:

26 (1) arrested for a felony prohibited under any of the
27 following Penal Code sections:

- 1 (A) Section 19.02;
- 2 (B) Section 19.03;
- 3 (C) Section 20.03;
- 4 (D) Section 20.04;
- 5 (E) Section 20.05;
- 6 (F) Section 20.06;
- 7 (G) Section 20A.02;
- 8 (H) Section 20A.03;
- 9 (I) Section 21.02;
- 10 (J) Section 21.11;
- 11 (K) Section 22.01;
- 12 (L) Section 22.011;
- 13 (M) Section 22.02;
- 14 (N) Section 22.021;
- 15 (O) Section 25.02;
- 16 (P) Section 29.02;
- 17 (Q) Section 29.03;
- 18 (R) Section 30.02;
- 19 (S) Section 31.03;
- 20 (T) Section 43.03;
- 21 (U) Section 43.04;
- 22 (V) Section 43.05;
- 23 (W) Section 43.25; or
- 24 (X) Section 43.26; or

25 (2) convicted of an offense:

26 (A) under Title 5, Penal Code, other than an
27 offense described by Subdivision (1), that is punishable as a Class

1 A misdemeanor or any higher category of offense, except for an
2 offense punishable as a Class A misdemeanor under Section 22.05,
3 Penal Code; or

4 (B) under Section 21.08, 25.04, 43.021
5 [~~43.02(b)~~], or 43.24, Penal Code.

6 SECTION 44. Section 81.093(a), Health and Safety Code, is
7 amended to read as follows:

8 (a) A court may direct a person convicted of an offense
9 under Section 43.02 or 43.021, Penal Code, under Chapter 481 (Texas
10 Controlled Substances Act), or under Sections 485.031 through
11 485.035 to be subject to the control measures of Section 81.083 and
12 to the court-ordered management provisions of Subchapter G.

13 SECTION 45. The heading to Chapter 169, Health and Safety
14 Code, is amended to read as follows:

15 CHAPTER 169. FIRST OFFENDER SOLICITATION OF PROSTITUTION
16 PREVENTION PROGRAM

17 SECTION 46. Section 169.001, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 169.001. FIRST OFFENDER SOLICITATION OF PROSTITUTION
20 PREVENTION PROGRAM; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In
21 this chapter, "first offender solicitation of prostitution
22 prevention program" means a program that has the following
23 essential characteristics:

24 (1) the integration of services in the processing of
25 cases in the judicial system;

26 (2) the use of a nonadversarial approach involving
27 prosecutors and defense attorneys to promote public safety, to

1 reduce the demand for the commercial sex trade and trafficking of
2 persons by educating offenders, and to protect the due process
3 rights of program participants;

4 (3) early identification and prompt placement of
5 eligible participants in the program;

6 (4) access to information, counseling, and services
7 relating to sex addiction, sexually transmitted diseases, mental
8 health, and substance abuse;

9 (5) a coordinated strategy to govern program responses
10 to participant compliance;

11 (6) monitoring and evaluation of program goals and
12 effectiveness;

13 (7) continuing interdisciplinary education to promote
14 effective program planning, implementation, and operations; and

15 (8) development of partnerships with public agencies
16 and community organizations.

17 (b) If a defendant successfully completes a first offender
18 solicitation of prostitution prevention program, regardless of
19 whether the defendant was convicted of the offense for which the
20 defendant entered the program or whether the court deferred further
21 proceedings without entering an adjudication of guilt, after notice
22 to the state and a hearing on whether the defendant is otherwise
23 entitled to the petition, including whether the required time
24 period has elapsed, and whether issuance of the order is in the best
25 interest of justice, the court shall enter an order of
26 nondisclosure of criminal history record information under
27 Subchapter E-1, Chapter 411, Government Code, as if the defendant

1 had received a discharge and dismissal under Article 42A.111, Code
2 of Criminal Procedure, with respect to all records and files
3 related to the defendant's arrest for the offense for which the
4 defendant entered the program if the defendant:

5 (1) has not been previously convicted of a felony
6 offense; and

7 (2) is not convicted of any other felony offense
8 before the second anniversary of the defendant's successful
9 completion of the program.

10 SECTION 47. Sections 169.002(a), (b), (d), (e), and (f),
11 Health and Safety Code, are amended to read as follows:

12 (a) The commissioners court of a county or governing body of
13 a municipality may establish a first offender solicitation of
14 prostitution prevention program for defendants charged with an
15 offense under Section 43.021 [~~43.02(b)~~], Penal Code.

16 (b) A defendant is eligible to participate in a first
17 offender solicitation of prostitution prevention program
18 established under this chapter only if:

19 (1) the attorney representing the state consents to
20 the defendant's participation in the program; and

21 (2) the court in which the criminal case is pending
22 finds that the defendant has not been previously convicted of:

23 (A) an offense under Section 20A.02, 43.02(b), as
24 that law existed before September 1, 2021 [~~43.02~~], 43.021, 43.03,
25 43.031, 43.04, 43.041, or 43.05, Penal Code;

26 (B) an offense listed in Article 42A.054(a), Code
27 of Criminal Procedure; or

1 (C) an offense punishable as a felony under
2 Chapter 481.

3 (d) A defendant is not eligible to participate in the first
4 offender solicitation of prostitution prevention program if the
5 defendant offered or agreed to hire a person to engage in sexual
6 conduct and the person was younger than 18 years of age at the time
7 of the offense.

8 (e) The court in which the criminal case is pending shall
9 allow an eligible defendant to choose whether to participate in the
10 first offender solicitation of prostitution prevention program or
11 otherwise proceed through the criminal justice system.

12 (f) If a defendant who chooses to participate in the first
13 offender solicitation of prostitution prevention program fails to
14 attend any portion of the program, the court in which the
15 defendant's criminal case is pending shall issue a warrant for the
16 defendant's arrest and proceed on the criminal case as if the
17 defendant had chosen not to participate in the program.

18 SECTION 48. Section 169.003(a), Health and Safety Code, is
19 amended to read as follows:

20 (a) A first offender solicitation of prostitution
21 prevention program established under this chapter must:

22 (1) ensure that a person eligible for the program is
23 provided legal counsel before volunteering to proceed through the
24 program and while participating in the program;

25 (2) allow any participant to withdraw from the program
26 at any time before a trial on the merits has been initiated;

27 (3) provide each participant with information,

1 counseling, and services relating to sex addiction, sexually
2 transmitted diseases, mental health, and substance abuse; and

3 (4) provide each participant with classroom
4 instruction related to the prevention of the solicitation of
5 prostitution.

6 SECTION 49. Sections 169.004, 169.005, and 169.006, Health
7 and Safety Code, are amended to read as follows:

8 Sec. 169.004. OVERSIGHT. (a) The lieutenant governor and
9 the speaker of the house of representatives may assign to
10 appropriate legislative committees duties relating to the
11 oversight of first offender solicitation of prostitution
12 prevention programs established under this chapter.

13 (b) A legislative committee or the governor may request the
14 state auditor to perform a management, operations, or financial or
15 accounting audit of a first offender solicitation of prostitution
16 prevention program established under this chapter.

17 (c) A first offender solicitation of prostitution
18 prevention program established under this chapter shall:

19 (1) notify the criminal justice division of the
20 governor's office before or on implementation of the program; and

21 (2) provide information regarding the performance of
22 the program to the division on request.

23 Sec. 169.005. REIMBURSEMENT FEES. (a) A first offender
24 solicitation of prostitution prevention program established under
25 this chapter may collect from a participant in the program a
26 nonrefundable reimbursement fee for the program in a reasonable
27 amount not to exceed \$1,000, from which the following must be paid:

1 (1) a counseling and services reimbursement fee in an
2 amount necessary to cover the costs of the counseling and services
3 provided by the program; and

4 (2) a law enforcement training reimbursement fee, in
5 an amount equal to five percent of the total amount paid under
6 Subdivision (1), to be deposited to the credit of the treasury of
7 the county or municipality that established the program to cover
8 costs associated with the provision of training to law enforcement
9 personnel on domestic violence, prostitution, and the trafficking
10 of persons.

11 (b) Reimbursement fees collected under this section may be
12 paid on a periodic basis or on a deferred payment schedule at the
13 discretion of the judge, magistrate, or program director
14 administering the first offender solicitation of prostitution
15 prevention program. The fees must be based on the participant's
16 ability to pay.

17 Sec. 169.006. SUSPENSION OR DISMISSAL OF COMMUNITY SERVICE
18 REQUIREMENT. (a) To encourage participation in a first offender
19 solicitation of prostitution prevention program established under
20 this chapter, the judge or magistrate administering the program may
21 suspend any requirement that, as a condition of community
22 supervision, a participant in the program work a specified number
23 of hours at a community service project.

24 (b) On a participant's successful completion of a first
25 offender solicitation of prostitution prevention program, a judge
26 or magistrate may excuse the participant from any condition of
27 community supervision previously suspended under Subsection (a).

1 SECTION 50. Section 455.202(d)(2), Occupations Code, is
2 amended to read as follows:

3 (2) "Sexual contact" includes:

4 (A) any touching of any part of the genitalia or
5 anus;

6 (B) any touching of the breasts of a female
7 without the written consent of the female;

8 (C) any offer or agreement to engage in any
9 activity described in Paragraph (A) or (B);

10 (D) kissing without the consent of both persons;

11 (E) deviate sexual intercourse, sexual contact,
12 sexual intercourse, indecent exposure, sexual assault,
13 prostitution, solicitation of prostitution, and promotion
14 [~~promotions~~] of prostitution as described in Chapters 21, 22, and
15 43, Penal Code, or any offer or agreement to engage in such
16 activities;

17 (F) any behavior, gesture, or expression that may
18 reasonably be interpreted as inappropriately seductive or sexual;
19 or

20 (G) inappropriate sexual comments about or to a
21 client, including sexual comments about a person's body.

22 SECTION 51. Section 15.031(b), Penal Code, is amended to
23 read as follows:

24 (b) A person commits an offense if, with intent that an
25 offense under Section 20A.02(a)(7) or (8), 21.02, 21.11, 22.011,
26 22.021, 43.02, 43.021, 43.05(a)(2), or 43.25 be committed, the
27 person by any means requests, commands, or attempts to induce a

1 minor or another whom the person believes to be a minor to engage in
2 specific conduct that, under the circumstances surrounding the
3 actor's conduct as the actor believes them to be, would constitute
4 an offense under one of those sections or would make the minor or
5 other believed by the person to be a minor a party to the commission
6 of an offense under one of those sections.

7 SECTION 52. Section 25.08(c), Penal Code, is amended to
8 read as follows:

9 (c) An offense under this section is a felony of the third
10 degree, except that the offense is a felony of the second degree if
11 the actor commits the offense with intent to commit an offense under
12 Section 20A.02, 43.021 [~~43.02~~], 43.05, or 43.25.

13 SECTION 53. Section 25.081(c), Penal Code, is amended to
14 read as follows:

15 (c) An offense under this section is a felony of the third
16 degree, except that the offense is a felony of the second degree if
17 the actor commits the offense with intent to commit an offense under
18 Section 20A.02, 43.021 [~~43.02~~], 43.05, 43.25, 43.251, or 43.26.

19 SECTION 54. Section 43.01, Penal Code, is amended by adding
20 Subdivision (6) to read as follows:

21 (6) "Solicitation of prostitution" means the offense
22 defined in Section 43.021.

23 SECTION 55. Section 43.031(a), Penal Code, is amended to
24 read as follows:

25 (a) A person commits an offense if the person owns, manages,
26 or operates an interactive computer service or information content
27 provider, or operates as an information content provider, with the

1 intent to promote the prostitution of another person or facilitate
2 another person to engage in prostitution or solicitation of
3 prostitution.

4 SECTION 56. Section 43.041(a), Penal Code, is amended to
5 read as follows:

6 (a) A person commits an offense if the person owns, manages,
7 or operates an interactive computer service or information content
8 provider, or operates as an information content provider, with the
9 intent to promote the prostitution of five or more persons or
10 facilitate five or more persons to engage in prostitution or
11 solicitation of prostitution.

12 SECTION 57. Section 93.013(a), Property Code, is amended to
13 read as follows:

14 (a) Notwithstanding a provision in a lease to the contrary,
15 a tenant's right of possession terminates and the landlord has a
16 right to recover possession of the leased premises if the tenant is
17 using the premises or allowing the premises to be used for the
18 purposes of prostitution as described by Section 43.02, Penal Code,
19 solicitation of prostitution as described by Section 43.021, Penal
20 Code, promotion of prostitution as described by Section 43.03,
21 Penal Code, aggravated promotion of prostitution as described by
22 Section 43.04, Penal Code, [ex] compelling prostitution[7] as
23 described [prohibited] by Section 43.05, [the] Penal Code, or
24 trafficking of persons as described by Section 20A.02, Penal Code.

25 SECTION 58. Subchapter C, Chapter 37, Education Code, is
26 amended by adding Section 37.086 to read as follows:

27 Sec. 37.086. REQUIRED POSTING OF WARNING SIGNS OF INCREASED

1 TRAFFICKING PENALTIES. (a) In this section:

2 (1) "Premises" has the meaning assigned by Section
3 481.134, Health and Safety Code.

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

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

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

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

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

15 (4) at each entrance to the premises; and

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

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

24 (1) include a description of the provisions of Section
25 20A.02(b-1), Penal Code, including the penalties for violating that
26 section;

27 (2) be written in English and Spanish; and

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

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

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

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

11 SECTION 59. Section [33.021](#), Penal Code, is amended by
12 adding Subsection (f-1) to read as follows:

13 (f-1) The punishment for an offense under this section is
14 increased to the punishment prescribed for the next higher category
15 of offense if it is shown on the trial of the offense that:

16 (1) the actor committed the offense during regular
17 public or private primary or secondary school hours; and

18 (2) the actor knew or reasonably should have known
19 that the minor was enrolled in a public or private primary or
20 secondary school at the time of the offense.

21 SECTION 60. Section [43.01](#), Penal Code, is amended by adding
22 Subdivisions (1-f) and (2-a) to read as follows.

23 (1-f) "Premises" has the meaning assigned by Section
24 [481.134](#), Health and Safety Code.

25 (2-a) "School" means a public or private primary or
26 secondary school.

27 SECTION 61. Section [43.02](#), Penal Code, is amended by adding

1 Subsection (c-2) to read as follows:

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

6 (1) on the premises of or within 1,000 feet of the
7 premises of a school; or

8 (2) on premises or within 1,000 feet of premises
9 where:

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

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

14 SECTION 62. The following provisions are repealed:

15 (1) Section 125.0017, Civil Practice and Remedies
16 Code, as added by Chapter 1135 (H.B. 240), Acts of the 85th
17 Legislature, Regular Session, 2017;

18 (2) Section 125.003(d), Civil Practice and Remedies
19 Code;

20 (3) Section 125.004(a-3), Civil Practice and Remedies
21 Code, as added by Chapter 1135 (H.B. 240), Acts of the 85th
22 Legislature, Regular Session, 2017;

23 (4) Section 125.068, Civil Practice and Remedies Code;
24 and

25 (5) Section 20A.02(a-1), Penal Code.

26 SECTION 63. (a) Sections 11.44(b), 11.46(c), and 61.42(c),
27 Alcoholic Beverage Code, as amended by this Act, apply to an

1 application for an alcoholic beverage permit or license filed on or
2 after the effective date of this Act or pending on the effective
3 date of this Act.

4 (b) Section 98.007, Civil Practice and Remedies Code, as
5 added by this Act, applies only to an action filed on or after the
6 effective date of this Act.

7 (c) The change in law made to Chapters 125 and 140A, Civil
8 Practice and Remedies Code, by this Act applies only to a cause of
9 action that accrues on or after the effective date of this Act. A
10 cause of action that accrues before the effective date of this Act
11 is governed by the law applicable to the cause of action immediately
12 before the effective date of this Act, and that law is continued in
13 effect for that purpose.

14 (d) Except as otherwise provided by this section, the
15 changes in law made by this Act apply only to an offense committed
16 on or after the effective date of this Act. An offense committed
17 before the effective date of this Act is governed by the law in
18 effect on the date the offense was committed, and the former law is
19 continued in effect for that purpose. For purposes of this section,
20 an offense was committed before the effective date of this Act if
21 any element of the offense occurred before that date.

22 SECTION 64. The Texas Education Agency is required to
23 implement the change in law made by Section 37.086(d), Education
24 Code, as added by this Act, only if the legislature appropriates
25 money specifically for that purpose. If the legislature does not
26 appropriate money specifically for that purpose, the agency may,
27 but is not required to, implement the change in law made by Section

H.B. No. 1540

1 37.086(d), Education Code, as added by this Act, using other
2 appropriations available for that purpose.

3 SECTION 65. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 1540 was passed by the House on April 14, 2021, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1540 on May 28, 2021, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1540 was passed by the Senate, with amendments, on May 20, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor