

By: Tinderholt

H.B. No. 1775

A BILL TO BE ENTITLED

1 AN ACT

2 relating to increased penalties for the offense of trafficking of
3 persons that involves a child victim or the death of any victim.

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

5 SECTION 1. Section 19.03(a), Penal Code, is amended to read
6 as follows:

7 (a) A person commits an offense if the person commits murder
8 as defined under Section 19.02(b)(1) and:

9 (1) the person murders a peace officer or fireman who
10 is acting in the lawful discharge of an official duty and who the
11 person knows is a peace officer or fireman;

12 (2) the person intentionally commits the murder in the
13 course of committing or attempting to commit kidnapping, burglary,
14 robbery, aggravated sexual assault, arson, obstruction or
15 retaliation, trafficking of persons, or terroristic threat under
16 Section 22.07(a)(1), (3), (4), (5), or (6);

17 (3) the person commits the murder for remuneration or
18 the promise of remuneration or employs another to commit the murder
19 for remuneration or the promise of remuneration;

20 (4) the person commits the murder while escaping or
21 attempting to escape from a penal institution;

22 (5) the person, while incarcerated in a penal
23 institution, murders another:

24 (A) who is employed in the operation of the penal

1 institution; or

2 (B) with the intent to establish, maintain, or
3 participate in a combination or in the profits of a combination;

4 (6) the person:

5 (A) while incarcerated for an offense under this
6 section or Section 19.02, murders another; or

7 (B) while serving a sentence of life imprisonment
8 or a term of 99 years for an offense under Section 20.04, 22.021, or
9 29.03, murders another;

10 (7) the person murders more than one person:

11 (A) during the same criminal transaction; or

12 (B) during different criminal transactions but
13 the murders are committed pursuant to the same scheme or course of
14 conduct;

15 (8) the person murders an individual under 10 years of
16 age;

17 (9) the person murders an individual 10 years of age or
18 older but younger than 15 years of age; or

19 (10) the person murders another person in retaliation
20 for or on account of the service or status of the other person as a
21 judge or justice of the supreme court, the court of criminal
22 appeals, a court of appeals, a district court, a criminal district
23 court, a constitutional county court, a statutory county court, a
24 justice court, or a municipal court.

25 SECTION 2. Section 20A.02, Penal Code, is amended by
26 amending Subsection (b) and adding Subsections (b-1) and (b-2) to
27 read as follows:

1 (b) An [~~Except as otherwise provided by this subsection, an~~
2 offense under Subsection (a)(1), (2), (3), or (4) [~~this section~~] is
3 a felony of the second degree.

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

6 [~~(1) the applicable conduct constitutes an offense~~
7 ~~under~~] Subsection (a)(5), (6), (7), or (8) is a felony of the first
8 degree punishable by imprisonment in the Texas Department of
9 Criminal Justice for life or for any term of not more than 99 years
10 or less than 25 years, regardless of whether the actor knows the age
11 of the child at the time the actor commits the offense.

12 (b-2) Notwithstanding Subsection (b) or (b-1), an offense
13 under this section is a felony of the first degree punishable by
14 imprisonment in the Texas Department of Criminal Justice for life
15 without parole if: [~~or~~

16 [~~(2)~~] (1) the commission of the offense results in the
17 death of the person who is trafficked; or [~~or~~]

18 [~~(3)~~] (2) the commission of the offense results in the
19 death of an unborn child of the person who is trafficked.

20 SECTION 3. Section 2(a), Article 38.37, Code of Criminal
21 Procedure, is amended to read as follows:

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

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

26 (A) Section 20A.02(a)(7) or (8) [~~20A.02, if~~
27 ~~punishable as a felony of the first degree under Section~~

- 1 ~~20A.02(b)(1)]~~ (Sex Trafficking of a Child);
- 2 (B) Section 21.02 (Continuous Sexual Abuse of
- 3 Young Child or Children);
- 4 (C) Section 21.11 (Indecency With a Child);
- 5 (D) Section 22.011(a)(2) (Sexual Assault of a
- 6 Child);
- 7 (E) Sections 22.021(a)(1)(B) and (2) (Aggravated
- 8 Sexual Assault of a Child);
- 9 (F) Section 33.021 (Online Solicitation of a
- 10 Minor);
- 11 (G) Section 43.25 (Sexual Performance by a
- 12 Child); or
- 13 (H) Section 43.26 (Possession or Promotion of
- 14 Child Pornography) [~~Penal Code~~]; or
- 15 (2) an attempt or conspiracy to commit an offense
- 16 described by Subdivision (1).

17 SECTION 4. The change in law made by this Act applies only

18 to an offense committed on or after the effective date of this Act.

19 An offense committed before the effective date of this Act is

20 governed by the law in effect on the date the offense was committed,

21 and the former law is continued in effect for that purpose. For

22 purposes of this section, an offense was committed before the

23 effective date of this Act if any element of the offense occurred

24 before that date.

25 SECTION 5. This Act takes effect September 1, 2021.