

By: Parker

H.B. No. 2300

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the offense of solicitation of prostitution, civil  
3 racketeering related to human trafficking, and common and public  
4 nuisances related to certain criminal conduct, including  
5 prostitution; increasing a criminal penalty; making conforming  
6 changes.

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

8 ARTICLE 1. COMMON AND PUBLIC NUISANCES RELATED TO CERTAIN CRIMINAL  
9 CONDUCT; CIVIL RACKETEERING RELATED TO HUMAN TRAFFICKING

10 SECTION 1.01. Section 125.0017, Civil Practice and Remedies  
11 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 Sec. 125.0017. NOTICE OF ARREST FOR CERTAIN ACTIVITIES. If  
14 a law enforcement agency makes an arrest related to an activity  
15 described by Section 125.0015(a)(6), (7), or (18) that occurs at  
16 property leased to a person operating a massage establishment as  
17 defined by Section 455.001, Occupations Code, not later than the  
18 seventh business day after the date of the arrest, the law  
19 enforcement agency shall provide written notice by certified mail  
20 to each person maintaining the property of the arrest.

21 SECTION 1.02. Section 125.0025(b), Civil Practice and  
22 Remedies Code, is amended to read as follows:

23 (b) Except as provided by Section 125.005 [~~125.003(d)~~], on a  
24 finding that a web address or computer network is a common nuisance,

1 the sole remedy available is a judicial finding issued to the  
2 attorney general.

3 SECTION 1.03. Subchapter A, Chapter 125, Civil Practice and  
4 Remedies Code, is amended by adding Section 125.005 to read as  
5 follows:

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

- 11 (1) the time and labor involved;  
12 (2) the novelty and difficulty of the questions;  
13 (3) the expertise, reputation, and ability of the  
14 attorney; and  
15 (4) any other factor considered relevant by the court.

16 SECTION 1.04. Section 125.070(d), Civil Practice and  
17 Remedies Code, is amended to read as follows:

18 (d) A district, county, or city attorney or the attorney  
19 general may sue for money damages on behalf of the state or a  
20 governmental entity. If the state or a governmental entity  
21 prevails in a suit under this section, the state or governmental  
22 entity may recover:

- 23 (1) actual damages;  
24 (2) a civil penalty in an amount not to exceed \$20,000  
25 for each violation; and  
26 (3) court costs and attorney's fees in accordance with  
27 Section 125.005.

1 SECTION 1.05. Section 140A.002, Civil Practice and Remedies  
2 Code, is amended to read as follows:

3 Sec. 140A.002. CIVIL RACKETEERING. A person or enterprise  
4 commits racketeering if, for financial gain, the person or  
5 enterprise commits an offense under Chapter 20A, Penal Code  
6 (trafficking of persons) [~~, and the offense or an element of the~~  
7 ~~offense.~~

8 [~~(1) occurs in more than one county in this state; or~~

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

12 SECTION 1.06. The following provisions of the Civil  
13 Practice and Remedies Code are repealed:

14 (1) Section 125.0017, as added by Chapter 1135 (H.B.  
15 240), Acts of the 85th Legislature, Regular Session, 2017;

16 (2) Section 125.003(d);

17 (3) Section 125.004(a-3), as added by Chapter 858  
18 (H.B. 2552), Acts of the 85th Legislature, Regular Session, 2017;  
19 and

20 (4) Section 125.068.

21 ARTICLE 2. SOLICITATION OF PROSTITUTION

22 SECTION 2.01. Chapter 43, Penal Code, is amended by adding  
23 Section 43.021, and a heading is added to that section to read as  
24 follows:

25 Sec. 43.021. SOLICITATION OF PROSTITUTION.

26 SECTION 2.02. Sections 43.02(b) and (c-1), Penal Code, are  
27 transferred to Section 43.021, Penal Code, as added by this Act,

1 redesignated as Sections 43.021(a) and (b), Penal Code,  
2 respectively, and amended to read as follows:

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

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

8 (1) a [~~state jail~~] felony of the third degree if the  
9 actor has previously been convicted of an offense under Subsection  
10 (a) or under Section 43.02(b), as that law existed before September  
11 1, 2021 [~~(b)~~]; or

12 (2) a felony of the first [~~second~~] degree if the person  
13 with whom the actor agrees to engage in sexual conduct is:

14 (A) younger than 18 years of age, regardless of  
15 whether the actor knows the age of the person at the time of the  
16 offense;

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

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

21 SECTION 2.03. Section 43.021, Penal Code, as added by this  
22 Act, is amended by adding Subsection (c) to read as follows:

23 (c) A conviction may be used for purposes of enhancement  
24 under this section or enhancement under Subchapter D, Chapter 12,  
25 but not under both this section and that subchapter. For purposes of  
26 enhancement of penalties under this section or Subchapter D,  
27 Chapter 12, a defendant is considered to have been previously

1 convicted of an offense under this section or under Section  
2 43.02(b), as that law existed before September 1, 2021, if the  
3 defendant was adjudged guilty of the offense or entered a plea of  
4 guilty or nolo contendere in return for a grant of deferred  
5 adjudication, regardless of whether the sentence for the offense  
6 was ever imposed or whether the sentence was probated and the  
7 defendant was subsequently discharged from community supervision.

8 ARTICLE 3. CONFORMING CHANGES

9 SECTION 3.01. Section 25.06(a), Alcoholic Beverage Code, as  
10 effective September 1, 2021, is amended to read as follows:

11 (a) The commission shall deny an original application for a  
12 wine and malt beverage retailer's permit if the commission finds  
13 that the applicant, or the applicant's spouse, during the five  
14 years immediately preceding the application, was finally convicted  
15 of a 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 Chapter 481, Health and Safety Code, or other dangerous  
22 drugs;

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

26 (7) more than three violations of this code relating  
27 to minors;

- 1 (8) bootlegging; or
- 2 (9) an offense involving firearms or a deadly weapon.

3 SECTION 3.02. Section 69.06(a), Alcoholic Beverage Code, is  
4 amended to read as follows:

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

- 10 (1) prostitution or solicitation of prostitution;
- 11 (2) a vagrancy offense involving moral turpitude;
- 12 (3) bookmaking;
- 13 (4) gambling or gaming;
- 14 (5) an offense involving controlled substances as  
15 defined in the Texas Controlled Substances Act, including an  
16 offense involving a synthetic cannabinoid, or an offense involving  
17 other dangerous drugs;
- 18 (6) a violation of this code resulting in the  
19 cancellation of a license or permit, or a fine of not less than  
20 \$500;
- 21 (7) more than three violations of this code relating  
22 to minors;
- 23 (8) bootlegging; or
- 24 (9) an offense involving firearms or a deadly weapon.

25 SECTION 3.03. Section 125.0015(a), Civil Practice and  
26 Remedies Code, is amended to read as follows:

27 (a) A person who maintains a place to which persons

1 habitually go for the following purposes and who knowingly  
2 tolerates the activity and furthermore fails to make reasonable  
3 attempts to abate the activity maintains a common nuisance:

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

6 (2) reckless discharge of a firearm as prohibited by  
7 the Penal Code;

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

10 (4) delivery, possession, manufacture, or use of a  
11 substance or other item in violation of Chapter 481, Health and  
12 Safety Code;

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

15 (6) prostitution as described by Section 43.02, Penal  
16 Code, solicitation of prostitution as described by Section 43.021,  
17 Penal Code, promotion of prostitution as described by Section  
18 43.03, Penal Code, or aggravated promotion of prostitution as  
19 described by Section 43.04, [~~prohibited by the~~] Penal Code;

20 (7) compelling prostitution as prohibited by the Penal  
21 Code;

22 (8) commercial manufacture, commercial distribution,  
23 or commercial exhibition of obscene material as prohibited by the  
24 Penal Code;

25 (9) aggravated assault as described by Section 22.02,  
26 Penal Code;

27 (10) sexual assault as described by Section 22.011,

- 1 Penal Code;
- 2 (11) aggravated sexual assault as described by Section  
3 [22.021](#), Penal Code;
- 4 (12) robbery as described by Section [29.02](#), Penal  
5 Code;
- 6 (13) aggravated robbery as described by Section [29.03](#),  
7 Penal Code;
- 8 (14) unlawfully carrying a weapon as described by  
9 Section [46.02](#), Penal Code;
- 10 (15) murder as described by Section [19.02](#), Penal Code;
- 11 (16) capital murder as described by Section [19.03](#),  
12 Penal Code;
- 13 (17) continuous sexual abuse of young child or  
14 children as described by Section [21.02](#), Penal Code;
- 15 (18) massage therapy or other massage services in  
16 violation of Chapter [455](#), Occupations Code;
- 17 (19) employing a minor at a sexually oriented business  
18 as defined by Section [243.002](#), Local Government Code;
- 19 (20) trafficking of persons as described by Section  
20 [20A.02](#), Penal Code;
- 21 (21) sexual conduct or performance by a child as  
22 described by Section [43.25](#), Penal Code;
- 23 (22) employment harmful to a child as described by  
24 Section [43.251](#), Penal Code;
- 25 (23) criminal trespass as described by Section [30.05](#),  
26 Penal Code;
- 27 (24) disorderly conduct as described by Section [42.01](#),



1 Penal Code;

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

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

5 (27) a graffiti offense in violation of Section 28.08,  
6 Penal Code.

7 SECTION 3.04. Article 17.45, Code of Criminal Procedure, is  
8 amended to read as follows:

9 Art. 17.45. CONDITIONS REQUIRING AIDS AND HIV INSTRUCTION.

10 A magistrate may require as a condition of bond that a defendant  
11 charged with an offense under Section 43.02 or 43.021, Penal Code,  
12 receive counseling or education, or both, relating to acquired  
13 immune deficiency syndrome or human immunodeficiency virus.

14 SECTION 3.05. Article 42A.751(a), Code of Criminal  
15 Procedure, is amended to read as follows:

16 (a) At any time during the period of community supervision,  
17 the judge may issue a warrant for a violation of any condition of  
18 community supervision and cause a defendant convicted under Section  
19 43.02 or 43.021, Penal Code, Chapter 481, Health and Safety Code, or  
20 Sections 485.031 through 485.035, Health and Safety Code, or placed  
21 on deferred adjudication community supervision after being charged  
22 with one of those offenses, to be subject to:

23 (1) the control measures of Section 81.083, Health and  
24 Safety Code; and

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

27 SECTION 3.06. Section 62.001(5), Code of Criminal

1 Procedure, is amended to read as follows:

2 (5) "Reportable conviction or adjudication" means a  
3 conviction or adjudication, including an adjudication of  
4 delinquent conduct or a deferred adjudication, that, regardless of  
5 the pendency of an appeal, is a conviction for or an adjudication  
6 for or based on:

7 (A) a violation of Section 21.02 (Continuous  
8 sexual abuse of young child or children), 21.09 (Bestiality), 21.11  
9 (Indecency with a child), 22.011 (Sexual assault), 22.021  
10 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),  
11 Penal Code;

12 (B) a violation of Section 43.04 (Aggravated  
13 promotion of prostitution), 43.05 (Compelling prostitution), 43.25  
14 (Sexual performance by a child), or 43.26 (Possession or promotion  
15 of child pornography), Penal Code;

16 (B-1) a violation of Section 43.021  
17 (Solicitation of Prostitution) [~~43.02 (Prostitution)~~], Penal Code,  
18 if the offense is punishable as a felony of the first degree [~~under~~  
19 ~~Subsection (c-1)(2) of that section~~];

20 (C) a violation of Section 20.04(a)(4)  
21 (Aggravated kidnapping), Penal Code, if the actor committed the  
22 offense or engaged in the conduct with intent to violate or abuse  
23 the victim sexually;

24 (D) a violation of Section 30.02 (Burglary),  
25 Penal Code, if the offense or conduct is punishable under  
26 Subsection (d) of that section and the actor committed the offense  
27 or engaged in the conduct with intent to commit a felony listed in

1 Paragraph (A) or (C);

2 (E) a violation of Section 20.02 (Unlawful  
3 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),  
4 Penal Code, if, as applicable:

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

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

10 (F) the second violation of Section 21.08  
11 (Indecent exposure), Penal Code, but not if the second violation  
12 results in a deferred adjudication;

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

16 (H) a violation of the laws of another state,  
17 federal law, the laws of a foreign country, or the Uniform Code of  
18 Military Justice for or based on the violation of an offense  
19 containing elements that are substantially similar to the elements  
20 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),  
21 (G), (J), (K), or (L), but not if the violation results in a  
22 deferred adjudication;

23 (I) the second violation of the laws of another  
24 state, federal law, the laws of a foreign country, or the Uniform  
25 Code of Military Justice for or based on the violation of an offense  
26 containing elements that are substantially similar to the elements  
27 of the offense of indecent exposure, but not if the second violation

1 results in a deferred adjudication;

2 (J) a violation of Section 33.021 (Online  
3 solicitation of a minor), Penal Code;

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

6 (L) a violation of Section 20A.03 (Continuous  
7 trafficking of persons), Penal Code, if the offense is based partly  
8 or wholly on conduct that constitutes an offense under Section  
9 20A.02(a)(3), (4), (7), or (8) of that code.

10 SECTION 3.07. Section 11.066, Education Code, is amended to  
11 read as follows:

12 Sec. 11.066. ELIGIBILITY FOR SERVICE BY TRUSTEE CONVICTED  
13 OF CERTAIN OFFENSES. A person is ineligible to serve as a member of  
14 the board of trustees of a school district if the person has been  
15 convicted of a felony or an offense under Section 43.021  
16 [~~43.02(b)~~], Penal Code.

17 SECTION 3.08. Section 51.03(b), Family Code, is amended to  
18 read as follows:

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

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

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

24 (B) the penal ordinances of any political  
25 subdivision of this state;

26 (2) the voluntary absence of a child from the child's  
27 home without the consent of the child's parent or guardian for a

1 substantial length of time or without intent to return;

2 (3) conduct prohibited by city ordinance or by state  
3 law involving the inhalation of the fumes or vapors of paint and  
4 other protective coatings or glue and other adhesives and the  
5 volatile chemicals itemized in Section 485.001, Health and Safety  
6 Code;

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

11 (5) notwithstanding Subsection (a)(1), conduct  
12 described by Section 43.02 or 43.021 [~~43.02(a) or (b)~~], Penal Code;  
13 or

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

16 SECTION 3.09. Section 261.001(1), Family Code, is amended  
17 to read as follows:

18 (1) "Abuse" includes the following acts or omissions  
19 by a person:

20 (A) mental or emotional injury to a child that  
21 results in an observable and material impairment in the child's  
22 growth, development, or psychological functioning;

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

27 (C) physical injury that results in substantial

1 harm to the child, or the genuine threat of substantial harm from  
2 physical injury to the child, including an injury that is at  
3 variance with the history or explanation given and excluding an  
4 accident or reasonable discipline by a parent, guardian, or  
5 managing or possessory conservator that does not expose the child  
6 to a substantial risk of harm;

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

10 (E) sexual conduct harmful to a child's mental,  
11 emotional, or physical welfare, including conduct that constitutes  
12 the offense of continuous sexual abuse of young child or children  
13 under Section 21.02, Penal Code, indecency with a child under  
14 Section 21.11, Penal Code, sexual assault under Section 22.011,  
15 Penal Code, or aggravated sexual assault under Section 22.021,  
16 Penal Code;

17 (F) failure to make a reasonable effort to  
18 prevent sexual conduct harmful to a child;

19 (G) compelling or encouraging the child to engage  
20 in sexual conduct as defined by Section 43.01, Penal Code,  
21 including compelling or encouraging the child in a manner that  
22 constitutes an offense of trafficking of persons under Section  
23 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under  
24 Section 43.021 [~~43.02(b)~~], Penal Code, or compelling prostitution  
25 under Section 43.05(a)(2), Penal Code;

26 (H) causing, permitting, encouraging, engaging  
27 in, or allowing the photographing, filming, or depicting of the

1 child if the person knew or should have known that the resulting  
2 photograph, film, or depiction of the child is obscene as defined by  
3 Section 43.21, Penal Code, or pornographic;

4 (I) the current use by a person of a controlled  
5 substance as defined by Chapter 481, Health and Safety Code, in a  
6 manner or to the extent that the use results in physical, mental, or  
7 emotional injury to a child;

8 (J) causing, expressly permitting, or  
9 encouraging a child to use a controlled substance as defined by  
10 Chapter 481, Health and Safety Code;

11 (K) causing, permitting, encouraging, engaging  
12 in, or allowing a sexual performance by a child as defined by  
13 Section 43.25, Penal Code;

14 (L) knowingly causing, permitting, encouraging,  
15 engaging in, or allowing a child to be trafficked in a manner  
16 punishable as an offense under Section 20A.02(a)(5), (6), (7), or  
17 (8), Penal Code, or the failure to make a reasonable effort to  
18 prevent a child from being trafficked in a manner punishable as an  
19 offense under any of those sections; or

20 (M) forcing or coercing a child to enter into a  
21 marriage.

22 SECTION 3.10. Section 71.0353, Government Code, is amended  
23 to read as follows:

24 Sec. 71.0353. TRAFFICKING OF PERSONS INFORMATION. As a  
25 component of the official monthly report submitted to the Office of  
26 Court Administration of the Texas Judicial System, a district court  
27 or county court at law shall report the number of cases filed for

1 the following offenses:

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

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

5 (3) solicitation of prostitution under Section  
6 43.021, Penal Code; and

7 (4) [~~3~~] compelling prostitution under Section  
8 43.05, Penal Code.

9 SECTION 3.11. Section 402.035(d), Government Code, is  
10 amended to read as follows:

11 (d) The task force shall:

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

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

16 (B) special agents or customs and border  
17 protection officers and border patrol agents of:

18 (i) the Federal Bureau of Investigation;

19 (ii) the United States Drug Enforcement  
20 Administration;

21 (iii) the Bureau of Alcohol, Tobacco,  
22 Firearms and Explosives;

23 (iv) United States Immigration and Customs  
24 Enforcement; or

25 (v) the United States Department of  
26 Homeland Security;

27 (2) collect, organize, and periodically publish



1 statistical data on the nature and extent of human trafficking in  
2 this state, including data described by Subdivisions (4)(A), (B),  
3 (C), (D), and (E);

4 (3) solicit cooperation and assistance from state and  
5 local governmental agencies, political subdivisions of the state,  
6 nongovernmental organizations, and other persons, as appropriate,  
7 for the purpose of collecting and organizing statistical data under  
8 Subdivision (2);

9 (4) ensure that each state or local governmental  
10 agency and political subdivision of the state and each state or  
11 local law enforcement agency, district attorney, or county attorney  
12 that assists in the prevention of human trafficking collects  
13 statistical data related to human trafficking, including, as  
14 appropriate:

15 (A) the number of investigations concerning,  
16 arrests and prosecutions for, and convictions of:

17 (i) the offense of trafficking of persons;

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

21 (iii) an offense punishable as a felony of  
22 the first degree under Section 43.021 [~~43.02(c-1)(2)~~], Penal Code,  
23 regardless of whether the offense was committed as part of a  
24 criminal episode involving the trafficking of persons;

25 (B) demographic information on persons who are  
26 convicted of offenses described by Paragraph (A) and persons who  
27 are the victims of those offenses;

1           (C) geographic routes by which human trafficking  
2 victims are trafficked, including routes by which victims are  
3 trafficked across this state's international border, and  
4 geographic patterns in human trafficking, including the country or  
5 state of origin and the country or state of destination;

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

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

11           (5) work with the Texas Commission on Law Enforcement  
12 to develop and conduct training for law enforcement personnel,  
13 victim service providers, and medical service providers to identify  
14 victims of human trafficking;

15           (6) work with the Texas Education Agency, the  
16 Department of Family and Protective Services, and the Health and  
17 Human Services Commission to:

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

20           (B) develop a standardized curriculum for  
21 training doctors, nurses, emergency medical services personnel,  
22 teachers, school counselors, school administrators, and personnel  
23 from the Department of Family and Protective Services and the  
24 Health and Human Services Commission to identify and assist victims  
25 of human trafficking;

26           (C) train doctors, nurses, emergency medical  
27 services personnel, teachers, school counselors, school

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

4 (D) develop and conduct training for personnel  
5 from the Department of Family and Protective Services and the  
6 Health and Human Services Commission on methods for identifying  
7 children in foster care who may be at risk of becoming victims of  
8 human trafficking; and

9 (E) develop a process for referring identified  
10 human trafficking victims and individuals at risk of becoming  
11 victims to appropriate entities for services;

12 (7) on the request of a judge of a county court, county  
13 court at law, or district court or a county attorney, district  
14 attorney, or criminal district attorney, assist and train the judge  
15 or the judge's staff or the attorney or the attorney's staff in the  
16 recognition and prevention of human trafficking;

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

20 (9) collaborate with state and local governmental  
21 agencies, political subdivisions of the state, and nongovernmental  
22 organizations to implement a media awareness campaign in  
23 communities affected by human trafficking;

24 (10) develop recommendations on how to strengthen  
25 state and local efforts to prevent human trafficking, protect and  
26 assist human trafficking victims, curb markets and other economic  
27 avenues that facilitate human trafficking and investigate and

1 prosecute human trafficking offenders;

2           (11) examine the extent to which human trafficking is  
3 associated with the operation of sexually oriented businesses, as  
4 defined by Section 243.002, Local Government Code, and the  
5 workplace or public health concerns that are created by the  
6 association of human trafficking and the operation of sexually  
7 oriented businesses;

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

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

18           SECTION 3.12. Section 411.042(b), Government Code, is  
19 amended to read as follows:

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

21           (1) procure and file for record photographs, pictures,  
22 descriptions, fingerprints, measurements, and other pertinent  
23 information of all persons arrested for or charged with a criminal  
24 offense or convicted of a criminal offense, regardless of whether  
25 the conviction is probated;

26           (2) collect information concerning the number and  
27 nature of offenses reported or known to have been committed in the

1 state and the legal steps taken in connection with the offenses, and  
2 other information useful in the study of crime and the  
3 administration of justice, including information that enables the  
4 bureau to create a statistical breakdown of:

5 (A) offenses in which family violence was  
6 involved;

7 (B) offenses under Sections 22.011 and 22.021,  
8 Penal Code; and

9 (C) offenses under Sections 20A.02, 43.02  
10 [~~43.02(a)~~], 43.021 [~~43.02(b)~~], 43.03, 43.031, 43.04, 43.041, and  
11 43.05, Penal Code;

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

15 (4) cooperate with identification and crime records  
16 bureaus in other states and the United States Department of  
17 Justice;

18 (5) maintain a list of all previous background checks  
19 for applicants for any position regulated under Chapter 1702,  
20 Occupations Code, who have undergone a criminal history background  
21 check as required by that chapter, if the check indicates a Class B  
22 misdemeanor or equivalent offense or a greater offense;

23 (6) collect information concerning the number and  
24 nature of protective orders and magistrate's orders of emergency  
25 protection and all other pertinent information about all persons  
26 subject to active orders, including pertinent information about  
27 persons subject to conditions of bond imposed for the protection of

1 the victim in any family violence, sexual assault or abuse,  
2 indecent assault, stalking, or trafficking case. Information in the  
3 law enforcement information system relating to an active order  
4 shall include:

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

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

11 (C) the name and county of residence of the  
12 person protected by the order;

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

15 (E) the child-care facility or school where a  
16 child protected by the order normally resides or which the child  
17 normally attends;

18 (F) the relationship or former relationship  
19 between the person who is protected by the order and the person to  
20 whom the order is directed;

21 (G) the conditions of bond imposed on the person  
22 to whom the order is directed, if any, for the protection of a  
23 victim in any family violence, sexual assault or abuse, indecent  
24 assault, stalking, or trafficking case;

25 (H) any minimum distance the person subject to  
26 the order is required to maintain from the protected places or  
27 persons; and

1 (I) the date the order expires;

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

4 (8) collect and disseminate information regarding  
5 offenders with mental impairments in compliance with Chapter 614,  
6 Health and Safety Code; and

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

10 (A) as the record creation point for criminal  
11 history record information and juvenile justice information  
12 maintained by the state; and

13 (B) as the control terminal for the entry of  
14 records, in accordance with federal law and regulations, federal  
15 executive orders, and federal policy, into the federal database  
16 maintained by the Federal Bureau of Investigation.

17 SECTION 3.13. Section 411.1471(a), Government Code, is  
18 amended to read as follows:

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

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

22 (A) Section 19.02;

23 (B) Section 19.03;

24 (C) Section 20.03;

25 (D) Section 20.04;

26 (E) Section 20.05;

27 (F) Section 20.06;

- 1 (G) Section 20A.02;
- 2 (H) Section 20A.03;
- 3 (I) Section 21.02;
- 4 (J) Section 21.11;
- 5 (K) Section 22.01;
- 6 (L) Section 22.011;
- 7 (M) Section 22.02;
- 8 (N) Section 22.021;
- 9 (O) Section 25.02;
- 10 (P) Section 29.02;
- 11 (Q) Section 29.03;
- 12 (R) Section 30.02;
- 13 (S) Section 31.03;
- 14 (T) Section 43.03;
- 15 (U) Section 43.04;
- 16 (V) Section 43.05;
- 17 (W) Section 43.25; or
- 18 (X) Section 43.26; or

19 (2) convicted of an offense:

20 (A) under Title 5, Penal Code, other than an  
21 offense described by Subdivision (1), that is punishable as a Class  
22 A misdemeanor or any higher category of offense, except for an  
23 offense punishable as a Class A misdemeanor under Section 22.05,  
24 Penal Code; or

25 (B) under Section 21.08, 25.04, 43.021  
26 [~~43.02(b)~~], or 43.24, Penal Code.

27 SECTION 3.14. Section 81.093(a), Health and Safety Code, is



1 amended to read as follows:

2 (a) A court may direct a person convicted of an offense  
3 under Section [43.02](#) or [43.021](#), Penal Code, under Chapter 481 (Texas  
4 Controlled Substances Act), or under Sections [485.031](#) through  
5 [485.035](#) to be subject to the control measures of Section [81.083](#) and  
6 to the court-ordered management provisions of Subchapter G.

7 SECTION 3.15. The heading to Chapter [169](#), Health and Safety  
8 Code, is amended to read as follows:

9 CHAPTER 169. FIRST OFFENDER SOLICITATION OF PROSTITUTION  
10 PREVENTION PROGRAM

11 SECTION 3.16. Section [169.001](#), Health and Safety Code, is  
12 amended to read as follows:

13 Sec. 169.001. FIRST OFFENDER SOLICITATION OF PROSTITUTION  
14 PREVENTION PROGRAM; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In  
15 this chapter, "first offender solicitation of prostitution  
16 prevention program" means a program that has the following  
17 essential characteristics:

18 (1) the integration of services in the processing of  
19 cases in the judicial system;

20 (2) the use of a nonadversarial approach involving  
21 prosecutors and defense attorneys to promote public safety, to  
22 reduce the demand for the commercial sex trade and trafficking of  
23 persons by educating offenders, and to protect the due process  
24 rights of program participants;

25 (3) early identification and prompt placement of  
26 eligible participants in the program;

27 (4) access to information, counseling, and services

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

3 (5) a coordinated strategy to govern program responses  
4 to participant compliance;

5 (6) monitoring and evaluation of program goals and  
6 effectiveness;

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

9 (8) development of partnerships with public agencies  
10 and community organizations.

11 (b) If a defendant successfully completes a first offender  
12 solicitation of prostitution prevention program, regardless of  
13 whether the defendant was convicted of the offense for which the  
14 defendant entered the program or whether the court deferred further  
15 proceedings without entering an adjudication of guilt, after notice  
16 to the state and a hearing on whether the defendant is otherwise  
17 entitled to the petition, including whether the required time  
18 period has elapsed, and whether issuance of the order is in the best  
19 interest of justice, the court shall enter an order of  
20 nondisclosure of criminal history record information under  
21 Subchapter E-1, Chapter 411, Government Code, as if the defendant  
22 had received a discharge and dismissal under Article 42A.111, Code  
23 of Criminal Procedure, with respect to all records and files  
24 related to the defendant's arrest for the offense for which the  
25 defendant entered the program if the defendant:

26 (1) has not been previously convicted of a felony  
27 offense; and

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

4           SECTION 3.17. Sections 169.002(a), (b), (d), (e), and (f),  
5 Health and Safety Code, are amended to read as follows:

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

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

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

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

17           (A) an offense under Section 20A.02, 43.02(b), as  
18 that law existed before September 1, 2021 [~~43.02~~], 43.021, 43.03,  
19 43.031, 43.04, 43.041, or 43.05, Penal Code;

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

22           (C) an offense punishable as a felony under  
23 Chapter 481.

24           (d) A defendant is not eligible to participate in the first  
25 offender solicitation of prostitution prevention program if the  
26 defendant offered or agreed to hire a person to engage in sexual  
27 conduct and the person was younger than 18 years of age at the time

1 of the offense.

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

6 (f) If a defendant who chooses to participate in the first  
7 offender solicitation of prostitution prevention program fails to  
8 attend any portion of the program, the court in which the  
9 defendant's criminal case is pending shall issue a warrant for the  
10 defendant's arrest and proceed on the criminal case as if the  
11 defendant had chosen not to participate in the program.

12 SECTION 3.18. Section 169.003(a), Health and Safety Code,  
13 is amended to read as follows:

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

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

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

21 (3) provide each participant with information,  
22 counseling, and services relating to sex addiction, sexually  
23 transmitted diseases, mental health, and substance abuse; and

24 (4) provide each participant with classroom  
25 instruction related to the prevention of the solicitation of  
26 prostitution.

27 SECTION 3.19. Sections 169.004, 169.005, and 169.006,

1 Health and Safety Code, are amended to read as follows:

2       Sec. 169.004. OVERSIGHT. (a) The lieutenant governor and  
3 the speaker of the house of representatives may assign to  
4 appropriate legislative committees duties relating to the  
5 oversight of first offender solicitation of prostitution  
6 prevention programs established under this chapter.

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

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

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

15           (2) provide information regarding the performance of  
16 the program to the division on request.

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

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

25           (2) a law enforcement training reimbursement fee, in  
26 an amount equal to five percent of the total amount paid under  
27 Subdivision (1), to be deposited to the credit of the treasury of

1 the county or municipality that established the program to cover  
2 costs associated with the provision of training to law enforcement  
3 personnel on domestic violence, prostitution, and the trafficking  
4 of persons.

5 (b) Reimbursement fees collected under this section may be  
6 paid on a periodic basis or on a deferred payment schedule at the  
7 discretion of the judge, magistrate, or program director  
8 administering the first offender solicitation of prostitution  
9 prevention program. The fees must be based on the participant's  
10 ability to pay.

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

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

22 SECTION 3.20. Section 455.202(d)(2), Occupations Code, is  
23 amended to read as follows:

- 24 (2) "Sexual contact" includes:
- 25 (A) any touching of any part of the genitalia or  
26 anus;
- 27 (B) any touching of the breasts of a female

1 without the written consent of the female;

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

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

5 (E) deviate sexual intercourse, sexual contact,  
6 sexual intercourse, indecent exposure, sexual assault,  
7 prostitution, solicitation of prostitution, and promotion  
8 [~~promotions~~] of prostitution as described in Chapters 21, 22, and  
9 43, Penal Code, or any offer or agreement to engage in such  
10 activities;

11 (F) any behavior, gesture, or expression that may  
12 reasonably be interpreted as inappropriately seductive or sexual;  
13 or

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

16 SECTION 3.21. Section 15.031(b), Penal Code, is amended to  
17 read as follows:

18 (b) A person commits an offense if, with intent that an  
19 offense under Section 20A.02(a)(7) or (8), 21.02, 21.11, 22.011,  
20 22.021, 43.02, 43.021, 43.05(a)(2), or 43.25 be committed, the  
21 person by any means requests, commands, or attempts to induce a  
22 minor or another whom the person believes to be a minor to engage in  
23 specific conduct that, under the circumstances surrounding the  
24 actor's conduct as the actor believes them to be, would constitute  
25 an offense under one of those sections or would make the minor or  
26 other believed by the person to be a minor a party to the commission  
27 of an offense under one of those sections.

1           SECTION 3.22. Section 20A.02(a), Penal Code, is amended to  
2 read as follows:

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

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

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

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

13                         (A) Section 43.02 (Prostitution);

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

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

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

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

21                         (D) Section 43.05 (Compelling Prostitution);

22                 (4) receives a benefit from participating in a venture  
23 that involves an activity described by Subdivision (3) or engages  
24 in sexual conduct with a person trafficked in the manner described  
25 in Subdivision (3);

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



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

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

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

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

11                   (C) Section 22.011 (Sexual Assault);

12                   (D) Section 22.021 (Aggravated Sexual Assault);

13                   (E) Section 43.02 (Prostitution);

14                   (E-1) Section 43.021 (Solicitation of  
15 Prostitution);

16                   (F) Section 43.03 (Promotion of Prostitution);

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

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

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

23                   (H) Section 43.05 (Compelling Prostitution);

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

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

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

3 (8) receives a benefit from participating in a venture  
4 that involves an activity described by Subdivision (7) or engages  
5 in sexual conduct with a child trafficked in the manner described in  
6 Subdivision (7).

7 SECTION 3.23. 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 3.24. 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 3.25. Section 43.01, Penal Code, is amended by  
20 adding Subdivision (6) to read as follows:

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

23 SECTION 3.26. 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 3.27. 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 3.28. Section 93.013(a), Property Code, is amended  
13 to 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 ARTICLE 4. TRANSITION; EFFECTIVE DATE

26 SECTION 4.01. The changes in law made by Article 1 of this  
27 Act apply only to a cause of action that accrues on or after the

1 effective date of this Act. A cause of action that accrues before  
2 the effective date of this Act is governed by the law in effect  
3 immediately before the effective date of this Act, and that law is  
4 continued in effect for that purpose.

5         SECTION 4.02. The changes in law made by Articles 2 and 3 of  
6 this Act apply only to an offense committed on or after the  
7 effective date of this Act. An offense committed before the  
8 effective date of this Act is governed by the law in effect on the  
9 date the offense was committed, and the former law is continued in  
10 effect for that purpose. For purposes of this section, an offense  
11 was committed before the effective date of this Act if any element  
12 of the offense occurred before that date.

13         SECTION 4.03. This Act takes effect September 1, 2021.