

By: Taylor, et al.
(Thompson of Harris)

S.B. No. 1831

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the punishment for trafficking of persons, online
3 solicitation of a minor, and prostitution and warning signs
4 regarding certain penalties for trafficking of persons; increasing
5 criminal penalties.

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

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

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

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

13 (1) "Premises" has the meaning assigned by Section
14 481.134, Health and Safety Code.

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

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

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

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

24 (3) for premises not fenced, at least every five

1 hundred feet along the exterior boundaries of the premises;

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

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

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

11 (1) include a description of the provisions of Section
12 20A.02(b-1), Penal Code, including the penalties for violating that
13 section;

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

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

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

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

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

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

27 (2-a) "Premises" has the meaning assigned by Section

1 481.134, Health and Safety Code.

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

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

7 (b) Except as otherwise provided by this subsection and
8 Subsection (b-1), an offense under this section is a felony of the
9 second degree. An offense under this section is a felony of the
10 first degree if:

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

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

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

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

23 (1) on the premises of or within 1,000 feet of the
24 premises of a school; or

25 (2) on premises or within 1,000 feet of premises
26 where:

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

1 or

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

4 SECTION 5. Section 33.021, Penal Code, is amended by adding
5 Subsection (f-1) to read as follows:

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

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

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

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

16 (1-f) "Premises" has the meaning assigned by Section
17 481.134, Health and Safety Code.

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

20 SECTION 7. Section 43.02, Penal Code, is amended by adding
21 Subsection (c-2) to read as follows:

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

26 (1) on the premises of or within 1,000 feet of the
27 premises of a school; or

1 (2) on premises or within 1,000 feet of premises

2 where:

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

4 or

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

7 SECTION 8. The Texas Education Agency is required to
8 implement the change in law made by Section 37.086(d), Education
9 Code, as added by this Act, only if the legislature appropriates
10 money specifically for that purpose. If the legislature does not
11 appropriate money specifically for that purpose, the agency may,
12 but is not required to, implement the change in law made by Section
13 37.086(d), Education Code, as added by this Act, using other
14 appropriations available for that purpose.

15 SECTION 9. The changes in law made by this Act apply only to
16 an offense committed on or after the effective date of this Act. An
17 offense committed before the effective date of this Act is governed
18 by the law in effect on the date the offense was committed, and the
19 former law is continued in effect for that purpose. For purposes of
20 this section, an offense was committed before the effective date of
21 this Act if any element of the offense occurred before that date.

22 SECTION 10. This Act takes effect September 1, 2021.