

BILL ANALYSIS

Senate Research Center
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H.B. 279
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Traffickers specifically target adults suffering from intellectual and developmental disabilities due to their vulnerability. Yet prosecutors and law enforcement often struggle to bring their traffickers to justice. In investigations and trials of traffickers who victimized adult disabled survivors of human trafficking, prosecutors must prove that the defendant used force, fraud, or coercion to cause their victim to participate in prohibited conduct such as prostitution. The Texas human trafficking statute does not require proof of force, fraud, or coercion for those under 18.

H.B. 375, 87th Legislature, Regular Session, added disabled individuals as potential victims to the continuous sexual abuse of child statute. The proposed change amended Texas' human trafficking statute by adding additional protections for disabled individuals by eliminating the need to prove force, fraud, or coercion. Instead, just as there is no need to prove force, fraud, or coercion for children, prosecutors would not need to prove the additional elements of force, fraud, or coercion against traffickers who victimized a developmentally disabled individual.

H.B. 279 would allow prosecutors to try traffickers that have victimized disabled adults without requiring that they prove the elements of force, fraud, or coercion. This policy change would protect adults with disabilities who are especially vulnerable to trafficking, especially those with disabilities that affect their ability to assess safety or care for themselves without assistance. Although protections exist for certain disabled adults who are sexually assaulted or abused, those protections do not currently extend to victims of sex trafficking. H.B. 279 will empower prosecutors and law enforcement to bring traffickers to justice, preventing them from targeting one of our most vulnerable populations.

H.B. 279 amends current law relating to the prosecution and punishment of the offense of trafficking of persons.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 20A.01, Penal Code, by adding Subdivision (1-b) to define "disabled individual."

SECTION 2. Amends Sections 20A.02(a) and (b), Penal Code, as follows:

(a) Provides that a person commits an offense if the person knowingly:

(1)-(6) makes no changes to these subdivisions;

(7) traffics a disabled individual and by any means causes the trafficked child or disabled individual to engage in, or become the victim of, conduct prohibited by certain sections; or

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

(b) Provides that an offense under Section 20A.02 (Trafficking of Persons) is a felony of the first degree if certain criteria are met, including if the applicable conduct constitutes an offense under Subsection (a)(5) (relating to providing that a person commits an offense if the person traffics a child with the intent that the trafficked child engage in forced labor or services), (6) (relating to providing that a person commits an offense if the person receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services), (7), or (8), regardless of whether the actor knows the age of the child or whether the actor knows the victim is disabled at the time of the offense.

SECTION 3. Amends Section 16.0045(a), Civil Practice and Remedies Code, as follows:

(a) Requires a person to bring suit for personal injury not later than 30 years after the day the cause of action accrues if the injury arises as a result of conduct that violates certain statutes, including Section 20A.02(a)(7)(A) (relating to conduct prohibited by Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual)), (B) (relating to conduct prohibited by Section 21.11 (Indecency with a Child)), (C) (relating to conduct prohibited Section 22.011 (Sexual Assault)), (D) (relating to conduct prohibited Section 22.021 (Aggravated Sexual Assault)), or (H) (relating to conduct prohibited Section 43.05 (Compelling Prostitution)) or Section 20A.02(a)(8), Penal Code, involving an activity described by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct with a child or disabled individual trafficked in the manner described by Section 20A.02(a)(7), Penal Code (certain sexual trafficking, rather than certain sexual trafficking of a child).

SECTION 4. Amends Section 2(a), Article 38.37, Code of Criminal Procedure, as follows:

(a) Provides that Subsection (b) (relating to requiring that evidence of other crimes, wrongs, or acts committed by the defendant against the child who is the victim of the alleged offense be admitted for its bearing on relevant matters) applies only to the trial of a defendant for an offense under certain provisions of the Penal Code, including Section 20A.02, if punishable as a felony of the first degree under Section 20A.02(b)(1) (Sex Trafficking of a Child or Disabled Individual).

SECTION 5. Amends Section 772.0062(a)(1), Government Code, to redefine "child sex trafficking."

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2023.