

BILL ANALYSIS

Senate Research Center

H.B. 3554
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2019, Texas had the second-highest number of reported cases of human trafficking in the nation, according to the National Human Trafficking Hotline. This volume of cases may be due to Texas being a large state with one of the most-crossed international borders in the world.

Children in the child protective system face an increased risk for trafficking and abuse according to the Center for the Rights of Abused Children. According to the Department of Family and Protective Services (DFPS), in fiscal year 2021 there were 45,870 youth in DFPS conservatorship. During this period, 1,767 of those youth went missing, and only 1,632 of the missing youth were recovered. Of the recovered youth, 119 reported being victimized and 43 of those were identified as victims of sex trafficking.

Risk factors for victimization through child sex trafficking include prior childhood abuse, a lack of caring and supportive adult figures, and housing instability, as predators target children without stable living situations and who are in need of structure and connection.

H.B. 3554 seeks to address the exploitation and trafficking of children within and around facilities that interact with children in Texas and align those offenses with protections of applicable Penal Code provisions established by the 87th Legislature by enhancing the penalty from a second degree felony to a first degree felony for an offense involving trafficking of a person on the premises of or within 1,000 feet of certain shelters or facilities, a community center offering youth services, or a child-care facility.

H.B. 3554 amends current law relating to increasing the criminal penalty for the offense of trafficking of persons if committed at certain locations.

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 Sections 20A.02(b) and (b-1), Penal Code, as follows:

(b) Deletes existing text providing that an offense under Section 20A.02 (Trafficking of Persons) is a felony of the first degree if the actor recruited, enticed, or obtained the victim of the offense from a shelter or facility operating as a residential treatment center that serves runaway youth, foster children, the homeless, or persons subjected to human trafficking, domestic violence, or sexual assault. Makes nonsubstantive changes.

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

(1) on the premises of or within 1,000 feet of the premises of:

- (A) a school;
- (B) a juvenile detention facility;
- (C) a post-adjudication secure correctional facility;
- (D) a shelter or facility operating as a residential treatment center that serves runaway youth, foster children, people who are homeless, or persons subjected to human trafficking, domestic violence, or sexual assault;
- (E) a community center offering youth services and programs; or
- (F) a child-care facility, as defined by Section 42.002 (Definitions), Human Resources Code; or

(2) makes no changes to this subdivision.

Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.