

BILL ANALYSIS

H.B. 3554
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 the 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 victims were identified as a victim 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 the state of 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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3554 amends the Penal Code to include the following among the premises on or within 1,000 feet of which committing a trafficking of persons offense results in the penalty being enhanced from a second degree felony to a first degree felony 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:

- 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;
- a community center offering youth services and programs; and
- a child-care facility as defined by the Human Resources Code.

The bill applies to an offense committed on or after the bill's effective date and provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.