88R3356 EAS/LHC-D

By:  Thompson of Harris H.B. No. 3451

A BILL TO BE ENTITLED

AN ACT

relating to human trafficking, including the prosecution and punishment of compelling and solicitation of prostitution and other sexual or assaultive offenses; increasing a criminal penalty; creating a criminal offense.

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

ARTICLE 1. HUMAN TRAFFICKING PREVENTION COORDINATING COUNCIL AND HUMAN TRAFFICKING PREVENTION TASK FORCE

SECTION 1.01.  Sections 402.034(c), (f), and (g), Government Code, are amended to read as follows:

(c)  The council is composed of the following:

(1)  the governor or the governor's designee;

(2)  the attorney general or the attorney general's designee;

(3)  the commissioner of the Department of Family and Protective Services or the commissioner's designee;

(4)  the public safety director of the Department of Public Safety or the director's designee;

(5)  one representative from each of the following state agencies, appointed by the chief administrative officer of the respective agency:

(A)  the Texas Workforce Commission;

(B)  the Texas Alcoholic Beverage Commission;

(C)  the Parks and Wildlife Department; [~~and~~]

(D)  the Texas Department of Licensing and Regulation;

(E)  the Texas Education Agency; and

(F)  the Texas Department of Transportation; and

(6)  one representative of any other state agency appointed by the chief administrative officer of the agency, if the [~~human trafficking prevention task force established under Section 402.035 and the~~] council determines [~~determine~~] that a representative from the state agency is a necessary member of the council.

(f)  The strategic plan must include:

(1)  an inventory of human trafficking prevention programs and services in this state that are administered by state agencies, including an institution [~~institutions~~] of higher education as defined by Section 61.003, Education Code, or a private college or university that receives state funds [~~, and political subdivisions~~];

(2)  regarding the programs and services described by Subdivision (1):

(A)  a report on the number of persons served by the programs and services; and

(B)  a plan to coordinate the programs and services to achieve the following goals:

(i)  eliminate redundancy;

(ii)  ensure the agencies' use of best practices in preventing human trafficking; and

(iii)  identify and collect data regarding the efficacy of the programs and services; and

(3)  in relation to the goals for programs and services as described by Subdivision (2)(B), a plan to coordinate the expenditure of state funds allocated to prevent human trafficking in this state, including the expenditure of state funds by the human trafficking prevention task force established under Section 402.035.

(g)  Not later than December 1 of each even-numbered year, the council shall submit to the legislature a report detailing the progress of the strategic plan's implementation.  The report must include:

(1)  a description of the level of participation in the strategic plan by each agency represented on the council and how the implementation of the strategic plan serves to coordinate the programs and services described by Subsection (f)(1) and achieve the goals described by Subsection (f)(2)(B); and

(2)  an update of the inventory of programs and services described by Subsection (f)(1) that further [~~and how each program or service furthers~~] the goals of the strategic plan.

SECTION 1.02.  Section 402.035, Government Code, is amended by amending Subsections (c), (d), and (f-1) and adding Subsection (c-1) to read as follows:

(c)  The task force is composed of the following:

(1)  the governor or the governor's designee;

(2)  the attorney general or the attorney general's designee;

(3)  the executive commissioner of the Health and Human Services Commission or the executive commissioner's designee;

(4)  the commissioner of the Department of Family and Protective Services or the commissioner's designee;

(5)  the commissioner of the Department of State Health Services or the commissioner's designee;

(6)  the public safety director of the Department of Public Safety or the director's designee;

(7)  one representative from each of the following state agencies, appointed by the chief administrative officer of the respective agency:

(A)  the Texas Workforce Commission;

(B)  the Texas Department of Criminal Justice;

(C)  the Texas Juvenile Justice Department;

(D)  the Texas Education Agency;

(E)  the Texas Alcoholic Beverage Commission;

(F)  the Parks and Wildlife Department;

(G)  the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families;

(H)  the Texas Department of Licensing and Regulation;

(I)  the Office of Court Administration of the Texas Judicial System;

(J)  the office of the secretary of state; [~~and~~]

(K)  the Texas Commission on Law Enforcement; and

(L)  the Texas Department of Transportation; and

(8)  as appointed by the attorney general:

(A)  a chief public defender employed by a public defender's office, as defined by Article 26.044(a), Code of Criminal Procedure, or an attorney designated by the chief public defender;

(B)  an attorney representing the state;

(C)  a representative of:

(i)  a hotel and motel association;

(ii)  a district and county attorneys association;

(iii)  a state police association; and

(iv)  a statewide medical association;

(D)  a representative [~~representatives~~] of a sheriff's department [~~departments~~];

(E)  a representative [~~representatives~~] of a local law enforcement agency [~~agencies~~] affected by human trafficking; [~~and~~]

(F)  a representative [~~representatives~~] of a nongovernmental entity [~~entities~~] making comprehensive efforts to combat human trafficking by:

(i)  identifying human trafficking victims;

(ii)  providing legal or other services to human trafficking victims;

(iii)  participating in community outreach or public awareness efforts regarding human trafficking;

(iv)  providing or developing training regarding the prevention of human trafficking; and [~~or~~]

(v)  engaging in other activities designed to prevent human trafficking; and

(G)  representatives of regional human trafficking task forces or coalitions.

(c-1)  The attorney general shall annually evaluate the input and participation of members appointed under Subsection (c)(8) and, if necessary, appoint new members who will collaborate and contribute to the task force.

(d)  The task force shall:

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

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

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

(i)  the Federal Bureau of Investigation;

(ii)  the United States Drug Enforcement Administration;

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

(iv)  United States Immigration and Customs Enforcement; or

(v)  the United States Department of Homeland Security;

(2)  collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including:

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

(i)  the offense of trafficking of persons;

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

(iii)  an offense punishable as a felony of the second degree under Section 43.021, Penal Code, regardless of whether the offense was committed as part of a criminal episode involving the trafficking of persons;

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

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

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

(E)  social and economic factors that create a demand for the labor or services that victims of human trafficking are forced to provide [~~data described by Subdivisions (4)(A), (B), (C), (D), and (E)~~];

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

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

[~~(A)  the number of investigations concerning, arrests and prosecutions for, and convictions of:~~

[~~(i)  the offense of trafficking of persons;~~

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

[~~(iii)  an offense punishable as a felony of the second degree under Section 43.021, Penal Code, regardless of whether the offense was committed as part of a criminal episode involving the trafficking of persons;~~

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

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

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

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

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

(5) [~~(6)~~]  work with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to:

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

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

(C)  train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

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

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

(6) [~~(7)~~]  on the request of a judge of a county court, county court at law, or district court or a county attorney, district attorney, or criminal district attorney, assist and train the judge or the judge's staff or the attorney or the attorney's staff in the recognition and prevention of human trafficking;

(7) [~~(8)~~]  examine training protocols related to human trafficking issues, as developed and implemented by federal, state, and local law enforcement agencies;

(8) [~~(9)~~]  collaborate with state and local governmental agencies, political subdivisions of the state, and nongovernmental organizations to implement a media awareness campaign in communities affected by human trafficking;

(9) [~~(10)~~]  develop recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, curb markets and other economic avenues that facilitate human trafficking and investigate and prosecute human trafficking offenders;

(10) [~~(11)~~]  examine:

(A)  the extent to which human trafficking is associated with the operation of:

(i)  sexually oriented businesses, as defined by Section 243.002, Local Government Code; [~~,~~] and

(ii)  massage establishments permitting conduct described by Section 455.202(b)(4), Occupations Code; and

(B)  the workplace or public health concerns that are created by the association of human trafficking and the operation of sexually oriented businesses and massage establishments described by Paragraph (A);

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

(12) [~~(13)~~]  identify and report to the governor and legislature on laws, licensure requirements, or other regulations that can be passed at the state and local level to curb trafficking using the Internet and in sexually oriented businesses and massage establishments.

(f-1)  The following state agencies shall designate an individual who is authorized to coordinate the agency's resources to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, and investigate and prosecute human trafficking offenders:

(1)  the Texas Alcoholic Beverage Commission;

(2)  the Department of Family and Protective Services;

(3)  the Department of Public Safety;

(4)  the Department of State Health Services;

(5)  the Health and Human Services Commission;

(6)  the Texas Juvenile Justice Department;

(7)  the Texas Education Agency;

(8)  the Texas Department of Transportation;

(9)  the office of the attorney general; and

(10) [~~(8)~~]  the office of the governor.

SECTION 1.03.  As soon as practicable after the effective date of this Act, the Texas Education Agency and the Texas Department of Transportation, as applicable, shall appoint representatives and designate individuals as required by Sections 402.034(c) and 402.035(c) and (f-1), Government Code, as amended by this article.

ARTICLE 2. TRAFFICKING OF PERSONS, SOLICITATION OF PROSTITUTION, AND COMPELLING PROSTITUTION

SECTION 2.01.  Section 20A.01, Penal Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Disabled individual" has the meaning assigned by

Section 22.021(b).

SECTION 2.02.  Sections 20A.02(a) and (b), Penal Code, are amended to read as follows:

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

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

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

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

(A)  Section 43.02 (Prostitution);

(B)  Section 43.03 (Promotion of Prostitution);

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

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

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

(D)  Section 43.05 (Compelling Prostitution);

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

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

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

(A)  Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual);

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

(C)  Section 22.011 (Sexual Assault);

(D)  Section 22.021 (Aggravated Sexual Assault);

(E)  Section 43.02 (Prostitution);

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

(F)  Section 43.03 (Promotion of Prostitution);

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

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

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

(H)  Section 43.05 (Compelling Prostitution);

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

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

(K)  Section 43.26 (Possession or Promotion of Child Pornography); 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)  Except as otherwise provided by this subsection and Subsection (b-1), an offense under this section is a felony of the second degree.  An offense under this section is a felony of the first degree if:

(1)  the applicable conduct constitutes an offense under Subsection (a)(5), (6), (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;

(2)  the commission of the offense results in serious bodily injury to or the death of the person who is trafficked;

(3)  the commission of the offense results in the death of an unborn child of the person who is trafficked; or

(4)  the actor:

(A)  used or exhibited a deadly weapon during the commission of the offense;

(B)  intentionally, knowingly, or recklessly impeded the normal breathing or circulation of the blood of the trafficked person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth; or

(C)  recruited, enticed, or obtained the trafficked person [~~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.

SECTION 2.03.  Section 43.021(b), Penal Code, is amended to read as follows:

(b)  An offense under Subsection (a) is a state jail felony, except that the offense is:

(1)  a felony of the third degree if the actor has previously been convicted of an offense under Subsection (a) or under Section 43.02(b), as that law existed before September 1, 2021; or

(2)  a felony of the second degree if the person to [~~with~~] whom the actor offers or agrees to pay the fee for the purpose of engaging [~~to engage~~] in sexual conduct is:

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

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

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

SECTION 2.04.  Section 43.02(c-2), Penal Code, as added by Chapters 807 (H.B. 1540) and 1049 (S.B. 1831), Acts of the 87th Legislature, Regular Session, 2021, is transferred to Section 43.021, Penal Code, redesignated as Section 43.021(b-1), Penal Code, and amended to read as follows:

(b-1) [~~(c-2)~~]  The punishment prescribed for an offense under Subsection (a) [~~(b)~~] is increased to the punishment prescribed for the next highest category of offense 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 school; or

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

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

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

SECTION 2.05.  Section 43.05(a), Penal Code, is amended to read as follows:

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

(1)  causes another by force, threat, coercion, or fraud to commit prostitution; [~~or~~]

(2)  causes by any means a child younger than 18 years to commit prostitution, regardless of whether the actor knows the age of the child at the time of the offense; or

(3)  causes by any means a disabled individual, as defined by Section 22.021(b), to commit prostitution, regardless of whether the actor knows the individual is disabled at the time of the offense.

SECTION 2.06.  Section 16.0045(a), Civil Practice and Remedies Code, is amended to read as follows:

(a)  A person must 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:

(1)  Section 22.011(a)(2), Penal Code (sexual assault of a child);

(2)  Section 22.021(a)(1)(B), Penal Code (aggravated sexual assault of a child);

(3)  Section 21.02, Penal Code (continuous sexual abuse of young child or disabled individual);

(4)  Section 20A.02(a)(7)(A), (B), (C), (D), or (H) 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 [~~of a child~~]);

(5)  Section 43.05(a)(2) or (3), Penal Code (compelling prostitution by a child or disabled individual); or

(6)  Section 21.11, Penal Code (indecency with a child).

SECTION 2.07.  Article 12.01, Code of Criminal Procedure, is amended to read as follows:

Art. 12.01.  FELONIES.  Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

(1)  no limitation:

(A)  murder and manslaughter;

(B)  sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code;

(C)  sexual assault, if:

(i)  during the investigation of the offense biological matter is collected and the matter:

(a)  has not yet been subjected to forensic DNA testing; or

(b)  has been subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained; or

(ii)  probable cause exists to believe that the defendant has committed the same or a similar sex offense against five or more victims;

(D)  continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code;

(E)  indecency with a child under Section 21.11, Penal Code;

(F)  an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person;

(G)  trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code;

(H)  continuous trafficking of persons under Section 20A.03, Penal Code; or

(I)  compelling prostitution under Section 43.05(a)(2) or (3), Penal Code;

(2)  ten years from the date of the commission of the offense:

(A)  theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;

(B)  theft by a public servant of government property over which the public servant exercises control in the public servant's official capacity;

(C)  forgery or the uttering, using, or passing of forged instruments;

(D)  injury to an elderly or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;

(E)  sexual assault, except as provided by Subdivision (1) or (7);

(F)  arson;

(G)  trafficking of persons under Section 20A.02(a)(1), (2), (3), or (4), Penal Code; or

(H)  compelling prostitution under Section 43.05(a)(1), Penal Code;

(3)  seven years from the date of the commission of the offense:

(A)  misapplication of fiduciary property or property of a financial institution;

(B)  fraudulent securing of document execution;

(C)  a felony violation under Chapter 162, Tax Code;

(D)  false statement to obtain property or credit under Section 32.32, Penal Code;

(E)  money laundering;

(F)  credit card or debit card abuse under Section 32.31, Penal Code;

(G)  fraudulent use or possession of identifying information under Section 32.51, Penal Code;

(H)  exploitation of a child, elderly individual, or disabled individual under Section 32.53, Penal Code;

(I)  health care fraud under Section 35A.02, Penal Code; or

(J)  bigamy under Section 25.01, Penal Code, except as provided by Subdivision (6);

(4)  five years from the date of the commission of the offense:

(A)  theft or robbery;

(B)  except as provided by Subdivision (5), kidnapping or burglary;

(C)  injury to an elderly or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;

(D)  abandoning or endangering a child; or

(E)  insurance fraud;

(5)  if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of one of the following offenses:

(A)  sexual performance by a child under Section 43.25, Penal Code;

(B)  aggravated kidnapping under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or

(C)  burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit an offense described by Subdivision (1)(B) or (D) of this article or Paragraph (B) of this subdivision;

(6)  ten years from the 18th birthday of the victim of the offense:

(A)  trafficking of a child [~~persons~~] under Section 20A.02(a)(5) or (6), Penal Code;

(B)  injury to a child under Section 22.04, Penal Code; or

(C)  bigamy under Section 25.01, Penal Code, if the investigation of the offense shows that the person, other than the legal spouse of the defendant, whom the defendant marries or purports to marry or with whom the defendant lives under the appearance of being married is younger than 18 years of age at the time the offense is committed;

(7)  ten years from the date the offense was discovered: trafficking of a disabled individual under Section 20A.02(a)(5) or (6), Penal Code;

(8)  two years from the date the offense was discovered: sexual assault punishable as a state jail felony under Section 22.011(f)(2), Penal Code; or

(9) [~~(8)~~]  three years from the date of the commission of the offense:  all other felonies.

SECTION 2.08.  Section 2(a), Article 38.37, Code of Criminal Procedure, is amended to read as follows:

(a)  Subsection (b) applies only to the trial of a defendant for:

(1)  an offense under any of the following provisions of the Penal Code:

(A)  Section 20A.02, if punishable as a felony of the first degree under Section 20A.02(b)(1) (Labor or Sex Trafficking of a Child or Disabled Individual);

(B)  Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual);

(C)  Section 21.11 (Indecency With a Child);

(D)  Section 22.011(a)(2) (Sexual Assault of a Child);

(E)  Sections 22.021(a)(1)(B) and (2) (Aggravated Sexual Assault of a Child);

(F)  Section 33.021 (Online Solicitation of a Minor);

(G)  Section 43.25 (Sexual Performance by a Child); or

(H)  Section 43.26 (Possession or Promotion of Child Pornography), Penal Code; or

(2)  an attempt or conspiracy to commit an offense described by Subdivision (1).

SECTION 2.09.  Article 62.101(a), Code of Criminal Procedure, is amended to read as follows:

(a)  Except as provided by Subsection (b) and Subchapter I, the duty to register for a person ends when the person dies if the person has a reportable conviction or adjudication, other than an adjudication of delinquent conduct, for:

(1)  a sexually violent offense;

(2)  an offense under Section 20A.02(a)(3), (4), (7), or (8), 25.02, 43.05(a)(2) or (3), or 43.26, Penal Code;

(3)  an offense under Section 20A.03, Penal Code, if based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8) of that code;

(4)  an offense under Section 21.11(a)(2), Penal Code, if before or after the person is convicted or adjudicated for the offense under Section 21.11(a)(2), Penal Code, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration under this chapter;

(5)  an offense under Section 20.02, 20.03, or 20.04, Penal Code, if:

(A)  the judgment in the case contains an affirmative finding under Article 42.015 or, for a deferred adjudication, the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age; and

(B)  before or after the person is convicted or adjudicated for the offense under Section 20.02, 20.03, or 20.04, Penal Code, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration under this chapter; or

(6)  an offense under Section 43.23, Penal Code, that is punishable under Subsection (h) of that section.

SECTION 2.10.  Section 772.0062(a)(1), Government Code, is amended to read as follows:

(1)  "Child sex trafficking" means conduct constituting an offense [~~prohibited~~] under Section 20A.02(a)(7) or (8), Penal Code, that is committed against a child.

SECTION 2.11.  The change in law made by this article applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 2.12.  To the extent of any conflict, this article prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

ARTICLE 3. ADMISSIBILITY OF CERTAIN HEARSAY STATEMENTS AND EXTRANEOUS OFFENSES OR ACTS

SECTION 3.01.  Section 1, Article 38.072, Code of Criminal Procedure, is amended to read as follows:

Sec. 1.  This article applies to a proceeding in the prosecution of an offense under any of the following provisions of the Penal Code, if committed against a child younger than 18 [~~14~~] years of age or a person with a disability:

(1)  Chapter 21 (Sexual Offenses) or 22 (Assaultive Offenses);

(2)  Section 25.02 (Prohibited Sexual Conduct);

(3)  Section 43.25 (Sexual Performance by a Child);

(4)  Section 43.05(a)(2) or (3) (Compelling Prostitution);

(5)  Section 20A.02(a)(5), (6), (7), [~~20A.02(a)(7)~~] or (8) (Trafficking of Persons); [~~or~~]

(6)  Section 20A.03 (Continuous Trafficking of Persons), if based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(5), (6), (7), or (8); or

(7)  Section 15.01 (Criminal Attempt), if the offense attempted is described by Subdivision (1), (2), (3), (4), [~~or~~] (5), or (6) of this section.

SECTION 3.02.  Section 1(a), Article 38.37, Code of Criminal Procedure, is amended to read as follows:

(a)  Subsection (b) applies to a proceeding in the prosecution of a defendant for an offense, or an attempt or conspiracy to commit an offense, under the following provisions of the Penal Code:

(1)  if committed against a child under 17 years of age:

(A)  Chapter 21 (Sexual Offenses);

(B)  Chapter 22 (Assaultive Offenses); or

(C)  Section 25.02 (Prohibited Sexual Conduct); or

(2)  if committed against a person younger than 18 years of age:

(A)  Section 43.25 (Sexual Performance by a Child);

(B)  Section 20A.02(a)(5), (6), (7), [~~20A.02(a)(7)~~] or (8) (Trafficking of Persons); [~~or~~]

(C)  Section 20A.03 (Continuous Trafficking of Persons), if based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(5), (6), (7), or (8); or

(D)  Section 43.05(a)(2) (Compelling Prostitution).

SECTION 3.03.  The change in law made by this article applies to the admissibility of evidence in a criminal proceeding that commences on or after the effective date of this Act. The admissibility of evidence in a criminal proceeding that commences before the effective date of this Act is governed by the law in effect on the date the proceeding commenced, and the former law is continued in effect for that purpose.

ARTICLE 4. REQUIRED REPORTING CONCERNING INVESTIGATIONS OF HUMAN TRAFFICKING OFFENSES

SECTION 4.01.  Article 2.305, Code of Criminal Procedure, is amended to read as follows:

Art. 2.305.  REPORT REQUIRED CONCERNING HUMAN TRAFFICKING CASES. (a) This article applies only to:

(1)  a municipal police department, sheriff's department, or constable's office [~~, county attorney's office, district attorney's office, and criminal district attorney's office, as applicable,~~] in a county with a population of more than 50,000; and

(2)  the Department of Public Safety.

(b)  An entity described by Subsection (a) that investigates the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general [~~a report~~] in the manner and form prescribed by the attorney general a report containing the following information:

(1)  the offense being investigated, including the offense code designated by the Department of Public Safety under Article 66.052 [~~a brief description of the alleged prohibited conduct~~];

(2)  regarding each person suspected of committing the offense [~~and each victim of the offense~~]:

(A)  the person's:

(i)  full name [~~age~~];

(ii)  gender; [~~and~~]

(iii)  race or ethnicity, as defined by Article 2.132; [~~and~~]

(iv)  country of origin, if the person is not a United States citizen or legal permanent resident;

(v)  date of birth; and

(vi)  age at the time of the offense, if available; and

(B)  the case number associated with the person and the offense [~~and the person suspected of committing the offense~~];

(3)  the date[~~, time,~~] and location of the alleged offense, including the city and county;

(4)  [~~the type of human trafficking involved, including:~~

[~~(A) forced labor or services, as defined by Section 20A.01, Penal Code;~~

[~~(B) causing the victim by force, fraud, or coercion to engage in prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(3), Penal Code; or~~

[~~(C) causing a child victim by any means to engage in, or become the victim of, prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(7), Penal Code;~~

[~~(5) if available, information regarding any victims' service organization or program to which the victim was referred as part of the investigation; and~~

[~~(6)~~] the disposition of the investigation, if any, regardless of the manner of disposition; and

(5)  regarding the victim of the offense:

(A)  the victim's:

(i)  age;

(ii)  gender;

(iii)  race or ethnicity, as defined by Article 2.132; and

(iv)  country of origin, if the victim is not a United States citizen or legal permanent resident; and

(B)  if available, information regarding any victims' service organization or program to which the victim was referred as part of the investigation.

(c)  An entity described by Subsection (a) that does not have any investigations or offenses required to be reported under this article during a period specified by the attorney general shall submit to the attorney general a notice stating there are no cases to report, in the manner and form prescribed by the attorney general [~~An attorney representing the state who prosecutes the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:~~

[~~(1) the offense being prosecuted, including a brief description of the alleged prohibited conduct;~~

[~~(2) any other charged offense that is part of the same criminal episode out of which the offense described by Subdivision (1) arose;~~

[~~(3) the information described by Subsections (b)(2), (3), (4), and (5); and~~

[~~(4) the disposition of the prosecution, regardless of the manner of disposition~~].

(d)  The attorney general may enter into a contract with a university or organization to assist with [~~that provides for the university's assistance in~~] the collection and analysis of information received under this article. The attorney general shall ensure that all sensitive information is properly protected.

(e)  Information described by Subsections (b)(2)(A)(i) and (v) and (b)(2)(B) is not subject to disclosure under Chapter 552, Government Code.

(f)  In consultation with the entities described by Subsection (a), the attorney general shall adopt rules to administer this article, including rules prescribing:

(1)  the form and manner of submission of a report or notice required by Subsection (b) or (c); and

(2)  additional information to include in a report or notice required by Subsection (b) or (c).

SECTION 4.02.  As soon as practicable after the effective date of this Act, the attorney general shall update forms and procedures as necessary to implement Article 2.305, Code of Criminal Procedure, as amended by this article.

ARTICLE 5. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CERTIFICATES ISSUED TO CERTAIN SEX OFFENDERS

SECTION 5.01.  Article 42.016, Code of Criminal Procedure, is amended to read as follows:

Art. 42.016.  SPECIAL DRIVER'S LICENSE OR IDENTIFICATION REQUIREMENTS FOR CERTAIN SEX OFFENDERS. If a person is convicted of, receives a grant of deferred adjudication for, or is adjudicated as having engaged in delinquent conduct based on a violation of an offense for which a conviction or adjudication requires registration as a sex offender under Chapter 62, the court shall:

(1)  issue an order requiring the Texas Department of Public Safety to include in any driver's license record or personal identification certificate record maintained by the department for the person:

(A)  an indication that the person is subject to the registration requirements of Chapter 62; and

(B)  if applicable, an indication that the person is subject to registration because the person was convicted of an offense involving human trafficking under Chapter 20A, Penal Code;

(2)  require the person to apply to the Texas Department of Public Safety in person for an original or renewal driver's license or personal identification certificate not later than the 30th day after the date the person is released or the date the department sends written notice to the person of the requirements of Article 62.060, as applicable, and to annually renew the license or certificate;

(3)  notify the person of the consequence of the conviction or order of deferred adjudication as it relates to the order issued under this article; and

(4)  send to the Texas Department of Public Safety a copy of the record of conviction, a copy of the order granting deferred adjudication, or a copy of the juvenile adjudication, as applicable, and a copy of the order issued under this article.

SECTION 5.02.  Section 521.057(a), Transportation Code, is amended to read as follows:

(a)  On receipt of a court order issued under Article 42.016, Code of Criminal Procedure, the department shall ensure that any driver's license record or personal identification certificate record maintained by the department for the person includes an indication that the person:

(1)  is subject to the registration requirements of Chapter 62, Code of Criminal Procedure; and

(2)  if applicable, is subject to registration because the person was convicted of an offense involving human trafficking under Chapter 20A, Penal Code.

SECTION 5.03.  The changes in law made by this article apply only to a driver's license or personal identification certificate issued or renewed on or after the effective date of this Act. A driver's license or personal identification certificate issued or renewed before the effective date of this Act is governed by the law in effect when the license or certificate was issued or renewed, and the former law is continued in effect for that purpose.

ARTICLE 6. CHILD GROOMING AND POSSESSION OF CHILD PORNOGRAPHY

SECTION 6.01.  Chapter 15, Penal Code, is amended by adding Section 15.032 to read as follows:

Sec. 15.032.  CHILD GROOMING. (a) A person commits an offense if, with the intent that an offense under Chapter 43 or an offense involving sexual activity, the occurrence of which would subject the actor to criminal liability under Chapter 20A, 21, or 22, be committed, the person knowingly persuades, induces, entices, or coerces, or attempts to persuade, induce, entice, or coerce, a child younger than 18 years of age to engage in specific conduct that, under the circumstances surrounding the actor's conduct as the actor believes them to be, would:

(1)  constitute an offense under Chapter 43 or an offense involving sexual activity the occurrence of which would subject the actor to criminal liability under Chapter 20A, 21, or 22; or

(2)  make the child a party to the commission of an offense described by Subdivision (1).

(b)  An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under:

(1)  Chapter 20A, if the offense involved conduct described by Section 20A.02(a)(7) or (8);

(2)  Section 21.02;

(3)  Section 21.11;

(4)  Section 22.011, if the victim of the offense was a child under 18 years of age; or

(5)  Section 22.021, if the victim of the offense was a child under 18 years of age.

(c)  It is an affirmative defense to prosecution under this section that the actor is under the age of 18 and:

(1)  the actor engaged in conduct described by Subsection (a) with respect to another child under the age of 18:

(A)  who is not more than three years older or younger than the actor and with whom the actor had a dating relationship at the time of the offense; or

(B)  who was the spouse of the actor at the time of the offense; and

(2)  the conduct occurred only between the actor and the other child described by Subdivision (1).

(d)  If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section but not both sections.

SECTION 6.02.  Section 43.26, Penal Code, is amended by amending Subsections (c) and (d) and adding Subsections (d-1) and (d-2) to read as follows:

(c)  The affirmative defenses provided by Sections 43.25(f)(2) and (3) [~~Section 43.25(f)~~] also apply to a prosecution under this section.

(d)  An offense under Subsection (a) is a felony of the third degree, except that the offense is:

(1)  a felony of the second degree if:

(A)  it is shown on the trial of the offense that the person has been previously convicted one time of an offense under that subsection; or

(B)  the person possesses visual material that contains 10 or more visual depictions of a child as described by Subsection (a)(1) but fewer than 50 such depictions; and

(2)  a felony of the first degree if:

(A)  it is shown on the trial of the offense that the person has been previously convicted two or more times of an offense under that subsection; or

(B)  the person possesses visual material that contains:

(i)  50 or more visual depictions of a child as described by Subsection (a)(1); or

(ii)  a videotape or film that visually depicts conduct constituting an offense under Section 22.011(a)(2).

(d-1)  If it is shown on the trial of an offense under Subsection (a) that the person engaged in conduct that constituted an offense under Subsection (e) during the same criminal episode:

(1)  an offense described for purposes of punishment by Subsection (d)(1) is a felony of the first degree; or

(2)  the minimum term of confinement for an offense described for purposes of punishment by Subsection (d)(2) is increased to 15 years.

(d-2)  The enhancement provided by Subsection (d-1) is unavailable if the person is also prosecuted under Subsection (e) for conduct occurring during the same criminal episode.

SECTION 6.03.  Section 43.26(f), Penal Code, is repealed.

SECTION 6.04.  The change in law made by this article applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

ARTICLE 7. EFFECTIVE DATE

SECTION 7.01.  This Act takes effect September 1, 2023.