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H.B. No. 279

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of
trafficking of persons.

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

SECTION 1. 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. 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);

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

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

5 (D) Section 43.05 (Compelling Prostitution);

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

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

12 (6) receives a benefit from participating in a venture
13 that involves an activity described by Subdivision (5), including
14 by receiving labor or services the person knows are forced labor or
15 services;

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

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

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

22 (C) Section 22.011 (Sexual Assault);

23 (D) Section 22.021 (Aggravated Sexual Assault);

24 (E) Section 43.02 (Prostitution);

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

27 (F) Section 43.03 (Promotion of Prostitution);

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

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

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

7 (H) Section 43.05 (Compelling Prostitution);

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

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

12 (K) Section 43.26 (Possession or Promotion of
13 Child Pornography); or

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

18 (b) Except as otherwise provided by this subsection and
19 Subsection (b-1), an offense under this section is a felony of the
20 second degree. An offense under this section is a felony of the
21 first degree if:

22 (1) the applicable conduct constitutes an offense
23 under Subsection (a)(5), (6), (7), or (8), regardless of whether
24 the actor knows the age of the child or whether the actor knows the
25 victim is disabled at the time of the offense;

26 (2) the commission of the offense results in the death
27 of the person who is trafficked;

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

3 (4) the actor recruited, enticed, or obtained the
4 victim of the offense from a shelter or facility operating as a
5 residential treatment center that serves runaway youth, foster
6 children, the homeless, or persons subjected to human trafficking,
7 domestic violence, or sexual assault.

8 SECTION 3. Section 16.0045(a), Civil Practice and Remedies
9 Code, is amended to read as follows:

10 (a) A person must bring suit for personal injury not later
11 than 30 years after the day the cause of action accrues if the
12 injury arises as a result of conduct that violates:

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

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

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

19 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
20 Section 20A.02(a)(8), Penal Code, involving an activity described
21 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
22 with a child or disabled individual trafficked in the manner
23 described by Section 20A.02(a)(7), Penal Code (certain sexual
24 trafficking [~~of a child~~]);

25 (5) Section 43.05(a)(2), Penal Code (compelling
26 prostitution by a child); or

27 (6) Section 21.11, Penal Code (indecenty with a

1 child).

2 SECTION 4. Section 2(a), Article 38.37, Code of Criminal
3 Procedure, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

26 SECTION 5. Section 772.0062(a)(1), Government Code, is
27 amended to read as follows:

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

4 SECTION 6. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 governed by the law in effect on the date the offense was committed,
8 and the former law is continued in effect for that purpose. For
9 purposes of this section, an offense was committed before the
10 effective date of this Act if any element of the offense occurred
11 before that date.

12 SECTION 7. This Act takes effect September 1, 2023.