

1-1 By: Jetton, et al. (Senate Sponsor - Bettencourt) H.B. No. 279
 1-2 (In the Senate - Received from the House April 17, 2023;
 1-3 April 18, 2023, read first time and referred to Committee on
 1-4 Criminal Justice; May 3, 2023, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; May 3, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14			X	

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the prosecution and punishment of the offense of
 1-18 trafficking of persons.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 20A.01, Penal Code, is amended by adding
 1-21 Subdivision (1-b) to read as follows:

1-22 (1-b) "Disabled individual" has the meaning assigned by
 1-23 Section 22.021(b).

1-24 SECTION 2. Sections 20A.02(a) and (b), Penal Code, are
 1-25 amended to read as follows:

1-26 (a) A person commits an offense if the person knowingly:

1-27 (1) traffics another person with the intent that the
 1-28 trafficked person engage in forced labor or services;

1-29 (2) receives a benefit from participating in a venture
 1-30 that involves an activity described by Subdivision (1), including
 1-31 by receiving labor or services the person knows are forced labor or
 1-32 services;

1-33 (3) traffics another person and, through force, fraud,
 1-34 or coercion, causes the trafficked person to engage in conduct
 1-35 prohibited by:

1-36 (A) Section 43.02 (Prostitution);

1-37 (B) Section 43.03 (Promotion of Prostitution);

1-38 (B-1) Section 43.031 (Online Promotion of
 1-39 Prostitution);

1-40 (C) Section 43.04 (Aggravated Promotion of
 1-41 Prostitution);

1-42 (C-1) Section 43.041 (Aggravated Online
 1-43 Promotion of Prostitution); or

1-44 (D) Section 43.05 (Compelling Prostitution);

1-45 (4) receives a benefit from participating in a venture
 1-46 that involves an activity described by Subdivision (3) or engages
 1-47 in sexual conduct with a person trafficked in the manner described
 1-48 in Subdivision (3);

1-49 (5) traffics a child with the intent that the
 1-50 trafficked child engage in forced labor or services;

1-51 (6) receives a benefit from participating in a venture
 1-52 that involves an activity described by Subdivision (5), including
 1-53 by receiving labor or services the person knows are forced labor or
 1-54 services;

1-55 (7) traffics a child or disabled individual and by any
 1-56 means causes the trafficked child or disabled individual to engage
 1-57 in, or become the victim of, conduct prohibited by:

1-58 (A) Section 21.02 (Continuous Sexual Abuse of
 1-59 Young Child or Disabled Individual);

1-60 (B) Section 21.11 (Indecency with a Child);

1-61 (C) Section 22.011 (Sexual Assault);

2-1 (D) Section 22.021 (Aggravated Sexual Assault);
 2-2 (E) Section 43.02 (Prostitution);
 2-3 (E-1) Section 43.021 (Solicitation of
 2-4 Prostitution);
 2-5 (F) Section 43.03 (Promotion of Prostitution);
 2-6 (F-1) Section 43.031 (Online Promotion of
 2-7 Prostitution);
 2-8 (G) Section 43.04 (Aggravated Promotion of
 2-9 Prostitution);
 2-10 (G-1) Section 43.041 (Aggravated Online
 2-11 Promotion of Prostitution);
 2-12 (H) Section 43.05 (Compelling Prostitution);
 2-13 (I) Section 43.25 (Sexual Performance by a
 2-14 Child);
 2-15 (J) Section 43.251 (Employment Harmful to
 2-16 Children); or
 2-17 (K) Section 43.26 (Possession or Promotion of
 2-18 Child Pornography); or
 2-19 (8) receives a benefit from participating in a venture
 2-20 that involves an activity described by Subdivision (7) or engages
 2-21 in sexual conduct with a child or disabled individual trafficked in
 2-22 the manner described in Subdivision (7).
 2-23 (b) Except as otherwise provided by this subsection and
 2-24 Subsection (b-1), an offense under this section is a felony of the
 2-25 second degree. An offense under this section is a felony of the
 2-26 first degree if:
 2-27 (1) the applicable conduct constitutes an offense
 2-28 under Subsection (a)(5), (6), (7), or (8), regardless of whether
 2-29 the actor knows the age of the child or whether the actor knows the
 2-30 victim is disabled at the time of the offense;
 2-31 (2) the commission of the offense results in the death
 2-32 of the person who is trafficked;
 2-33 (3) the commission of the offense results in the death
 2-34 of an unborn child of the person who is trafficked; or
 2-35 (4) the actor recruited, enticed, or obtained the
 2-36 victim of the offense from a shelter or facility operating as a
 2-37 residential treatment center that serves runaway youth, foster
 2-38 children, the homeless, or persons subjected to human trafficking,
 2-39 domestic violence, or sexual assault.
 2-40 SECTION 3. Section 16.0045(a), Civil Practice and Remedies
 2-41 Code, is amended to read as follows:
 2-42 (a) A person must bring suit for personal injury not later
 2-43 than 30 years after the day the cause of action accrues if the
 2-44 injury arises as a result of conduct that violates:
 2-45 (1) Section 22.011(a)(2), Penal Code (sexual assault
 2-46 of a child);
 2-47 (2) Section 22.021(a)(1)(B), Penal Code (aggravated
 2-48 sexual assault of a child);
 2-49 (3) Section 21.02, Penal Code (continuous sexual abuse
 2-50 of young child or disabled individual);
 2-51 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
 2-52 Section 20A.02(a)(8), Penal Code, involving an activity described
 2-53 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
 2-54 with a child or disabled individual trafficked in the manner
 2-55 described by Section 20A.02(a)(7), Penal Code (certain sexual
 2-56 trafficking [~~of a child~~]);
 2-57 (5) Section 43.05(a)(2), Penal Code (compelling
 2-58 prostitution by a child); or
 2-59 (6) Section 21.11, Penal Code (indecent with a
 2-60 child).
 2-61 SECTION 4. Section 2(a), Article 38.37, Code of Criminal
 2-62 Procedure, is amended to read as follows:
 2-63 (a) Subsection (b) applies only to the trial of a defendant
 2-64 for:
 2-65 (1) an offense under any of the following provisions
 2-66 of the Penal Code:
 2-67 (A) Section 20A.02, if punishable as a felony of
 2-68 the first degree under Section 20A.02(b)(1) (Sex Trafficking of a
 2-69 Child or Disabled Individual);

- 3-1 (B) Section 21.02 (Continuous Sexual Abuse of
- 3-2 Young Child or Disabled Individual);
- 3-3 (C) Section 21.11 (Indecency With a Child);
- 3-4 (D) Section 22.011(a)(2) (Sexual Assault of a
- 3-5 Child);
- 3-6 (E) Sections 22.021(a)(1)(B) and (2) (Aggravated
- 3-7 Sexual Assault of a Child);
- 3-8 (F) Section 33.021 (Online Solicitation of a
- 3-9 Minor);
- 3-10 (G) Section 43.25 (Sexual Performance by a
- 3-11 Child); or
- 3-12 (H) Section 43.26 (Possession or Promotion of
- 3-13 Child Pornography), Penal Code; or
- 3-14 (2) an attempt or conspiracy to commit an offense
- 3-15 described by Subdivision (1).

3-16 SECTION 5. Section 772.0062(a)(1), Government Code, is

3-17 amended to read as follows:

3-18 (1) "Child sex trafficking" means conduct

3-19 constituting an offense [prohibited] under Section 20A.02(a)(7) or

3-20 (8), Penal Code, that is committed against a child.

3-21 SECTION 6. The change in law made by this Act applies only

3-22 to an offense committed on or after the effective date of this Act.

3-23 An offense committed before the effective date of this Act is

3-24 governed by the law in effect on the date the offense was committed,

3-25 and the former law is continued in effect for that purpose. For

3-26 purposes of this section, an offense was committed before the

3-27 effective date of this Act if any element of the offense occurred

3-28 before that date.

3-29 SECTION 7. This Act takes effect September 1, 2023.

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