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H.B. No. 1004

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of the offenses of trafficking of
3 persons and compelling prostitution and to certain consequences of
4 those offenses.

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

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

8 (1-b) "Disabled individual" has the meaning assigned
9 by Section 22.021(b).

10 SECTION 2. Sections 20A.02(a) and (b), Penal Code, are
11 amended to read as follows:

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

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

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

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

22 (A) Section 43.02 (Prostitution);

23 (B) Section 43.03 (Promotion of Prostitution);

24 (B-1) Section 43.031 (Online Promotion of

1 Prostitution);

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

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

6 (D) Section 43.05 (Compelling Prostitution);

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

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

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

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

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

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

24 (C) Section 22.011 (Sexual Assault);

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

26 (E) Section 43.02 (Prostitution);

27 (E-1) Section 43.021 (Solicitation of

1 Prostitution);

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

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

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

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

9 (H) Section 43.05 (Compelling Prostitution);

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

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

14 (K) Section 43.26 (Possession or Promotion of
15 Child Pornography); or

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

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

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

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

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

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

10 SECTION 3. Section 43.05(a), Penal Code, is amended to read
11 as follows:

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

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

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

18 (3) causes by any means a disabled individual, as
19 defined by Section 20A.01, to commit prostitution, regardless of
20 whether the actor knows the individual is disabled at the time of
21 the offense.

22 SECTION 4. Section 16.0045(a), Civil Practice and Remedies
23 Code, is amended to read as follows:

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

27 (1) Section 22.011(a)(2), Penal Code (sexual assault

1 of a child);

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

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

6 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
7 Section 20A.02(a)(8), Penal Code, involving an activity described
8 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
9 with a child or disabled individual who is trafficked in the manner
10 described by Section 20A.02(a)(7), Penal Code (certain sexual
11 trafficking [~~of a child~~]);

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

14 (6) Section 21.11, Penal Code (indecentcy with a
15 child).

16 SECTION 5. Article 12.01, Code of Criminal Procedure, is
17 amended to read as follows:

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

21 (1) no limitation:

22 (A) murder and manslaughter;

23 (B) sexual assault under Section 22.011(a)(2),
24 Penal Code, or aggravated sexual assault under Section
25 22.021(a)(1)(B), Penal Code;

26 (C) sexual assault, if:

27 (i) during the investigation of the offense

1 biological matter is collected and the matter:

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

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

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

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

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

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

18 (G) trafficking of persons under Section
19 20A.02(a)(7) or (8), Penal Code;

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

22 (I) compelling prostitution under Section
23 43.05(a)(2) or (3), Penal Code;

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

26 (A) theft of any estate, real, personal or mixed,
27 by an executor, administrator, guardian or trustee, with intent to

1 defraud any creditor, heir, legatee, ward, distributee,
2 beneficiary or settlor of a trust interested in such estate;

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

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

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

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

13 (F) arson;

14 (G) trafficking of persons under Section
15 20A.02(a)(1), (2), (3), or (4), Penal Code; or

16 (H) compelling prostitution under Section
17 43.05(a)(1), Penal Code;

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

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

22 (B) fraudulent securing of document execution;

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

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

27 (E) money laundering;

1 (F) credit card or debit card abuse under Section
2 [32.31](#), Penal Code;

3 (G) fraudulent use or possession of identifying
4 information under Section [32.51](#), Penal Code;

5 (H) exploitation of a child, elderly individual,
6 or disabled individual under Section [32.53](#), Penal Code;

7 (I) health care fraud under Section [35A.02](#), Penal
8 Code; or

9 (J) bigamy under Section [25.01](#), Penal Code,
10 except as provided by Subdivision (6);

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

13 (A) theft or robbery;

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

16 (C) injury to an elderly or disabled individual
17 that is not punishable as a felony of the first degree under Section
18 [22.04](#), Penal Code;

19 (D) abandoning or endangering a child; or

20 (E) insurance fraud;

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

25 (A) sexual performance by a child under Section
26 [43.25](#), Penal Code;

27 (B) aggravated kidnapping under Section

1 20.04(a)(4), Penal Code, if the defendant committed the offense
2 with the intent to violate or abuse the victim sexually; or

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

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

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

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

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

20 (7) ten years from the date the offense was
21 discovered: trafficking of a disabled individual under Section
22 20A.02(a)(5) or (6), Penal Code;

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

26 (9) [~~8~~] three years from the date of the commission
27 of the offense: all other felonies.

1 SECTION 6. Section 2(a), Article 38.37, Code of Criminal
2 Procedure, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

25 SECTION 7. Article 62.101(a), Code of Criminal Procedure,
26 is amended to read as follows:

27 (a) Except as provided by Subsection (b) and Subchapter I,

1 the duty to register for a person ends when the person dies if the
2 person has a reportable conviction or adjudication, other than an
3 adjudication of delinquent conduct, for:

4 (1) a sexually violent offense;

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

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

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

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

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

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

1 registration under this chapter; or

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

4 SECTION 8. Section 772.0062(a)(1), Government Code, is
5 amended to read as follows:

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

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

17 SECTION 10. To the extent of any conflict, this Act prevails
18 over another Act of the 88th Legislature, Regular Session, 2023,
19 relating to nonsubstantive additions to and corrections in enacted
20 codes.

21 SECTION 11. This Act takes effect September 1, 2023.