

By: Shaheen, Bhojani

H.B. No. 1004

Substitute the following for H.B. No. 1004:

By: Moody

C.S.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
7 amending Subdivisions (2-a) and (2-b) and adding Subdivision (2-c)
8 to read as follows:

9 (2-a) "Person with a disability" means a person who by
10 reason of physical or mental disease, defect, or injury is
11 substantially unable to protect the person's self from harm or to
12 provide food, shelter, or medical care for the person's self.

13 (2-b) "Premises" has the meaning assigned by Section
14 481.134, Health and Safety Code.

15 (2-c) [~~(2-b)~~] "School" means a public or private
16 primary or secondary school.

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

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

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

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

1 services;

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

5 (A) Section 43.02 (Prostitution);

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

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

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

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

13 (D) Section 43.05 (Compelling Prostitution);

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

18 (5) traffics a child or a person with a disability with
19 the intent that the trafficked child or person engage in forced
20 labor or services;

21 (6) receives a benefit from participating in a venture
22 that involves an activity described by Subdivision (5), including
23 by receiving labor or services the person knows are forced labor or
24 services;

25 (7) traffics a child or a person with a disability and
26 by any means causes the trafficked child or person to engage in, or
27 become the victim of, conduct prohibited by:

- 1 (A) Section 21.02 (Continuous Sexual Abuse of
2 Young Child or Disabled Individual);
- 3 (B) Section 21.11 (Indecency with a Child);
- 4 (C) Section 22.011 (Sexual Assault);
- 5 (D) Section 22.021 (Aggravated Sexual Assault);
- 6 (E) Section 43.02 (Prostitution);
- 7 (E-1) Section 43.021 (Solicitation of
8 Prostitution);
- 9 (F) Section 43.03 (Promotion of Prostitution);
- 10 (F-1) Section 43.031 (Online Promotion of
11 Prostitution);
- 12 (G) Section 43.04 (Aggravated Promotion of
13 Prostitution);
- 14 (G-1) Section 43.041 (Aggravated Online
15 Promotion of Prostitution);
- 16 (H) Section 43.05 (Compelling Prostitution);
- 17 (I) Section 43.25 (Sexual Performance by a
18 Child);
- 19 (J) Section 43.251 (Employment Harmful to
20 Children); or
- 21 (K) Section 43.26 (Possession or Promotion of
22 Child Pornography); or
- 23 (8) receives a benefit from participating in a venture
24 that involves an activity described by Subdivision (7) or engages
25 in sexual conduct with a child or a person with a disability who is
26 trafficked in the manner described in Subdivision (7).

27 (b) Except as otherwise provided by this subsection and

1 Subsection (b-1), an offense under this section is a felony of the
2 second degree. An offense under this section is a felony of the
3 first degree if:

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

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

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

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

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

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

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

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

25 (3) causes by any means a person with a disability, as
26 defined by Section 20A.01, to commit prostitution, regardless of
27 whether the actor knows the person is disabled at the time of the

1 offense.

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

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

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

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

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

13 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
14 Section 20A.02(a)(8), Penal Code, involving an activity described
15 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
16 with a child or a person with a disability who is trafficked in the
17 manner described by Section 20A.02(a)(7), Penal Code (certain
18 sexual trafficking [~~of a child~~]);

19 (5) Section 43.05(a)(2) or (3), Penal Code (compelling
20 prostitution by a child or a person with a disability); or

21 (6) Section 21.11, Penal Code (indecent with a
22 child).

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

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

- 1 (1) no limitation:
- 2 (A) murder and manslaughter;
- 3 (B) sexual assault under Section 22.011(a)(2),
- 4 Penal Code, or aggravated sexual assault under Section
- 5 22.021(a)(1)(B), Penal Code;
- 6 (C) sexual assault, if:
- 7 (i) during the investigation of the offense
- 8 biological matter is collected and the matter:
- 9 (a) has not yet been subjected to
- 10 forensic DNA testing; or
- 11 (b) has been subjected to forensic DNA
- 12 testing and the testing results show that the matter does not match
- 13 the victim or any other person whose identity is readily
- 14 ascertained; or
- 15 (ii) probable cause exists to believe that
- 16 the defendant has committed the same or a similar sex offense
- 17 against five or more victims;
- 18 (D) continuous sexual abuse of young child or
- 19 disabled individual under Section 21.02, Penal Code;
- 20 (E) indecency with a child under Section 21.11,
- 21 Penal Code;
- 22 (F) an offense involving leaving the scene of an
- 23 accident under Section 550.021, Transportation Code, if the
- 24 accident resulted in the death of a person;
- 25 (G) trafficking of persons under Section
- 26 20A.02(a)(7) or (8), Penal Code;
- 27 (H) continuous trafficking of persons under

1 Section 20A.03, Penal Code; or

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

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

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

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

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

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

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

20 (F) arson;

21 (G) trafficking of persons under Section
22 20A.02(a)(1), (2), (3), or (4), Penal Code; or

23 (H) compelling prostitution under Section
24 43.05(a)(1), Penal Code;

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

27 (A) misapplication of fiduciary property or

- 1 property of a financial institution;
- 2 (B) fraudulent securing of document execution;
- 3 (C) a felony violation under Chapter 162, Tax
4 Code;
- 5 (D) false statement to obtain property or credit
6 under Section 32.32, Penal Code;
- 7 (E) money laundering;
- 8 (F) credit card or debit card abuse under Section
9 32.31, Penal Code;
- 10 (G) fraudulent use or possession of identifying
11 information under Section 32.51, Penal Code;
- 12 (H) exploitation of a child, elderly individual,
13 or disabled individual under Section 32.53, Penal Code;
- 14 (I) health care fraud under Section 35A.02, Penal
15 Code; or
- 16 (J) bigamy under Section 25.01, Penal Code,
17 except as provided by Subdivision (6);
- 18 (4) five years from the date of the commission of the
19 offense:
- 20 (A) theft or robbery;
- 21 (B) except as provided by Subdivision (5),
22 kidnapping or burglary;
- 23 (C) injury to an elderly or disabled individual
24 that is not punishable as a felony of the first degree under Section
25 22.04, Penal Code;
- 26 (D) abandoning or endangering a child; or
- 27 (E) insurance fraud;

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

5 (A) sexual performance by a child under Section
6 43.25, Penal Code;

7 (B) aggravated kidnapping under Section
8 20.04(a)(4), Penal Code, if the defendant committed the offense
9 with the intent to violate or abuse the victim sexually; or

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

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

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

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

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

27 (7) ten years from the date the offense was

1 discovered: trafficking of a person with a disability under Section
2 20A.02(a)(5) or (6), Penal Code;

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

6 (9) [~~(8)~~] three years from the date of the commission
7 of the offense: all other felonies.

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

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

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

14 (A) Section 20A.02, if punishable as a felony of
15 the first degree under Section 20A.02(b)(1) (Labor or Sex
16 Trafficking of a Child or a Person with a Disability);

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

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

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

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

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

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

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

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

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

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

11 (1) a sexually violent offense;

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

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

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

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

25 (A) the judgment in the case contains an
26 affirmative finding under Article 42.015 or, for a deferred
27 adjudication, the papers in the case contain an affirmative finding

1 that the victim or intended victim was younger than 17 years of age;
2 and

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

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

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

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

16 SECTION 9. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect on the date the offense was committed,
20 and the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

24 SECTION 10. To the extent of any conflict, this Act prevails
25 over another Act of the 88th Legislature, Regular Session, 2023,
26 relating to nonsubstantive additions to and corrections in enacted
27 codes.

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