

By: Shaheen

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 compelling prostitution.

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,
10 as a result of mental disease or defect, is incapable of appraising
11 the nature of prohibited conduct or to resist engaging in that
12 conduct.

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. Section 20A.02(a), Penal Code, is amended to
18 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:

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

6 (i) [~~(A)~~] Section 43.02 (Prostitution);

7 (ii) [~~(B)~~] Section 43.03 (Promotion of
8 Prostitution);

9 (iii) [~~(B-1)~~] Section 43.031 (Online
10 Promotion of Prostitution);

11 (iv) [~~(C)~~] Section 43.04 (Aggravated
12 Promotion of Prostitution);

13 (v) [~~(C-1)~~] Section 43.041 (Aggravated
14 Online Promotion of Prostitution); or

15 (vi) [~~(D)~~] Section 43.05 (Compelling
16 Prostitution); or

17 (B) a person with a disability and by any means
18 causes the trafficked person to engage in conduct prohibited by an
19 offense listed under Paragraph (A);

20 (4) receives a benefit from participating in a venture
21 that involves an activity described by Subdivision (3) or engages
22 in sexual conduct with a person trafficked in the manner described
23 in Subdivision (3), regardless of whether the actor knows that the
24 person has been trafficked in the manner described by that
25 subdivision;

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

1 (6) receives a benefit from participating in a venture
2 that involves an activity described by Subdivision (5), including
3 by receiving labor or services the person knows are forced labor or
4 services;

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

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

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

11 (C) Section 22.011 (Sexual Assault);

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

13 (E) Section 43.02 (Prostitution);

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

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

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

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

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

23 (H) Section 43.05 (Compelling Prostitution);

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

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

1 (K) Section 43.26 (Possession or Promotion of
2 Child Pornography); or

3 (8) receives a benefit from participating in a venture
4 that involves an activity described by Subdivision (7) or engages
5 in sexual conduct with a child trafficked in the manner described in
6 Subdivision (7), regardless of whether the actor knows that the
7 child has been trafficked in the manner described by that
8 subdivision.

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

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

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

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

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

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

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

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

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

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

5 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
6 Section 20A.02(a)(8), Penal Code, involving an activity described
7 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
8 with a child trafficked in the manner described by Section
9 20A.02(a)(7), Penal Code (certain sexual trafficking of a child);

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

12 (6) Section 21.11, Penal Code (indecenty with a
13 child).

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

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

19 (1) no limitation:

20 (A) murder and manslaughter;

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

24 (C) sexual assault, if:

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

27 (a) has not yet been subjected to

1 forensic DNA testing; or

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

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

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

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

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

16 (G) trafficking of persons under Section
17 20A.02(a)(7) or (8), Penal Code;

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

20 (I) compelling prostitution under Section
21 43.05(a)(2) or (3), Penal Code;

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

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

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

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

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

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

11 (F) arson;

12 (G) trafficking of persons under Section
13 20A.02(a)(1), (2), (3), or (4), Penal Code; or

14 (H) compelling prostitution under Section
15 43.05(a)(1), Penal Code;

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

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

20 (B) fraudulent securing of document execution;

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

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

25 (E) money laundering;

26 (F) credit card or debit card abuse under Section
27 32.31, Penal Code;

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

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

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

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

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

11 (A) theft or robbery;

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

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

17 (D) abandoning or endangering a child; or

18 (E) insurance fraud;

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

23 (A) sexual performance by a child under Section
24 43.25, Penal Code;

25 (B) aggravated kidnapping under Section
26 20.04(a)(4), Penal Code, if the defendant committed the offense
27 with the intent to violate or abuse the victim sexually; or

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

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

8 (A) trafficking of persons under Section
9 20A.02(a)(5) or (6), Penal Code;

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

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

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

21 (8) three years from the date of the commission of the
22 offense: all other felonies.

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

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

1 adjudication of delinquent conduct, for:

2 (1) a sexually violent offense;

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

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

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

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

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

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

27 (6) an offense under Section 43.23, Penal Code, that

1 is punishable under Subsection (h) of that section.

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

10 SECTION 8. This Act takes effect September 1, 2023.