

By: Thompson of Harris

H.B. No. 3451

A BILL TO BE ENTITLED

1 AN ACT
2 relating to human trafficking, including the prosecution and
3 punishment of compelling and solicitation of prostitution and other
4 sexual or assaultive offenses; increasing a criminal penalty;
5 creating a criminal offense.

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

7 ARTICLE 1. HUMAN TRAFFICKING PREVENTION COORDINATING COUNCIL AND
8 HUMAN TRAFFICKING PREVENTION TASK FORCE

9 SECTION 1.01. Sections 402.034(c), (f), and (g), Government
10 Code, are amended to read as follows:

11 (c) The council is composed of the following:

12 (1) the governor or the governor's designee;

13 (2) the attorney general or the attorney general's
14 designee;

15 (3) the commissioner of the Department of Family and
16 Protective Services or the commissioner's designee;

17 (4) the public safety director of the Department of
18 Public Safety or the director's designee;

19 (5) one representative from each of the following
20 state agencies, appointed by the chief administrative officer of
21 the respective agency:

22 (A) the Texas Workforce Commission;

23 (B) the Texas Alcoholic Beverage Commission;

24 (C) the Parks and Wildlife Department; ~~and~~

1 (D) the Texas Department of Licensing and
2 Regulation;

3 (E) the Texas Education Agency; and

4 (F) the Texas Department of Transportation; and

5 (6) one representative of any other state agency
6 appointed by the chief administrative officer of the agency, if the
7 ~~[human trafficking prevention task force established under Section~~
8 ~~402.035 and the]~~ council determines ~~[determine]~~ that a
9 representative from the state agency is a necessary member of the
10 council.

11 (f) The strategic plan must include:

12 (1) an inventory of human trafficking prevention
13 programs and services in this state that are administered by state
14 agencies, including an institution ~~[institutions]~~ of higher
15 education as defined by Section 61.003, Education Code, or a
16 private college or university that receives state funds ~~[, and~~
17 ~~political subdivisions]~~;

18 (2) regarding the programs and services described by
19 Subdivision (1):

20 (A) a report on the number of persons served by
21 the programs and services; and

22 (B) a plan to coordinate the programs and
23 services to achieve the following goals:

24 (i) eliminate redundancy;

25 (ii) ensure the agencies' use of best
26 practices in preventing human trafficking; and

27 (iii) identify and collect data regarding

1 the efficacy of the programs and services; and

2 (3) in relation to the goals for programs and services
3 as described by Subdivision (2)(B), a plan to coordinate the
4 expenditure of state funds allocated to prevent human trafficking
5 in this state, including the expenditure of state funds by the human
6 trafficking prevention task force established under Section
7 402.035.

8 (g) Not later than December 1 of each even-numbered year,
9 the council shall submit to the legislature a report detailing the
10 progress of the strategic plan's implementation. The report must
11 include:

12 (1) a description of the level of participation in the
13 strategic plan by each agency represented on the council and how the
14 implementation of the strategic plan serves to coordinate the
15 programs and services described by Subsection (f)(1) and achieve
16 the goals described by Subsection (f)(2)(B); and

17 (2) an update of the inventory of programs and
18 services described by Subsection (f)(1) that further ~~[and how each~~
19 ~~program or service furthers]~~ the goals of the strategic plan.

20 SECTION 1.02. Section 402.035, Government Code, is amended
21 by amending Subsections (c), (d), and (f-1) and adding Subsection
22 (c-1) to read as follows:

23 (c) The task force is composed of the following:

24 (1) the governor or the governor's designee;

25 (2) the attorney general or the attorney general's
26 designee;

27 (3) the executive commissioner of the Health and Human

1 Services Commission or the executive commissioner's designee;

2 (4) the commissioner of the Department of Family and
3 Protective Services or the commissioner's designee;

4 (5) the commissioner of the Department of State Health
5 Services or the commissioner's designee;

6 (6) the public safety director of the Department of
7 Public Safety or the director's designee;

8 (7) one representative from each of the following
9 state agencies, appointed by the chief administrative officer of
10 the respective agency:

11 (A) the Texas Workforce Commission;

12 (B) the Texas Department of Criminal Justice;

13 (C) the Texas Juvenile Justice Department;

14 (D) the Texas Education Agency;

15 (E) the Texas Alcoholic Beverage Commission;

16 (F) the Parks and Wildlife Department;

17 (G) the Supreme Court of Texas Permanent Judicial
18 Commission for Children, Youth and Families;

19 (H) the Texas Department of Licensing and
20 Regulation;

21 (I) the Office of Court Administration of the
22 Texas Judicial System;

23 (J) the office of the secretary of state; ~~and~~

24 (K) the Texas Commission on Law Enforcement; and

25 (L) the Texas Department of Transportation; and

26 (8) as appointed by the attorney general:

27 (A) a chief public defender employed by a public

1 defender's office, as defined by Article 26.044(a), Code of
2 Criminal Procedure, or an attorney designated by the chief public
3 defender;

4 (B) an attorney representing the state;

5 (C) a representative of:

6 (i) a hotel and motel association;

7 (ii) a district and county attorneys
8 association;

9 (iii) a state police association; and

10 (iv) a statewide medical association;

11 (D) a representative [~~representatives~~] of a
12 sheriff's department [~~departments~~];

13 (E) a representative [~~representatives~~] of a
14 local law enforcement agency [~~agencies~~] affected by human
15 trafficking; ~~and~~

16 (F) a representative [~~representatives~~] of a
17 nongovernmental entity [~~entities~~] making comprehensive efforts to
18 combat human trafficking by:

19 (i) identifying human trafficking victims;

20 (ii) providing legal or other services to
21 human trafficking victims;

22 (iii) participating in community outreach
23 or public awareness efforts regarding human trafficking;

24 (iv) providing or developing training
25 regarding the prevention of human trafficking; and ~~or~~

26 (v) engaging in other activities designed
27 to prevent human trafficking; and

1 (G) representatives of regional human
2 trafficking task forces or coalitions.

3 (c-1) The attorney general shall annually evaluate the
4 input and participation of members appointed under Subsection
5 (c)(8) and, if necessary, appoint new members who will collaborate
6 and contribute to the task force.

7 (d) The task force shall:

8 (1) collaborate, as needed to fulfill the duties of
9 the task force, with:

10 (A) United States attorneys' offices for all of
11 the federal districts of Texas; and

12 (B) special agents or customs and border
13 protection officers and border patrol agents of:

14 (i) the Federal Bureau of Investigation;

15 (ii) the United States Drug Enforcement
16 Administration;

17 (iii) the Bureau of Alcohol, Tobacco,
18 Firearms and Explosives;

19 (iv) United States Immigration and Customs
20 Enforcement; or

21 (v) the United States Department of
22 Homeland Security;

23 (2) collect, organize, and periodically publish
24 statistical data on the nature and extent of human trafficking in
25 this state, including:

26 (A) the number of investigations concerning,
27 arrests and prosecutions for, and convictions of:

1 (i) the offense of trafficking of persons;
2 (ii) the offense of forgery or an offense
3 under Chapter 43, Penal Code, if the offense was committed as part
4 of a criminal episode involving the trafficking of persons; and
5 (iii) an offense punishable as a felony of
6 the second degree under Section 43.021, Penal Code, regardless of
7 whether the offense was committed as part of a criminal episode
8 involving the trafficking of persons;
9 (B) demographic information on persons who are
10 convicted of offenses described by Paragraph (A) and persons who
11 are the victims of those offenses;
12 (C) geographic routes by which human trafficking
13 victims are trafficked, including routes by which victims are
14 trafficked across this state's international border, and
15 geographic patterns in human trafficking, including the country or
16 state of origin and the country or state of destination;
17 (D) means of transportation and methods used by
18 persons who engage in trafficking to transport their victims; and
19 (E) social and economic factors that create a
20 demand for the labor or services that victims of human trafficking
21 are forced to provide [~~data described by Subdivisions (4)(A), (B),~~
22 ~~(C), (D), and (E)]
23 (3) solicit cooperation and assistance from state and
24 local governmental agencies, political subdivisions of the state,
25 nongovernmental organizations, and other persons, as appropriate,
26 for the purpose of collecting and organizing statistical data under
27 Subdivision (2);~~

1 (4) ~~[ensure that each state or local governmental~~
2 ~~agency and political subdivision of the state and each state or~~
3 ~~local law enforcement agency, district attorney, or county attorney~~
4 ~~that assists in the prevention of human trafficking collects~~
5 ~~statistical data related to human trafficking, including, as~~
6 ~~appropriate:~~

7 ~~[(A) the number of investigations concerning,~~
8 ~~arrests and prosecutions for, and convictions of:~~

9 ~~[(i) the offense of trafficking of persons;~~

10 ~~[(ii) the offense of forgery or an offense~~
11 ~~under Chapter 43, Penal Code, if the offense was committed as part~~
12 ~~of a criminal episode involving the trafficking of persons; and~~

13 ~~[(iii) an offense punishable as a felony of~~
14 ~~the second degree under Section 43.021, Penal Code, regardless of~~
15 ~~whether the offense was committed as part of a criminal episode~~
16 ~~involving the trafficking of persons;~~

17 ~~[(B) demographic information on persons who are~~
18 ~~convicted of offenses described by Paragraph (A) and persons who~~
19 ~~are the victims of those offenses;~~

20 ~~[(C) geographic routes by which human~~
21 ~~trafficking victims are trafficked, including routes by which~~
22 ~~victims are trafficked across this state's international border,~~
23 ~~and geographic patterns in human trafficking, including the country~~
24 ~~or state of origin and the country or state of destination;~~

25 ~~[(D) means of transportation and methods used by~~
26 ~~persons who engage in trafficking to transport their victims; and~~

27 ~~[(E) social and economic factors that create a~~

1 ~~demand for the labor or services that victims of human trafficking~~
2 ~~are forced to provide;~~

3 ~~(5)~~ work with the Texas Commission on Law
4 Enforcement to develop and conduct training for law enforcement
5 personnel, victim service providers, and medical service providers
6 to identify victims of human trafficking;

7 (5) ~~(6)~~ work with the Texas Education Agency, the
8 Department of Family and Protective Services, and the Health and
9 Human Services Commission to:

10 (A) develop a list of key indicators that a
11 person is a victim of human trafficking;

12 (B) develop a standardized curriculum for
13 training doctors, nurses, emergency medical services personnel,
14 teachers, school counselors, school administrators, and personnel
15 from the Department of Family and Protective Services and the
16 Health and Human Services Commission to identify and assist victims
17 of human trafficking;

18 (C) train doctors, nurses, emergency medical
19 services personnel, teachers, school counselors, school
20 administrators, and personnel from the Department of Family and
21 Protective Services and the Health and Human Services Commission to
22 identify and assist victims of human trafficking;

23 (D) develop and conduct training for personnel
24 from the Department of Family and Protective Services and the
25 Health and Human Services Commission on methods for identifying
26 children in foster care who may be at risk of becoming victims of
27 human trafficking; and

1 (E) develop a process for referring identified
2 human trafficking victims and individuals at risk of becoming
3 victims to appropriate entities for services;

4 (6) [~~(7)~~] on the request of a judge of a county court,
5 county court at law, or district court or a county attorney,
6 district attorney, or criminal district attorney, assist and train
7 the judge or the judge's staff or the attorney or the attorney's
8 staff in the recognition and prevention of human trafficking;

9 (7) [~~(8)~~] examine training protocols related to human
10 trafficking issues, as developed and implemented by federal, state,
11 and local law enforcement agencies;

12 (8) [~~(9)~~] collaborate with state and local
13 governmental agencies, political subdivisions of the state, and
14 nongovernmental organizations to implement a media awareness
15 campaign in communities affected by human trafficking;

16 (9) [~~(10)~~] develop recommendations on how to
17 strengthen state and local efforts to prevent human trafficking,
18 protect and assist human trafficking victims, curb markets and
19 other economic avenues that facilitate human trafficking and
20 investigate and prosecute human trafficking offenders;

21 (10) [~~(11)~~] examine:

22 (A) the extent to which human trafficking is
23 associated with the operation of:

24 (i) sexually oriented businesses, as
25 defined by Section 243.002, Local Government Code; [7] and

26 (ii) message establishments permitting
27 conduct described by Section 455.202(b)(4), Occupations Code; and

1 (B) the workplace or public health concerns that
2 are created by the association of human trafficking and the
3 operation of sexually oriented businesses and massage
4 establishments described by Paragraph (A);

5 (11) [~~(12)~~] develop recommendations for addressing
6 the demand for forced labor or services or sexual conduct involving
7 victims of human trafficking, including recommendations for
8 increased penalties for individuals who engage or attempt to engage
9 in solicitation of prostitution with victims younger than 18 years
10 of age; and

11 (12) [~~(13)~~] identify and report to the governor and
12 legislature on laws, licensure requirements, or other regulations
13 that can be passed at the state and local level to curb trafficking
14 using the Internet and in sexually oriented businesses and massage
15 establishments.

16 (f-1) The following state agencies shall designate an
17 individual who is authorized to coordinate the agency's resources
18 to strengthen state and local efforts to prevent human trafficking,
19 protect and assist human trafficking victims, and investigate and
20 prosecute human trafficking offenders:

- 21 (1) the Texas Alcoholic Beverage Commission;
- 22 (2) the Department of Family and Protective Services;
- 23 (3) the Department of Public Safety;
- 24 (4) the Department of State Health Services;
- 25 (5) the Health and Human Services Commission;
- 26 (6) the Texas Juvenile Justice Department;
- 27 (7) the Texas Education Agency;

- 1 (A) Section 43.02 (Prostitution);
- 2 (B) Section 43.03 (Promotion of Prostitution);
- 3 (B-1) Section 43.031 (Online Promotion of
- 4 Prostitution);
- 5 (C) Section 43.04 (Aggravated Promotion of
- 6 Prostitution);
- 7 (C-1) Section 43.041 (Aggravated Online
- 8 Promotion of Prostitution); or
- 9 (D) Section 43.05 (Compelling Prostitution);
- 10 (4) receives a benefit from participating in a venture
- 11 that involves an activity described by Subdivision (3) or engages
- 12 in sexual conduct with a person trafficked in the manner described
- 13 in Subdivision (3);
- 14 (5) traffics a child or disabled individual with the
- 15 intent that the trafficked child or disabled individual engage in
- 16 forced labor or services;
- 17 (6) receives a benefit from participating in a venture
- 18 that involves an activity described by Subdivision (5), including
- 19 by receiving labor or services the person knows are forced labor or
- 20 services;
- 21 (7) traffics a child or disabled individual and by any
- 22 means causes the trafficked child or disabled individual to engage
- 23 in, or become the victim of, conduct prohibited by:
- 24 (A) Section 21.02 (Continuous Sexual Abuse of
- 25 Young Child or Disabled Individual);
- 26 (B) Section 21.11 (Indecency with a Child);
- 27 (C) Section 22.011 (Sexual Assault);

- 1 (D) Section 22.021 (Aggravated Sexual Assault);
2 (E) Section 43.02 (Prostitution);
3 (E-1) Section 43.021 (Solicitation of
4 Prostitution);
5 (F) Section 43.03 (Promotion of Prostitution);
6 (F-1) Section 43.031 (Online Promotion of
7 Prostitution);
8 (G) Section 43.04 (Aggravated Promotion of
9 Prostitution);
10 (G-1) Section 43.041 (Aggravated Online
11 Promotion of Prostitution);
12 (H) Section 43.05 (Compelling Prostitution);
13 (I) Section 43.25 (Sexual Performance by a
14 Child);
15 (J) Section 43.251 (Employment Harmful to
16 Children); or
17 (K) Section 43.26 (Possession or Promotion of
18 Child Pornography); or

19 (8) receives a benefit from participating in a venture
20 that involves an activity described by Subdivision (7) or engages
21 in sexual conduct with a child or disabled individual trafficked in
22 the manner described in Subdivision (7).

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

- 27 (1) the applicable conduct constitutes an offense

1 under Subsection (a)(5), (6), (7), or (8), regardless of whether
2 the actor knows the age of the child or whether the actor knows the
3 victim is disabled at the time of the offense;

4 (2) the commission of the offense results in serious
5 bodily injury to or the death of the person who is trafficked;

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

8 (4) the actor:

9 (A) used or exhibited a deadly weapon during the
10 commission of the offense;

11 (B) intentionally, knowingly, or recklessly
12 impeded the normal breathing or circulation of the blood of the
13 trafficked person by applying pressure to the person's throat or
14 neck or by blocking the person's nose or mouth; or

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

20 SECTION 2.03. Section 43.021(b), Penal Code, is amended to
21 read as follows:

22 (b) An offense under Subsection (a) is a state jail felony,
23 except that the offense is:

24 (1) a felony of the third degree if the actor has
25 previously been convicted of an offense under Subsection (a) or
26 under Section 43.02(b), as that law existed before September 1,
27 2021; or

1 (2) a felony of the second degree if the person to
2 [~~with~~] whom the actor offers or agrees to pay the fee for the
3 purpose of engaging [~~to engage~~] in sexual conduct is:

4 (A) younger than 18 years of age, regardless of
5 whether the actor knows the age of the person at the time of the
6 offense;

7 (B) represented to the actor as being younger
8 than 18 years of age; or

9 (C) believed by the actor to be younger than 18
10 years of age.

11 SECTION 2.04. Section 43.02(c-2), Penal Code, as added by
12 Chapters 807 (H.B. 1540) and 1049 (S.B. 1831), Acts of the 87th
13 Legislature, Regular Session, 2021, is transferred to Section
14 43.021, Penal Code, redesignated as Section 43.021(b-1), Penal
15 Code, and amended to read as follows:

16 (b-1) [~~(c-2)~~] The punishment prescribed for an offense
17 under Subsection (a) [~~(b)~~] is increased to the punishment
18 prescribed for the next highest category of offense if it is shown
19 on the trial of the offense that the actor committed the offense in
20 a location that was:

21 (1) on the premises of or within 1,000 feet of the
22 premises of a school; or

23 (2) on premises or within 1,000 feet of premises
24 where:

25 (A) an official school function was taking place;
26 or

27 (B) an event sponsored or sanctioned by the

1 University Interscholastic League was taking place.

2 SECTION 2.05. Section 43.05(a), Penal Code, is amended to
3 read as follows:

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

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

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

10 (3) causes by any means a disabled individual, as
11 defined by Section 22.021(b), to commit prostitution, regardless of
12 whether the actor knows the individual is disabled at the time of
13 the offense.

14 SECTION 2.06. Section 16.0045(a), Civil Practice and
15 Remedies Code, is amended to read as follows:

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

19 (1) Section 22.011(a)(2), Penal Code (sexual assault
20 of a child);

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

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

25 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
26 Section 20A.02(a)(8), Penal Code, involving an activity described
27 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct

1 with a child or disabled individual trafficked in the manner
2 described by Section 20A.02(a)(7), Penal Code (certain sexual
3 trafficking [~~of a child~~]);

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

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

8 SECTION 2.07. Article 12.01, Code of Criminal Procedure, is
9 amended to read as follows:

10 Art. 12.01. FELONIES. Except as provided in Article 12.03,
11 felony indictments may be presented within these limits, and not
12 afterward:

13 (1) no limitation:

14 (A) murder and manslaughter;

15 (B) sexual assault under Section 22.011(a)(2),
16 Penal Code, or aggravated sexual assault under Section
17 22.021(a)(1)(B), Penal Code;

18 (C) sexual assault, if:

19 (i) during the investigation of the offense
20 biological matter is collected and the matter:

21 (a) has not yet been subjected to
22 forensic DNA testing; or

23 (b) has been subjected to forensic DNA
24 testing and the testing results show that the matter does not match
25 the victim or any other person whose identity is readily
26 ascertained; or

27 (ii) probable cause exists to believe that

1 the defendant has committed the same or a similar sex offense
2 against five or more victims;

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

5 (E) indecency with a child under Section 21.11,
6 Penal Code;

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

10 (G) trafficking of persons under Section
11 20A.02(a)(7) or (8), Penal Code;

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

14 (I) compelling prostitution under Section
15 43.05(a)(2) or (3), Penal Code;

16 (2) ten years from the date of the commission of the
17 offense:

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

22 (B) theft by a public servant of government
23 property over which the public servant exercises control in the
24 public servant's official capacity;

25 (C) forgery or the uttering, using, or passing of
26 forged instruments;

27 (D) injury to an elderly or disabled individual

1 punishable as a felony of the first degree under Section 22.04,
2 Penal Code;

3 (E) sexual assault, except as provided by
4 Subdivision (1) or (7);

5 (F) arson;

6 (G) trafficking of persons under Section
7 20A.02(a)(1), (2), (3), or (4), Penal Code; or

8 (H) compelling prostitution under Section
9 43.05(a)(1), Penal Code;

10 (3) seven years from the date of the commission of the
11 offense:

12 (A) misapplication of fiduciary property or
13 property of a financial institution;

14 (B) fraudulent securing of document execution;

15 (C) a felony violation under Chapter 162, Tax
16 Code;

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

19 (E) money laundering;

20 (F) credit card or debit card abuse under Section
21 32.31, Penal Code;

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

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

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

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

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

5 (A) theft or robbery;

6 (B) except as provided by Subdivision (5),
7 kidnapping or burglary;

8 (C) injury to an elderly or disabled individual
9 that is not punishable as a felony of the first degree under Section
10 22.04, Penal Code;

11 (D) abandoning or endangering a child; or

12 (E) insurance fraud;

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

17 (A) sexual performance by a child under Section
18 43.25, Penal Code;

19 (B) aggravated kidnapping under Section
20 20.04(a)(4), Penal Code, if the defendant committed the offense
21 with the intent to violate or abuse the victim sexually; or

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

27 (6) ten years from the 18th birthday of the victim of

1 the offense:

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

4 (B) injury to a child under Section 22.04, Penal
5 Code; or

6 (C) bigamy under Section 25.01, Penal Code, if
7 the investigation of the offense shows that the person, other than
8 the legal spouse of the defendant, whom the defendant marries or
9 purports to marry or with whom the defendant lives under the
10 appearance of being married is younger than 18 years of age at the
11 time the offense is committed;

12 (7) ten years from the date the offense was
13 discovered: trafficking of a disabled individual under Section
14 20A.02(a)(5) or (6), Penal Code;

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

18 (9) [~~8~~] three years from the date of the commission
19 of the offense: all other felonies.

20 SECTION 2.08. Section 2(a), Article 38.37, Code of Criminal
21 Procedure, is amended to read as follows:

22 (a) Subsection (b) applies only to the trial of a defendant
23 for:

24 (1) an offense under any of the following provisions
25 of the Penal Code:

26 (A) Section 20A.02, if punishable as a felony of
27 the first degree under Section 20A.02(b)(1) (Labor or Sex

1 Trafficking of a Child or Disabled Individual);

2 (B) Section 21.02 (Continuous Sexual Abuse of
3 Young Child or Disabled Individual);

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

5 (D) Section 22.011(a)(2) (Sexual Assault of a
6 Child);

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

9 (F) Section 33.021 (Online Solicitation of a
10 Minor);

11 (G) Section 43.25 (Sexual Performance by a
12 Child); or

13 (H) Section 43.26 (Possession or Promotion of
14 Child Pornography), Penal Code; or

15 (2) an attempt or conspiracy to commit an offense
16 described by Subdivision (1).

17 SECTION 2.09. Article 62.101(a), Code of Criminal
18 Procedure, is amended to read as follows:

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

23 (1) a sexually violent offense;

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

26 (3) an offense under Section 20A.03, Penal Code, if
27 based partly or wholly on conduct that constitutes an offense under

1 Section 20A.02(a)(3), (4), (7), or (8) of that code;

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

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

10 (A) the judgment in the case contains an
11 affirmative finding under Article 42.015 or, for a deferred
12 adjudication, the papers in the case contain an affirmative finding
13 that the victim or intended victim was younger than 17 years of age;
14 and

15 (B) before or after the person is convicted or
16 adjudicated for the offense under Section 20.02, 20.03, or 20.04,
17 Penal Code, the person receives or has received another reportable
18 conviction or adjudication, other than an adjudication of
19 delinquent conduct, for an offense or conduct that requires
20 registration under this chapter; or

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

23 SECTION 2.10. Section 772.0062(a)(1), Government Code, is
24 amended to read as follows:

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

1 SECTION 2.11. The change in law made by this article applies
2 only to an offense committed on or after the effective date of this
3 Act. An offense committed before the effective date of this Act is
4 governed by the law in effect on the date the offense was committed,
5 and the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense occurred
8 before that date.

9 SECTION 2.12. To the extent of any conflict, this article
10 prevails over another Act of the 88th Legislature, Regular Session,
11 2023, relating to nonsubstantive additions to and corrections in
12 enacted codes.

13 ARTICLE 3. ADMISSIBILITY OF CERTAIN HEARSAY STATEMENTS AND
14 EXTRANEOUS OFFENSES OR ACTS

15 SECTION 3.01. Section 1, Article 38.072, Code of Criminal
16 Procedure, is amended to read as follows:

17 Sec. 1. This article applies to a proceeding in the
18 prosecution of an offense under any of the following provisions of
19 the Penal Code, if committed against a child younger than 18 [~~14~~]
20 years of age or a person with a disability:

21 (1) Chapter 21 (Sexual Offenses) or 22 (Assaultive
22 Offenses);

23 (2) Section 25.02 (Prohibited Sexual Conduct);

24 (3) Section 43.25 (Sexual Performance by a Child);

25 (4) Section 43.05(a)(2) or (3) (Compelling
26 Prostitution);

27 (5) Section 20A.02(a)(5), (6), (7), [~~20A.02(a)(7)~~] or

1 (8) (Trafficking of Persons); [~~or~~]

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

5 (7) Section 15.01 (Criminal Attempt), if the offense
6 attempted is described by Subdivision (1), (2), (3), (4), [~~or~~] (5),
7 or (6) of this section.

8 SECTION 3.02. Section 1(a), Article 38.37, Code of Criminal
9 Procedure, is amended to read as follows:

10 (a) Subsection (b) applies to a proceeding in the
11 prosecution of a defendant for an offense, or an attempt or
12 conspiracy to commit an offense, under the following provisions of
13 the Penal Code:

14 (1) if committed against a child under 17 years of age:

15 (A) Chapter 21 (Sexual Offenses);

16 (B) Chapter 22 (Assaultive Offenses); or

17 (C) Section 25.02 (Prohibited Sexual Conduct);

18 or

19 (2) if committed against a person younger than 18
20 years of age:

21 (A) Section 43.25 (Sexual Performance by a
22 Child);

23 (B) Section 20A.02(a)(5), (6), (7),

24 [~~20A.02(a)(7)] or (8) (Trafficking of Persons); [~~or~~]~~

25 (C) Section 20A.03 (Continuous Trafficking of
26 Persons), if based partly or wholly on conduct that constitutes an
27 offense under Section 20A.02(a)(5), (6), (7), or (8); or

1 (1) the offense being investigated, including the
2 offense code designated by the Department of Public Safety under
3 Article 66.052 [~~a brief description of the alleged prohibited~~
4 ~~conduct~~];

5 (2) regarding each person suspected of committing the
6 offense [~~and each victim of the offense~~]:

7 (A) the person's:

8 (i) full name [~~age~~];

9 (ii) gender; [~~and~~]

10 (iii) race or ethnicity, as defined by
11 Article 2.132; [~~and~~]

12 (iv) country of origin, if the person is not
13 a United States citizen or legal permanent resident;

14 (v) date of birth; and

15 (vi) age at the time of the offense, if
16 available; and

17 (B) the case number associated with the person
18 and the offense [~~and the person suspected of committing the~~
19 ~~offense~~];

20 (3) the date[~~, time,~~] and location of the alleged
21 offense, including the city and county;

22 (4) [~~the type of human trafficking involved,~~
23 ~~including:~~

24 [~~(A) forced labor or services, as defined by~~
25 ~~Section 20A.01, Penal Code,~~

26 [~~(B) causing the victim by force, fraud, or~~
27 ~~coercion to engage in prohibited conduct involving one or more~~

1 ~~sexual activities, including conduct described by Section~~
2 ~~20A.02(a)(3), Penal Code; or~~

3 ~~[(C) causing a child victim by any means to engage~~
4 ~~in, or become the victim of, prohibited conduct involving one or~~
5 ~~more sexual activities, including conduct described by Section~~
6 ~~20A.02(a)(7), Penal Code;~~

7 ~~[(5) if available, information regarding any victims'~~
8 ~~service organization or program to which the victim was referred as~~
9 ~~part of the investigation; and~~

10 ~~[(6)] the disposition of the investigation, if any,~~
11 ~~regardless of the manner of disposition; and~~

12 (5) regarding the victim of the offense:

13 (A) the victim's:

14 (i) age;

15 (ii) gender;

16 (iii) race or ethnicity, as defined by
17 Article 2.132; and

18 (iv) country of origin, if the victim is not
19 a United States citizen or legal permanent resident; and

20 (B) if available, information regarding any
21 victims' service organization or program to which the victim was
22 referred as part of the investigation.

23 (c) An entity described by Subsection (a) that does not have
24 any investigations or offenses required to be reported under this
25 article during a period specified by the attorney general shall
26 submit to the attorney general a notice stating there are no cases
27 to report, in the manner and form prescribed by the attorney general

1 ~~[An attorney representing the state who prosecutes the alleged~~
2 ~~commission of an offense under Chapter 20A, Penal Code, or the~~
3 ~~alleged commission of an offense under Chapter 43, Penal Code,~~
4 ~~which may involve human trafficking, shall submit to the attorney~~
5 ~~general the following information:~~

6 ~~[(1) the offense being prosecuted, including a brief~~
7 ~~description of the alleged prohibited conduct,~~

8 ~~[(2) any other charged offense that is part of the same~~
9 ~~criminal episode out of which the offense described by Subdivision~~
10 ~~(1) arose,~~

11 ~~[(3) the information described by Subsections (b)(2),~~
12 ~~(3), (4), and (5); and~~

13 ~~[(4) the disposition of the prosecution, regardless of~~
14 ~~the manner of disposition].~~

15 (d) The attorney general may enter into a contract with a
16 university or organization to assist with ~~[that provides for the~~
17 ~~university's assistance in]~~ the collection and analysis of
18 information received under this article. The attorney general shall
19 ensure that all sensitive information is properly protected.

20 (e) Information described by Subsections (b)(2)(A)(i) and
21 (v) and (b)(2)(B) is not subject to disclosure under Chapter 552,
22 Government Code.

23 (f) In consultation with the entities described by
24 Subsection (a), the attorney general shall adopt rules to
25 administer this article, including rules prescribing:

26 (1) the form and manner of submission of a report or
27 notice required by Subsection (b) or (c); and

1 (2) additional information to include in a report or
2 notice required by Subsection (b) or (c).

3 SECTION 4.02. As soon as practicable after the effective
4 date of this Act, the attorney general shall update forms and
5 procedures as necessary to implement Article 2.305, Code of
6 Criminal Procedure, as amended by this article.

7 ARTICLE 5. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION
8 CERTIFICATES ISSUED TO CERTAIN SEX OFFENDERS

9 SECTION 5.01. Article 42.016, Code of Criminal Procedure,
10 is amended to read as follows:

11 Art. 42.016. SPECIAL DRIVER'S LICENSE OR IDENTIFICATION
12 REQUIREMENTS FOR CERTAIN SEX OFFENDERS. If a person is convicted
13 of, receives a grant of deferred adjudication for, or is
14 adjudicated as having engaged in delinquent conduct based on a
15 violation of an offense for which a conviction or adjudication
16 requires registration as a sex offender under Chapter 62, the court
17 shall:

18 (1) issue an order requiring the Texas Department of
19 Public Safety to include in any driver's license record or personal
20 identification certificate record maintained by the department for
21 the person:

22 (A) an indication that the person is subject to
23 the registration requirements of Chapter 62; and

24 (B) if applicable, an indication that the person
25 is subject to registration because the person was convicted of an
26 offense involving human trafficking under Chapter 20A, Penal Code;

27 (2) require the person to apply to the Texas

1 Department of Public Safety in person for an original or renewal
2 driver's license or personal identification certificate not later
3 than the 30th day after the date the person is released or the date
4 the department sends written notice to the person of the
5 requirements of Article 62.060, as applicable, and to annually
6 renew the license or certificate;

7 (3) notify the person of the consequence of the
8 conviction or order of deferred adjudication as it relates to the
9 order issued under this article; and

10 (4) send to the Texas Department of Public Safety a
11 copy of the record of conviction, a copy of the order granting
12 deferred adjudication, or a copy of the juvenile adjudication, as
13 applicable, and a copy of the order issued under this article.

14 SECTION 5.02. Section 521.057(a), Transportation Code, is
15 amended to read as follows:

16 (a) On receipt of a court order issued under Article 42.016,
17 Code of Criminal Procedure, the department shall ensure that any
18 driver's license record or personal identification certificate
19 record maintained by the department for the person includes an
20 indication that the person:

21 (1) is subject to the registration requirements of
22 Chapter 62, Code of Criminal Procedure; and

23 (2) if applicable, is subject to registration because
24 the person was convicted of an offense involving human trafficking
25 under Chapter 20A, Penal Code.

26 SECTION 5.03. The changes in law made by this article apply
27 only to a driver's license or personal identification certificate

1 issued or renewed on or after the effective date of this Act. A
2 driver's license or personal identification certificate issued or
3 renewed before the effective date of this Act is governed by the law
4 in effect when the license or certificate was issued or renewed, and
5 the former law is continued in effect for that purpose.

6 ARTICLE 6. CHILD GROOMING AND POSSESSION OF CHILD PORNOGRAPHY

7 SECTION 6.01. Chapter 15, Penal Code, is amended by adding
8 Section 15.032 to read as follows:

9 Sec. 15.032. CHILD GROOMING. (a) A person commits an
10 offense if, with the intent that an offense under Chapter 43 or an
11 offense involving sexual activity, the occurrence of which would
12 subject the actor to criminal liability under Chapter 20A, 21, or
13 22, be committed, the person knowingly persuades, induces, entices,
14 or coerces, or attempts to persuade, induce, entice, or coerce, a
15 child younger than 18 years of age to engage in specific conduct
16 that, under the circumstances surrounding the actor's conduct as
17 the actor believes them to be, would:

18 (1) constitute an offense under Chapter 43 or an
19 offense involving sexual activity the occurrence of which would
20 subject the actor to criminal liability under Chapter 20A, 21, or
21 22; or

22 (2) make the child a party to the commission of an
23 offense described by Subdivision (1).

24 (b) An offense under this section is a felony of the third
25 degree, except that the offense is a felony of the second degree if
26 the actor has previously been convicted of an offense under:

27 (1) Chapter 20A, if the offense involved conduct

1 described by Section 20A.02(a)(7) or (8);

2 (2) Section 21.02;

3 (3) Section 21.11;

4 (4) Section 22.011, if the victim of the offense was a
5 child under 18 years of age; or

6 (5) Section 22.021, if the victim of the offense was a
7 child under 18 years of age.

8 (c) It is an affirmative defense to prosecution under this
9 section that the actor is under the age of 18 and:

10 (1) the actor engaged in conduct described by
11 Subsection (a) with respect to another child under the age of 18:

12 (A) who is not more than three years older or
13 younger than the actor and with whom the actor had a dating
14 relationship at the time of the offense; or

15 (B) who was the spouse of the actor at the time of
16 the offense; and

17 (2) the conduct occurred only between the actor and
18 the other child described by Subdivision (1).

19 (d) If conduct constituting an offense under this section
20 also constitutes an offense under another section of this code, the
21 actor may be prosecuted under either section but not both sections.

22 SECTION 6.02. Section 43.26, Penal Code, is amended by
23 amending Subsections (c) and (d) and adding Subsections (d-1) and
24 (d-2) to read as follows:

25 (c) The affirmative defenses provided by Sections
26 43.25(f)(2) and (3) [Section 43.25(f)] also apply to a prosecution
27 under this section.

1 (d) An offense under Subsection (a) is a felony of the third
2 degree, except that the offense is:

3 (1) a felony of the second degree if:

4 (A) it is shown on the trial of the offense that
5 the person has been previously convicted one time of an offense
6 under that subsection; or

7 (B) the person possesses visual material that
8 contains 10 or more visual depictions of a child as described by
9 Subsection (a)(1) but fewer than 50 such depictions; and

10 (2) a felony of the first degree if:

11 (A) it is shown on the trial of the offense that
12 the person has been previously convicted two or more times of an
13 offense under that subsection; or

14 (B) the person possesses visual material that
15 contains:

16 (i) 50 or more visual depictions of a child
17 as described by Subsection (a)(1); or

18 (ii) a videotape or film that visually
19 depicts conduct constituting an offense under Section
20 [22.011\(a\)\(2\)](#).

21 (d-1) If it is shown on the trial of an offense under
22 Subsection (a) that the person engaged in conduct that constituted
23 an offense under Subsection (e) during the same criminal episode:

24 (1) an offense described for purposes of punishment by
25 Subsection (d)(1) is a felony of the first degree; or

26 (2) the minimum term of confinement for an offense
27 described for purposes of punishment by Subsection (d)(2) is

1 increased to 15 years.

2 (d-2) The enhancement provided by Subsection (d-1) is
3 unavailable if the person is also prosecuted under Subsection (e)
4 for conduct occurring during the same criminal episode.

5 SECTION 6.03. Section 43.26(f), Penal Code, is repealed.

6 SECTION 6.04. The change in law made by this article applies
7 only to an offense committed on or after the effective date of this
8 Act. An offense committed before the effective date of this Act is
9 governed by the law in effect on the date the offense was committed,
10 and the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense occurred
13 before that date.

14 ARTICLE 7. EFFECTIVE DATE

15 SECTION 7.01. This Act takes effect September 1, 2023.