

SENATE AMENDMENTS

2nd Printing

By: Thierry, Shaheen, Moody, Jetton, Cook,
et al.

H.B. No. 3553

A BILL TO BE ENTITLED

1 AN ACT

2 relating to increasing the criminal penalty for the offense of
3 trafficking of persons if committed at certain locations.

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

5 SECTION 1. Section 20A.02(b-1), Penal Code, is amended to
6 read as follows:

7 (b-1) An offense under this section is a felony of the first
8 degree punishable by imprisonment in the Texas Department of
9 Criminal Justice for life or for a term of not more than 99 years or
10 less than 25 years if it is shown on the trial of the offense that
11 the actor committed the offense in a location that was:

12 (1) on the premises of or within 1,000 feet of the
13 premises of:

14 (A) a school; or

15 (B) an institution of higher education or private
16 or independent institution of higher education, as defined by
17 Section 61.003, Education Code; or

18 (2) on premises or within 1,000 feet of premises
19 where:

20 (A) an official school function was taking place;

21 or

22 (B) an event sponsored or sanctioned by the
23 University Interscholastic League was taking place.

24 SECTION 2. The change in law made by this Act applies only

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

8 SECTION 3. This Act takes effect September 1, 2023.

ADOPTED

MAY 18 2023

Lately Saw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

Paul Bellarcom

Amend H.B. No. 3553 (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.502 to read as follows:

Sec. 12.502. PENALTY IF OFFENSE COMMITTED ON PREMISES OF POSTSECONDARY EDUCATIONAL INSTITUTION. (a) In this section:

(1) "Postsecondary educational institution" means:

(A) an institution of higher education or a private or independent institution of higher education as defined by Section 61.003, Education Code; or

(B) a career school or college as defined by Section 132.001, Education Code.

(2) "Premises" means real property and all buildings and appurtenances pertaining to the real property.

(b) Except as provided by Subsection (c), if it is shown on the trial of an offense under Section 21.07, 21.08, 21.15, or 21.17 that the offense was committed in a location that was on the premises of a postsecondary educational institution, the category of punishment for the offense is increased to a higher category of offense as follows:

(1) a Class C misdemeanor is increased to a Class B misdemeanor;

(2) a Class B misdemeanor is increased to a Class A misdemeanor;

(3) a Class A misdemeanor is increased to a state jail felony; and

(4) a state jail felony is increased to a felony of the third degree.

(c) For an offense otherwise punishable under Subsection (b), if it is shown on the trial of the offense that the person has been previously convicted twice of an offense under Section 21.07, 21.08, 21.15, or 21.17 for which the punishment was increased under Subsection (b), the category of punishment for the offense is increased to a higher category of offense as follows:

(1) a Class C misdemeanor is increased to a Class A misdemeanor;

(2) a Class B misdemeanor is increased to a state jail felony;

(3) a Class A misdemeanor is increased to a felony of the third degree; and

(4) a state jail felony is increased to a felony of the second degree.

(d) If the punishment scheme for an offense under Section 21.07, 21.08, 21.15, or 21.17 contains a specific enhancement

provision increasing punishment to a higher minimum term of punishment than the minimum term required by the applicable higher category of offense prescribed by Subsection (b) or (c), the specific enhancement provision controls over this section.

(e) A previous conviction may be used for purposes of enhancement under this section or under another provision of Subchapter D, Chapter 12, but not under both this section and the other provision.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 19, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3553 by Thierry (Relating to increasing the criminal penalty for the offense of trafficking of persons if committed at certain locations.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would increase the penalty for the offense of trafficking of persons to a first degree felony with a minimum 25 year term of imprisonment if the offense is committed within 1,000 feet of an institution of higher education or a private or independent institution of higher education.

The bill would make certain sexual offenses subject to penalty enhancement one category higher if the offense is committed on the premises of a postsecondary educational institution or two categories higher if the actor has previously been convicted twice of such an offense.

It is assumed that any fiscal impact and any impact on state correctional populations or on the demand for state correctional resources would not be significant.

Local Government Impact

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JMc, DDel, LBO, ESch, DGI

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 15, 2023

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3553 by Thierry (Relating to increasing the criminal penalty for the offense of trafficking of persons if committed at certain locations.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

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Local Government Impact

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LBB Staff: JMc, DDel, LBO, DGI

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 10, 2023

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3553 by Thierry (Relating to increasing the criminal penalty for the offense of trafficking of persons if committed at certain locations.), **As Introduced**

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LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

88TH LEGISLATIVE REGULAR SESSION

May 15, 2023

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3553 by Thierry (Relating to increasing the criminal penalty for the offense of trafficking of persons if committed at certain locations.), **As Engrossed**

The bill would increase the penalty for the offense of trafficking of persons to a first degree felony with a minimum 25 year term of imprisonment if the offense is committed within 1,000 feet of an institution of higher education or a private or independent institution of higher education. Under current law, such conduct is punishable as a second degree felony or first degree felony depending on the circumstances of the offense.

Increasing the penalty for an existing offense may result in additional demands upon state correctional resources due to a possible increase in the number of individuals confined and in the length of stay for individuals sentenced to a term of confinement.

In fiscal year 2022, there were 123 individuals arrested, 2 individuals placed on adult community supervision, 1 individual placed on juvenile community supervision, 25 individuals admitted into an adult state correctional institution, and no individuals admitted into a juvenile state correctional institution for the offense of trafficking of persons which may have been subject to increased punishment if committed at a location outlined in the bill's provisions. However, statewide data is not available to determine if any of these cases were committed at a location outlined in the bill's provisions.

It is assumed that any impact on state correctional populations or on the demand for state correctional resources would not be significant.

Source

Agencies:

LBB Staff: JMc, DDel, LBO, DGI

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

88TH LEGISLATIVE REGULAR SESSION

April 10, 2023

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

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Source

Agencies:

LBB Staff: JMc, DDel, LBO, DGI