

## **BILL ANALYSIS**

Senate Research Center  
89R2963 EAS-D

S.B. 1212  
By: Paxton  
Criminal Justice  
4/25/2025  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In spite of the volume of human trafficking that occurs in Texas, our state has more lenient penalties than some other states. The horrific crime of trafficking should have a penalty that reflects its gravity.

Texas has historically led the rest of the states on anti-trafficking legislation. For example, Texas made headlines in 2021 as being the first state to make the purchase of commercial sex a felony, combatting the demand side of this crime, not just penalizing the traffickers (87R H.B. 1540). However, when it comes to across-the-board human trafficking offenses, Texas is over a decade behind other states.

In Florida, coercion for labor or commercial sexual activity is a first degree felony, with some additional punishment specifications for certain conditions. While trafficking was originally a second degree felony in Florida, Florida increased the penalty to a first degree felony in 2012.

Currently, human trafficking is a second degree felony in Texas, with the offense increased to a first degree felony only under certain conditions.

This bill increases the penalty for human trafficking offenses across the board to a first degree felony wherever it is not already.

As proposed, S.B. 1212 amends current law relating to the prosecution and punishment for the offense of trafficking of persons and increases a criminal penalty.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 20A.02(a), Penal Code, as follows:

(a) Provides that a person commits an offense if the person knowingly:

(1)-(4) makes no changes to these subdivisions;

(5) traffics a child or disabled individual with the intent that the trafficked child or disabled individual engage in forced labor or services, regardless of whether the person knows the age of the child or whether the person knows the victim is disabled; or

(6)-(8) makes conforming changes to these subdivisions.

SECTION 2. Reenacts Section 20A.02(b), Penal Code, as amended by Chapters 93 (S.B. 1527) and 452 (H.B. 3554), Acts of the 88th Legislature, Regular Session, 2023, and amends it, as follows:

(b) Deletes existing text providing that, except as otherwise provided by this subsection and Subsection (b-1) (relating to providing that an offense under Section 20A.02 (Trafficking of Persons) is a felony of the first degree punishable by certain sentences if it is shown that the actor committed the crime on certain premises), an offense under this section is a felony of the second degree. Deletes existing text providing that an offense under this section is a felony of the first degree under certain circumstances.

SECTION 3. Reenacts Section 20A.02(b-1), Penal Code, as amended by Chapters 451 (H.B. 3553) and 452 (H.B. 3554), Acts of the 88th Legislature, Regular Session, 2023, and amends it to make nonsubstantive changes.

SECTION 4. Amends Section 2(a), Article 38.37, Code of Criminal Procedure, as follows:

(a) Provides that Subsection (b) (relating to requiring that evidence of other crimes, wrongs, or acts committed by the defendant against the child be admitted for its bearing on relevant matters) applies only to the trial of a defendant for an offense under certain provisions of the Penal Code, including Section 20A.02(a)(5), (6), (7), or (8) (Labor or Sex Trafficking of a Child or Disabled Individual), rather than including Section 20A.02, if punishable as a felony of the first degree under Section 20A.02(b)(1) (Labor or Sex Trafficking of a Child or Disabled Individual).

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2025.