

By: Thompson, Simmons, et al.

H.B. No. 1778

A BILL TO BE ENTITLED

AN ACT

relating to human trafficking, prostitution, and child pornography and to the prosecution of sexual or assaultive offenses or the prosecution of a failure to stop or report those offenses; amending and harmonizing certain statute of limitations provisions; creating a criminal offense; increasing a criminal penalty.

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

ARTICLE 1. HUMAN TRAFFICKING

SECTION 1.01. Section 71.0353(a), Government Code, is amended to read as follows:

(a) As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System, a district court or county court at law shall report the number of cases filed for the following offenses:

(1) trafficking of persons under Section 20A.02 or 20A.03, Penal Code;

(2) prostitution under Section 43.02, Penal Code;

(3) solicitation of prostitution under Section 43.021, Penal Code; ~~and~~

(4) promotion of prostitution under Section 43.03, Penal Code;

(5) online promotion of prostitution under Section 43.031, Penal Code;

(6) aggravated promotion of prostitution under

1 Section 43.04, Penal Code;

2 (7) aggravated online promotion of prostitution under
3 Section 43.041, Penal Code; and

4 (8) compelling prostitution under Section 43.05,
5 Penal Code.

6 SECTION 1.02. Section 402.034(c), Government Code, is
7 amended to read as follows:

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

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

10 (2) the attorney general or the attorney general's
11 designee;

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

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

16 (5) one representative from each of the following
17 state agencies, appointed by the chief administrative officer of
18 the respective agency:

19 (A) the Texas Workforce Commission;

20 (B) the Texas Alcoholic Beverage Commission;

21 (C) the Parks and Wildlife Department;

22 (D) the Texas Department of Licensing and
23 Regulation;

24 (E) the Texas Education Agency; ~~and~~

25 (F) the Texas Department of Transportation; and

26 (G) the Office of Court Administration of the
27 Texas Judicial System; and

1 (6) one representative of any other state agency
2 appointed by the chief administrative officer of the agency, if the
3 council determines that a representative from the state agency is a
4 necessary member of the council.

5 SECTION 1.03. Section 402.035(g), Government Code, is
6 amended to read as follows:

7 (g) Not later than December 1 of each even-numbered year,
8 the task force shall submit a report regarding the task force's
9 activities, findings, and recommendations, including:

10 (1) any proposed legislation, to the governor, the
11 lieutenant governor, and the legislature; and

12 (2) an addendum comprised of the findings and
13 recommendations submitted to the task force by the attorney general
14 under Section 402.0353.

15 SECTION 1.04. Section 402.0351(a), Government Code, is
16 amended by amending Subdivision (1) and adding Subdivision (1-a) to
17 read as follows:

18 (1) "Body piercing studio" has the meaning assigned by
19 Section 146.001, Health and Safety Code.

20 (1-a) "Cosmetology facility" means a person who holds
21 a license to operate a facility or school under Chapter 1603 [1602],
22 Occupations Code, where cosmetology is practiced.

23 SECTION 1.05. Section 402.0351(a-1), Government Code, is
24 amended to read as follows:

25 (a-1) Except as provided by Subsection (a-3), a person who
26 operates any of the following entities shall post at the entity the
27 sign prescribed under Subsection (b), or, if applicable, a similar

sign or notice as prescribed by other state law:

- (1) an entity permitted or licensed under Chapter 25, 26, 28, 32, 69, or 71, Alcoholic Beverage Code, other than an entity holding a food and beverage certificate;
- (2) a cosmetology facility;
- (3) a hospital;
- (4) a massage establishment;
- (5) a massage school;
- (6) a sexually oriented business;
- (7) a tattoo studio; ~~or~~
- (8) a transportation hub; or
- (9) a body piercing studio.

SECTION 1.06. Article 2A.205, Code of Criminal Procedure, is transferred to Subchapter B, Chapter 402, Government Code, redesignated as Section 402.0352, Government Code, and amended to read as follows:

Sec. 402.0352 [~~Art. 2A.205~~]. REPORTING OF [~~CERTAIN LAW ENFORCEMENT AGENCIES: REPORT CONCERNING~~] HUMAN TRAFFICKING CASES.

(a) This section [~~article~~] applies only to:

(1) a municipal police department, sheriff's department, or constable's office[, ~~county attorney's office, district attorney's office, and criminal district attorney's office, as applicable,~~] in a county with a population of more than 50,000;

(2) the Department of Family and Protective Services;

(3) the Texas Department of Licensing and Regulation;

(4) the Office of Court Administration of the Texas

1 Judicial System;

2 (5) the Texas Department of Criminal Justice;

3 (6) the Texas Juvenile Justice Department;

4 (7) the Texas Alcoholic Beverage Commission; and

5 (8) [~~(2)~~] the Department of Public Safety.

6 (b) An entity to which this section [~~article~~] applies that
7 investigates or collects data regarding the alleged commission of
8 an offense under Chapter 20A, Penal Code, or the alleged commission
9 of an offense under Chapter 21, 22, or 43, Penal Code, that may
10 involve human trafficking, shall submit to the attorney general [~~a~~
11 ~~report~~] in the manner and form prescribed by the attorney general a
12 report containing the following information:

13 (1) the offense being investigated or for which data
14 is being collected, including the offense code designated by the
15 Department of Public Safety under Article 66.052, Code of Criminal
16 Procedure [~~a brief description of the alleged prohibited conduct~~];

17 (2) regarding each person suspected of committing the
18 offense [~~and each victim of the offense, as applicable~~]:

19 (A) the person's:

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

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

22 (iii) race or ethnicity, as defined by
23 Article 2B.0051, Code of Criminal Procedure;

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

26 (v) date of birth; and

27 (vi) age at the time of the offense, if

1 available; and

2 (B) the case number associated with the person
3 and the offense [~~and with the person suspected of committing the~~
4 ~~offense~~];

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

7 (4) [~~the type of human trafficking involved,~~
8 ~~including:~~

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

11 [~~(B) causing the victim by force, fraud, or~~
12 ~~coercion to engage in prohibited conduct involving one or more~~
13 ~~sexual activities, including conduct described by Section~~
14 ~~20A.02(a)(3), Penal Code, or~~

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

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

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

24 (5) regarding the victim of the offense:

25 (A) the victim's:

26 (i) age at the time of the offense, if
27 available;

1 (ii) gender;

2 (iii) race or ethnicity, as defined by
3 Article 2B.0051, Code of Criminal Procedure; and

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

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

9 (c) An entity described by Subsection (a) that does not have
10 any investigations or offenses required to be reported under this
11 section during a reporting period described by Subsection (c-1)
12 shall submit to the attorney general a notice stating there are no
13 cases to report, in the manner and form prescribed by the attorney
14 general [~~An attorney representing the state who prosecutes the~~
15 ~~alleged commission of an offense under Chapter 20A, Penal Code, or~~
16 ~~the alleged commission of an offense under Chapter 43, Penal Code,~~
17 ~~that may involve human trafficking, shall submit to the attorney~~
18 ~~general the following information:~~

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

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

24 [~~(3) the information described by Subsections (b)(2),~~
25 ~~(3), (4), and (5), and~~

26 [~~(4) the disposition of the prosecution, regardless of~~
27 ~~the manner of disposition].~~

1 (c-1) An entity described by Subsection (a) shall submit a
2 report under this section at least once every six months.

3 (d) The attorney general may enter into a contract with a
4 university or organization to assist with ~~[that provides for the~~
5 ~~university's assistance in]~~ the collection and analysis of
6 information received under this section ~~[article]~~. The attorney
7 general shall ensure that all sensitive information is properly
8 protected.

9 (e) Information described by Subsections (b)(2)(A)(i) and
10 (v) and (b)(2)(B) is confidential and not subject to disclosure
11 under Chapter 552.

12 (f) In consultation with the entities described by
13 Subsection (a), the attorney general shall adopt rules to
14 administer this section ~~[article]~~, including rules prescribing:

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

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

19 (g) An entity, other than an entity described by Subsection
20 (a), that has information relating to the alleged commission of an
21 offense under Chapter 20A, Penal Code, or an offense under Chapter
22 21, 22, or 43, Penal Code, that may involve human trafficking, may
23 submit the information to the office of the attorney general.

24 SECTION 1.07. Subchapter B, Chapter 402, Government Code,
25 is amended by adding Section 402.0353 to read as follows:

26 Sec. 402.0353. STATEWIDE HUMAN TRAFFICKING DATA
27 REPOSITORY; ANNUAL REPORT. (a) The office of the attorney general

shall establish a statewide human trafficking data repository to collect, organize, and analyze human trafficking information reported to the office under Section 402.0352 in a manner that enables the office, in collaboration with the human trafficking prevention coordinating council established under Section 402.034, to:

(1) evaluate the efficacy of state-funded initiatives that aim to reduce the occurrence of human trafficking in this state;

(2) make recommendations to appropriate local law enforcement agencies, state agencies, and other entities regarding the implementation of rules, regulations, or policies which may better allow each entity to:

(A) combat human trafficking;

(B) apprehend and prosecute persons suspected of committing criminal offenses involving human trafficking; and

(C) provide necessary services to victims of human trafficking; and

(3) make recommendations to improve the efficacy of the human trafficking prevention task force under Section 402.035.

(b) Information stored in the data repository established under this section may not contain personal identifying information relating to:

(1) a person suspected of committing an offense involving human trafficking;

(2) a suspected or known victim of human trafficking;

or

1 (3) any other individual identified in the information
2 shared with the office of the attorney general under Section
3 402.0352.

4 (c) For purposes of establishing and maintaining the data
5 repository established under this section, the attorney general may
6 contract with a third party that has experience working with human
7 trafficking data and is:

8 (1) a public or private institution of higher
9 education; or

10 (2) a nonprofit organization.

11 (d) The attorney general shall submit the attorney
12 general's findings and recommendations based on the information
13 collected, organized, and analyzed using the data repository
14 established under this section to the human trafficking prevention
15 task force for inclusion in the report required under Section
16 402.035(g).

17 SECTION 1.08. Chapter 146, Health and Safety Code, is
18 amended by adding Section 146.0075 to read as follows:

19 Sec. 146.0075. REQUIRED HUMAN TRAFFICKING TRAINING. (a)
20 Each employee of a tattoo studio or body piercing studio within the
21 time prescribed by rules adopted by the executive commissioner
22 shall complete a training course approved by the executive
23 commissioner on identifying and assisting victims of human
24 trafficking.

25 (b) The executive commissioner shall approve training
26 courses on human trafficking prevention, including at least one
27 course that is available without charge. The department shall post

1 the list of the approved training courses on the department's
2 Internet website.

3 (c) A tattoo studio or body piercing studio shall post signs
4 relating to human trafficking as required by Section 402.0351,
5 Government Code.

6 SECTION 1.09. Subchapter G, Chapter 1603, Occupations Code,
7 is amended by adding Section 1603.302 to read as follows:

8 Sec. 1603.302. CONTINUING EDUCATION REGARDING HUMAN
9 TRAFFICKING. The commission shall adopt rules requiring a license
10 holder to complete continuing education on identifying and
11 assisting victims of human trafficking.

12 SECTION 1.10. Section 20A.02(a), Penal Code, is amended to
13 read as follows:

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

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

17 (2) receives a benefit from participating in a venture
18 that involves an activity described by Subdivision (1), including
19 by receiving labor or services the person knows are forced labor or
20 services;

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

24 (A) Section 43.02 (Prostitution);

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

26 (B-1) Section 43.031 (Online Promotion of
27 Prostitution);

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

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

(D) Section 43.05 (Compelling Prostitution);

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

(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;

(6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services, regardless of whether the person knows the age of the child or whether the person knows the victim is disabled;

(7) traffics a child or disabled individual, regardless of whether the person knows the age of the child or whether the person knows the victim is disabled, and by any means causes the trafficked child or disabled individual to engage in, or become the victim of, conduct prohibited by:

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

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

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

26 SECTION 1.11. Section 20A.02(b), Penal Code, as amended by
27 Chapters 93 (S.B. 1527) and 452 (H.B. 3554), Acts of the 88th

Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

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

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

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

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

(4) the actor:

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

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

SECTION 1.12. 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, is reenacted and amended to read as follows:

(b-1) An offense under this section is a felony of the first degree punishable by imprisonment in the Texas Department of

1 Criminal Justice for life or for a term of not more than 99 years or
2 less than 25 years if it is shown on the trial of the offense that
3 the actor committed any part of the offense [~~in a location that~~
4 ~~was~~]:

5 (1) on the premises of or within 1,000 feet of the
6 premises of:

7 (A) a school or a school bus stop or other area
8 designated by a school as a pick-up or drop-off zone for students;
9 [~~or~~]

10 (B) an institution of higher education or private
11 or independent institution of higher education, as defined by
12 Section 61.003, Education Code;

13 (C) [~~(B)~~] a juvenile detention facility;

14 (D) [~~(C)~~] a post-adjudication secure
15 correctional facility;

16 (E) [~~(D)~~] a shelter or facility operating as a
17 residential treatment center that serves runaway youth, foster
18 children, people who are homeless, or persons subjected to human
19 trafficking, domestic violence, or sexual assault;

20 (F) [~~(E)~~] a community center offering youth
21 services and programs; or

22 (G) [~~(F)~~] a child-care facility, as defined by
23 Section 42.002, Human Resources Code; [~~or~~]

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

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

1 (B) an event sponsored or sanctioned by the
2 University Interscholastic League was taking place; or

3 (3) in a school bus or other passenger transportation
4 vehicle of a school.

5 SECTION 1.13. Section 4.01, Chapter 93 (S.B. 1527), Acts of
6 the 88th Legislature, Regular Session, 2023, which amended Article
7 2.305, Code of Criminal Procedure, is repealed.

8 SECTION 1.14. Notwithstanding Article 2A.205, Code of
9 Criminal Procedure, as transferred, redesignated, and amended by
10 this article, an entity that was not required to report under
11 Article 2A.205, Code of Criminal Procedure, as it existed
12 immediately before the effective date of this Act, is not required
13 to submit the initial report required by Article 2A.205, Code of
14 Criminal Procedure, before July 1, 2026.

15 SECTION 1.15. Notwithstanding Section 402.035(g),
16 Government Code, as amended by this article, the human trafficking
17 prevention task force is not required to include in the task force's
18 report the addendum required by that subsection before July 1,
19 2027.

20 SECTION 1.16. The changes in law made by this article to
21 Chapter 20A, Penal Code, apply only to an offense committed on or
22 after September 1, 2025. An offense committed before September 1,
23 2025, is governed by the law in effect on the date the offense was
24 committed, and the former law is continued in effect for that
25 purpose. For purposes of this section, an offense was committed
26 before September 1, 2025, if any element of the offense occurred
27 before that date.

1 SECTION 1.17. As soon as practicable after September 1,
2 2025, the Office of Court Administration of the Texas Judicial
3 System shall appoint a representative as required by Section
4 402.034(c), Government Code, as amended by this article.

5 SECTION 1.18. As soon as practicable after September 1,
6 2025:

7 (1) the executive commissioner of the Health and Human
8 Services Commission shall:

9 (A) approve human trafficking prevention
10 training courses as provided by Section 146.0075(b), Health and
11 Safety Code, as added by this article; and

12 (B) adopt rules necessary to implement Section
13 146.0075, Health and Safety Code, as added by this article; and

14 (2) the Department of State Health Services shall post
15 on its Internet website the list of human trafficking prevention
16 courses approved by the executive commissioner of the Health and
17 Human Services Commission under Section 146.0075(b), Health and
18 Safety Code, as added by this article.

19 SECTION 1.19. As soon as practicable after September 1,
20 2025, the Texas Commission of Licensing and Regulation shall adopt
21 the rules required by Section 1603.302, Occupations Code, as added
22 by this article.

23 SECTION 1.20. An employee of a tattoo studio or body
24 piercing studio is not required to complete a training course as
25 required by Section 146.0075(a), Health and Safety Code, as added
26 by this article, before January 1, 2026.

27 SECTION 1.21. To the extent of any conflict, this article

prevails over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

ARTICLE 2. PROSTITUTION

SECTION 2.01. Section 43.021(b), Penal Code, is amended to read as follows:

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

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

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

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

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

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

SECTION 2.02. Subchapter A, Chapter 43, Penal Code, is amended by adding Section 43.032 to read as follows:

Sec. 43.032. CONTINUOUS PROMOTION OF PROSTITUTION. (a) A person commits an offense if, during a period that is 30 or more days in duration, the person engages two or more times in conduct

1 that constitutes an offense under Section 43.03.

2 (b) If a jury is the trier of fact, members of the jury are
3 not required to agree unanimously on which specific conduct engaged
4 in by the defendant constituted an offense under Section 43.03 or on
5 which exact date the defendant engaged in that conduct. The jury
6 must agree unanimously that the defendant, during a period that is
7 30 or more days in duration, engaged two or more times in conduct
8 that constituted an offense under Section 43.03.

9 (c) If the victim of an offense under Subsection (a) is the
10 same victim as a victim of an offense under Section 43.03, a
11 defendant may not be convicted of the offense under Section 43.03 in
12 the same criminal action as the offense under Subsection (a),
13 unless the offense under Section 43.03:

14 (1) is charged in the alternative;
15 (2) occurred outside the period in which the offense
16 alleged under Subsection (a) was committed; or
17 (3) is considered by the trier of fact to be a lesser
18 included offense of the offense alleged under Subsection (a).

19 (d) A defendant may not be charged with more than one count
20 under Subsection (a) if all of the conduct that constitutes an
21 offense under Section 43.03 is alleged to have been committed
22 against the same victim.

23 (e) An offense under this section is a felony of the first
24 degree.

25 SECTION 2.03. Article 17.081, Code of Criminal Procedure,
26 is amended to read as follows:

27 Art. 17.081. ADDITIONAL REQUISITES OF BAIL BOND GIVEN BY

CERTAIN DEFENDANTS. In addition to the requirements of Article 17.08, a bail bond for a defendant charged with an offense under Section 20A.02, 20A.03, 43.02, 43.03, 43.031, 43.032, 43.04, 43.041, or 43.05, Penal Code, must include the address, identification number, and state of issuance as shown on a valid driver's license or identification card for the defendant and any surety, including any agent executing the bail bond on behalf of a corporation acting as surety.

SECTION 2.04. Article 17.465(b), Code of Criminal Procedure, is amended to read as follows:

(b) A magistrate shall require as a condition of release on bond that a defendant charged with an offense under Section 20A.02, 20A.03, 43.03, 43.031, 43.032, 43.04, 43.041, or 43.05, Penal Code, committed against a person 18 years of age or older may not:

(1) communicate directly or indirectly with the victim; or

(2) go to or near:

(A) the residence, place of employment, or business of the victim; or

(B) if applicable, a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.

SECTION 2.05. Article 42A.054(e), Code of Criminal Procedure, is amended to read as follows:

(e) Notwithstanding Subsection (a), with respect to an offense committed by a defendant under Section 43.04 or 43.05, Penal Code, a judge may place the defendant on community

1 supervision as permitted by Article 42A.053 if the judge makes a
2 finding that the defendant committed the offense solely as a victim
3 of an offense under Section 20A.02, 20A.03, 43.03, 43.032, 43.04,
4 or 43.05, Penal Code.

5 SECTION 2.06. Article 56B.003(13), Code of Criminal
6 Procedure, is amended to read as follows:

7 (13) "Trafficking of persons" means any offense that
8 results in a person engaging in forced labor or services, including
9 sexual conduct, and that may be prosecuted under Section 20A.02,
10 20A.03, 43.03, 43.031, 43.032, 43.04, 43.041, 43.05, 43.25, 43.251,
11 or 43.26, Penal Code.

12 SECTION 2.07. Article 58.051(11), Code of Criminal
13 Procedure, is amended to read as follows:

14 (11) "Trafficking of persons" means any conduct that:

15 (A) constitutes an offense under Section 20A.02,
16 20A.03, 43.03, 43.031, 43.032, 43.04, 43.041, 43.05, 43.25, 43.251,
17 or 43.26, Penal Code; and

18 (B) results in a person:

19 (i) engaging in forced labor or services;
20 or
21 (ii) otherwise becoming a victim of the
22 offense.

23 SECTION 2.08. Section 169.002(b), Health and Safety Code,
24 is amended to read as follows:

25 (b) A defendant is eligible to participate in a first
26 offender solicitation of prostitution prevention program
27 established under this chapter only if:

1 (1) the attorney representing the state consents to
2 the defendant's participation in the program; and

3 (2) the court in which the criminal case is pending
4 finds that the defendant has not been previously convicted of:

5 (A) an offense under Section [20A.02](#), [43.02\(b\)](#), as
6 that law existed before September 1, 2021, [43.021](#), [43.03](#), [43.031](#),
7 [43.032](#), [43.04](#), [43.041](#), or [43.05](#), Penal Code;

8 (B) an offense listed in Article [42A.054\(a\)](#), Code
9 of Criminal Procedure; or

10 (C) an offense punishable as a felony under
11 Chapter [481](#).

12 SECTION 2.09. Section [455.005\(c\)](#), Occupations Code, is
13 amended to read as follows:

14 (c) A political subdivision may not adopt a regulation of
15 the type described by Subsection (b) that is more restrictive for
16 massage establishments than for other health care establishments,
17 except that a more restrictive regulation of the type described by
18 Subsection (b) may be adopted:

19 (1) as provided by Chapter [243](#), Local Government Code;
20 or

21 (2) if the regulation relates to the location,
22 ownership, hours of operation, or operation of a massage
23 establishment:

24 (A) where three or more arrests have occurred or
25 citations in lieu of arrest have been issued for an offense under
26 Section [43.02](#), [43.021](#), [43.03](#), [43.032](#), [43.04](#), [43.05](#), or [71.02](#), Penal
27 Code, that was committed at the massage establishment;

(B) where an offense under Chapter 20A, or Section 34.02, 43.02, 43.021, 43.03, 43.032, 43.04, 43.05, or 71.02, Penal Code, was committed that resulted in a conviction;

(C) that is operating at a location where another massage establishment against which a sanction was imposed for a violation of this chapter previously operated; or

(D) that is operating at a location where another massage establishment owned or operated by an individual against whom a sanction was imposed for a violation of this chapter previously operated.

SECTION 2.10. Section 455.152, Occupations Code, as amended by Chapters 13 (S.B. 483) and 440 (H.B. 2016), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

Sec. 455.152. INELIGIBILITY FOR LICENSE. A person is not eligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor if the person is an individual and has been convicted of, entered a plea of nolo contendere or guilty to, or received deferred adjudication for:

(1) an offense under Chapter 20A, Penal Code [~~Section 22.011 or 22.021 Penal Code~~], or Section 43.021, 43.03, 43.031, 43.032, 43.04, 43.041, or 43.05, Penal Code; ~~or~~

(2) an offense under federal law or the laws of another state containing elements that are substantially similar to the elements of an offense described by Subdivision (1); or

(3) an offense under Section 22.011 or 22.021, Penal Code.

SECTION 2.11. Section 455.251(b), Occupations Code, is amended to read as follows:

(b) The commission or executive director shall revoke the license of a person licensed as a massage therapist or massage therapy instructor if:

(1) the person is convicted of, enters a plea of nolo contendere or guilty to, or receives deferred adjudication for:

(A) an offense under Chapter 20A, Penal Code, or Section 43.021, 43.03, 43.031, 43.032, 43.04, 43.041, or 43.05, Penal Code; or

(B) an offense under federal law or the laws of another state containing elements that are substantially similar to the elements of an offense described by Paragraph (A); or

(2) the commission or executive director determines the person has practiced or administered massage therapy at or for a sexually oriented business.

SECTION 2.12. The change in law made by this article to Section 43.021(b), Penal Code, applies only to an offense committed on or after September 1, 2025. An offense committed before September 1, 2025, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2025, if any element of the offense occurred before that date.

ARTICLE 3. CHILD PORNOGRAPHY

SECTION 3.01. Section 43.26(d), Penal Code, as amended by Chapters 93 (S.B. 1527) and 1041 (S.B. 129), Acts of the 88th

Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(d) An offense under Subsection (a) is:

(1) a felony of the third degree if the person possesses visual material that contains fewer than 10 [~~100~~] visual depictions of a child as described by Subsection (a)(1);

(2) a felony of the second degree if the person possesses visual material that contains 10 [~~100~~] or more visual depictions of a child as described by Subsection (a)(1) but fewer than 50 [~~500~~] such depictions;

(3) a felony of the first degree if the person:

(A) possesses visual material that contains 50 [~~500~~] or more visual depictions of a child as described by Subsection (a)(1); or

(B) possesses visual material of conduct constituting an offense under Section 22.011(a)(2); or

(4) a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that, at the time of the offense, the person was:

(A) an employee at a child-care facility or a residential child-care facility, as those terms are defined by Section 42.002, Human Resources Code;

(B) an employee at a residential treatment facility established under Section 221.056, Human Resources Code;

(C) an employee at a shelter or facility that

1 serves youth and that receives state funds; or

2 (D) receiving state funds for the care of a child
3 depicted by the visual material.

4 SECTION 3.02. Section 43.26(g), Penal Code, is amended to
5 read as follows:

6 (g) An offense under Subsection (e) is a felony of the first
7 ~~[second]~~ degree, except that the offense is a felony of the first
8 degree with a minimum term of confinement of 15 years if:

9 (1) the person promotes or possesses with intent to
10 promote:

11 (A) visual material that contains 50 or more
12 visual depictions of a child as described by Subsection (a)(1); or

13 (B) visual material of conduct constituting an
14 offense under Section 22.011(a)(2); and

15 (2) it is shown on the trial of the offense that the
16 person has been previously convicted of an offense under this
17 section ~~[that subsection]~~.

18 SECTION 3.03. The following provisions of the Penal Code
19 are repealed:

20 (1) Section 43.26(d-1), as added by Chapter 93 (S.B.
21 1527), Acts of the 88th Legislature, Regular Session, 2023; and

22 (2) Section 43.26(d-2).

23 SECTION 3.04. The changes in law made by this article to
24 Section 43.26, Penal Code, apply only to an offense committed on or
25 after September 1, 2025. An offense committed before September 1,
26 2025, is governed by the law in effect on the date the offense was
27 committed, and the former law is continued in effect for that

purpose. For purposes of this section, an offense was committed before September 1, 2025, if any element of the offense was committed before that date.

ARTICLE 4. PROSECUTION OF SEXUAL OR ASSAULTIVE OFFENSES OR
PROSECUTION OF FAILURE TO STOP OR REPORT THOSE OFFENSES

SECTION 4.01. Article 12.01, Code of Criminal Procedure, as amended by Chapters 93 (S.B. 1527), 118 (H.B. 467), 127 (H.B. 1207), 422 (H.B. 1769), 520 (H.B. 3025), 689 (H.B. 1506), 704 (H.B. 2019), 709 (H.B. 2190), 768 (H.B. 4595), 830 (H.B. 2187), 885 (H.B. 4635), and 1041 (S.B. 129), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Articles 12.015 and 12.03, felony indictments may be presented within these limits, and not afterward:

(1) no limitation:

(A) murder and manslaughter;

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

(C) sexual assault, if:

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

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

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

1 ascertained; or

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

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

7 (E) indecency with a child under Section 21.11,
8 Penal Code;

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

12 (G) trafficking of persons under Section
13 20A.02(a)(7) or (8), Penal Code;

14 (H) continuous trafficking of persons under
15 Section 20A.03, Penal Code;

16 (I) compelling prostitution under Section
17 43.05(a)(2) or (3), Penal Code; ~~[ex]~~

18 (J) tampering with physical evidence under
19 Section 37.09(a)(1) or (d)(1), Penal Code, if:

20 (i) the evidence tampered with is a human
21 corpse, as defined by that section; or

22 (ii) the investigation of the offense shows
23 that a reasonable person in the position of the defendant at the
24 time of the commission of the offense would have cause to believe
25 that the evidence tampered with is related to a criminal homicide
26 under Chapter 19, Penal Code;

27 (K) ~~[(J)]~~ interference with child custody under

Section 25.03(a)(3), Penal Code;

(L) ~~[(J)]~~ burglary under Section 30.02, Penal Code, if:

(i) the offense is punishable under Subsection (d) of that section because the defendant entered a habitation with the intent to commit an offense under Section 22.011 or 22.021, Penal Code; and

(ii) during the investigation of the offense biological matter is collected and the matter:

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

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

(M) failure to stop or report sexual or assaultive offense against child under Section 38.17, Penal Code;
or

(N) continuous promotion of prostitution under Section 43.032, Penal Code;

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

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

(B) theft by a public servant of government

1 property over which the public servant exercises control in the
2 public servant's official capacity;

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

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

8 (E) sexual assault, except as provided by
9 Subdivision (1) or (9) [~~(8)~~];

10 (F) arson;

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

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

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

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

19 (B) fraudulent securing of document execution;

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

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

24 (E) money laundering;

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

27 (G) fraudulent use or possession of identifying

information under Section 32.51, Penal Code;

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

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

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

(K) possession or promotion of child pornography under Section 43.26, Penal Code;

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

(A) theft or robbery;

(B) except as provided by Subdivision (5), kidnapping;

(C) [~~(B-1)~~] except as provided by Subdivision (1) or (5), burglary;

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

(E) [~~(D)~~] abandoning or endangering an [~~a child,~~] elderly [~~individual,~~] or disabled individual;

(F) [~~(E)~~] insurance fraud;

(G) [~~(F)~~] assault under Section 22.01, Penal Code, if the assault was committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code;

(H) [~~(G)~~] continuous violence against the family

under Section 25.11, Penal Code; or

(I) ~~[(H)]~~ aggravated assault under Section 22.02, Penal Code;

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

(A) kidnapping under Section 20.03, Penal Code, or aggravated kidnapping under Section 20.04, Penal Code; or

(B) subject to Subdivision (1)(L) ~~[(1)(J)]~~, burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section because the defendant entered a habitation with the intent to commit an offense described by Subdivision (1)(B) or (D) of this article or Paragraph (A) of this subdivision;

(6) 20 years from the 18th birthday of the victim of one of the following offenses:

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

(B) sexual performance by a child under Section 43.25, Penal Code;

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

(A) injury to a child under Section 22.04, Penal Code;

(B) bigamy under Section 25.01, Penal Code, if the investigation of the offense shows that the person, other than

1 the legal spouse of the defendant, whom the defendant marries or
2 purports to marry or with whom the defendant lives under the
3 appearance of being married is younger than 18 years of age at the
4 time the offense is committed; or

5 (C) [~~(D)~~] abandoning or endangering a child;

6 (8) [~~(7)~~] ten years from the date the offense was
7 discovered: trafficking of a disabled individual under Section
8 20A.02(a)(5) or (6), Penal Code;

9 (9) [~~(8)~~] two years from the date the offense was
10 discovered: sexual assault punishable as a state jail felony under
11 Section 22.011(f)(2), Penal Code; or

12 (10) [~~(9)~~] three years from the date of the commission
13 of the offense: all other felonies.

14 SECTION 4.02. Section 2(a), Article 38.072, Code of
15 Criminal Procedure, as amended by Chapters 284 (S.B. 643) and 710
16 (H.B. 2846), Acts of the 81st Legislature, Regular Session, 2009,
17 is reenacted and amended to read as follows:

18 (a) This article applies only to statements that:

19 (1) describe:

20 (A) the alleged offense; or

21 (B) if the statement is offered during the
22 punishment phase of the proceeding, a crime, wrong, or act other
23 than the alleged offense that is:

24 (i) described by Section 1;

25 (ii) allegedly committed by the defendant
26 against the child or person with a disability who is the victim of
27 the offense or against another person who is a child younger than 18

1 [14] years of age or a person with a disability; and

2 (iii) otherwise admissible as evidence
3 under Article 38.37, Rule 404 or 405, Texas Rules of Evidence, or
4 another law or rule of evidence of this state;

5 (2) were made by the child or person with a disability
6 against whom the charged offense or extraneous crime, wrong, or act
7 was allegedly committed; and

8 (3) were made to the first person, 18 years of age or
9 older, other than the defendant, to whom the child or person with a
10 disability made a statement about the offense or extraneous crime,
11 wrong, or act.

12 SECTION 4.03. Section 2, Article 38.072, Code of Criminal
13 Procedure, is amended by adding Subsection (a-1) to read as
14 follows:

15 (a-1) The trial court shall admit more than one statement
16 under this article at a proceeding if each statement:

17 (1) meets the requirements of Subsection (a); and

18 (2) describes different conduct by the defendant.

19 SECTION 4.04. Section 3, Article 38.072, Code of Criminal
20 Procedure, is amended to read as follows:

21 Sec. 3. In this article, "person with a disability" has the
22 same meaning as "disabled individual" as defined by Section 22.04,
23 Penal Code ~~[means a person 13 years of age or older who because of~~
24 ~~age or physical or mental disease, disability, or injury is~~
25 ~~substantially unable to protect the person's self from harm or to~~
26 ~~provide food, shelter, or medical care for the person's self]~~.

27 SECTION 4.05. Section 1, Article 38.37, Code of Criminal

Procedure, is amended to read as follows:

Sec. 1. (a) Subsection (b) applies to a proceeding in the prosecution of a defendant for an offense, or an attempt or conspiracy to commit an offense, under the following provisions of the Penal Code:

(1) Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual);

(2) Section 21.11 (Indecency with a Child);

(3) Section 21.15 (Invasive Visual Recording);

(4) Section 21.16 (Unlawful Disclosure or Promotion of Intimate Visual Material);

(5) Section 21.165 (Unlawful Production or Distribution of Certain Sexually Explicit Videos);

(6) Section 21.18 (Sexual Coercion);

(7) Section 21.19 (Unlawful Electronic Transmission of Sexually Explicit Visual Material);

(8) [~~if committed against a child under 17 years of age;~~

[~~(A) Chapter 21 (Sexual Offenses);~~

[~~(B) Chapter 22 (Assaultive Offenses); or~~

[~~(C)~~] Section 25.02 (Prohibited Sexual Conduct);

[~~or~~

[~~(2) if committed against a person younger than 18 years of age;~~

(9) [~~(A)~~] Section 43.25 (Sexual Performance by a Child);

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

~~(8)] (Trafficking of Persons);~~

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

(12) [(D)] Section 43.05 [43.05(a)(2)] (Compelling Prostitution); or

(13) if committed against a child younger than 18 years of age:

(A) Chapter 21 (Sexual Offenses); or

(B) Chapter 22 (Assaultive Offenses).

(b) Notwithstanding Rules 404 and 405, Texas Rules of Evidence, evidence of other crimes, wrongs, or acts committed by the defendant against the ~~[child who is the]~~ victim of the alleged offense shall be admitted for its bearing on relevant matters, including:

(1) the state of mind of the defendant and the victim ~~[child]~~; and

(2) the previous and subsequent relationship between the defendant and the victim ~~[child]~~.

(c) If a court admits evidence under this section and on request by either party, the court shall provide to the jury a limiting instruction regarding the purposes for which the evidence may be used. The court shall provide the limiting instruction:

(1) orally at the time the evidence is admitted; and

(2) in writing on conclusion of the presentation of evidence in the case, at the time written instructions are provided to the jury.

SECTION 4.06. Section 38.17, Penal Code, is amended to read as follows:

Sec. 38.17. FAILURE TO STOP OR REPORT ~~[ACCRAVATED]~~ SEXUAL OR ASSAULTIVE OFFENSE AGAINST ~~[ASSAULT OF]~~ CHILD. (a) A person~~[other than a person who has a relationship with a child described by Section 22.04(b)]~~ commits an offense if:

(1) the actor observes the commission or attempted commission of an offense ~~[prohibited by Section 21.02 or 22.021(a)(2)(B)]~~ under circumstances in which a reasonable person would believe that an offense of a sexual or assaultive nature was being committed or was about to be committed against a ~~[the]~~ child;

(2) the actor fails to assist the child or immediately report the commission of the offense to a peace officer or law enforcement agency; and

(3) the actor could assist the child or immediately report the commission of the offense without placing the actor in danger of suffering serious bodily injury or death.

(b) An offense under this section is a felony of the third degree ~~[Class A misdemeanor]~~.

(c) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

SECTION 4.07. The change in law made by this article to Article 12.01, Code of Criminal Procedure, does not apply to the prosecution of an offense under Section 38.17, Penal Code, if the prosecution of that offense becomes barred by limitation before September 1, 2025. The prosecution of that offense remains barred

as if this article had not taken effect.

SECTION 4.08. The changes in law made by this article to Chapter 38, Code of Criminal Procedure, apply to a criminal proceeding that commences on or after September 1, 2025. A criminal proceeding that commences before September 1, 2025, is governed by the law in effect on the date the proceeding commenced, and the former law is continued in effect for that purpose.

SECTION 4.09. The change in law made by this article to Section 38.17, Penal Code, applies only to an offense committed on or after September 1, 2025. An offense committed before September 1, 2025, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2025, if any element of the offense occurred before that date.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. This Act takes effect September 1, 2025.