

By: Kerwin

H.B. No. 3231

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment for the offense of trafficking of persons; increasing a criminal penalty.

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

SECTION 1. Section 20A.02(a), Penal Code, is amended to read as follows:

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

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

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

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

(A) Section 43.02 (Prostitution);

(B) Section 43.03 (Promotion of Prostitution);

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

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

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

1 (D) Section 43.05 (Compelling Prostitution);

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

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

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

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

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

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

24 (C) Section 22.011 (Sexual Assault);

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

26 (E) Section 43.02 (Prostitution);

27 (E-1) Section 43.021 (Solicitation of

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

22 SECTION 2. Section 20A.02(b), Penal Code, as amended by
23 Chapters 93 (S.B. 1527) and 452 (H.B. 3554), Acts of the 88th
24 Legislature, Regular Session, 2023, is reenacted and amended to
25 read as follows:

26 (b) Except as otherwise provided by [~~this subsection and~~]
27 Subsection (b-1), an offense under this section is a felony of the

1 ~~[second degree. An offense under this section is a felony of the]~~
2 ~~first degree [if:~~

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

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

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

11 ~~(4) the actor:~~

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

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

18 SECTION 3. Section [20A.02](#)(b-1), Penal Code, as amended by
19 Chapters 451 (H.B. 3553) and 452 (H.B. 3554), Acts of the 88th
20 Legislature, Regular Session, 2023, is reenacted and amended to
21 read as follows:

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

27 (1) on the premises of or within 1,000 feet of the

1 premises of:

2 (A) a school; [~~or~~]

3 (B) an institution of higher education or private
4 or independent institution of higher education, as defined by
5 Section 61.003, Education Code; [~~or~~]

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

7 (D) [~~(C)~~] a post-adjudication secure
8 correctional facility;

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

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

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

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

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

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

23 SECTION 4. Section 2(a), Article 38.37, Code of Criminal
24 Procedure, is amended to read as follows:

25 (a) Subsection (b) applies only to the trial of a defendant
26 for:

27 (1) an offense under any of the following provisions

1 of the Penal Code:

2 (A) Section 20A.02(a)(5), (6), (7), or (8)
3 [~~20A.02, if punishable as a felony of the first degree under Section~~
4 ~~20A.02(b)(1)~~] (Labor or Sex Trafficking of a Child or Disabled
5 Individual);

6 (B) Section 21.02 (Continuous Sexual Abuse of
7 Young Child or Disabled Individual);

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

9 (D) Section 22.011(a)(2) (Sexual Assault of a
10 Child);

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

13 (F) Section 33.021 (Online Solicitation of a
14 Minor);

15 (G) Section 43.25 (Sexual Performance by a
16 Child); or

17 (H) Section 43.26 (Possession or Promotion of
18 Child Pornography), Penal Code; or

19 (2) an attempt or conspiracy to commit an offense
20 described by Subdivision (1).

21 SECTION 5. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 governed by the law in effect on the date the offense was committed,
25 and the former law is continued in effect for that purpose. For
26 purposes of this section, an offense was committed before the
27 effective date of this Act if any element of the offense occurred

1 before that date.

2 SECTION 6. This Act takes effect September 1, 2025.