

By: Schatzline

H.B. No. 5547

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

(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);

(C) Section 22.011 (Sexual Assault);

(D) Section 22.021 (Aggravated Sexual Assault);

(E) Section 43.02 (Prostitution);

(E-1) Section 43.021 (Solicitation of

Prostitution);

(F) Section 43.03 (Promotion of Prostitution);

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

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

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

(H) Section 43.05 (Compelling Prostitution);

(I) Section 43.25 (Sexual Performance by a Child);

(J) Section 43.251 (Employment Harmful to Children); or

(K) Section 43.26 (Possession or Promotion of Child Pornography); or

(8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child or disabled individual trafficked in the manner described in Subdivision (7), regardless of whether the person knows the age of the child or whether the person knows the victim is disabled.

SECTION 2. 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, 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;~~

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

(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;

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

of the Penal Code:

(A) Section 20A.02(a)(5),(6),(7), or (8)  
~~[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);

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

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

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

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

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

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

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

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

SECTION 5. The change in law made by this Act applies only  
to an offense committed on or after the effective date of this Act.  
An offense committed before the effective date of this Act 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 the  
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.