

Chapter 685

H.B. No. 29

AN ACT

1  
2 relating to prostitution and the trafficking of persons, civil  
3 racketeering related to trafficking, the prevention,  
4 investigation, and prosecution of and punishment for certain sexual  
5 offenses and offenses involving or related to trafficking,  
6 reimbursement of certain costs for criminal victims who are  
7 children, and the release and reporting of certain information  
8 relating to a child; increasing criminal penalties; creating  
9 criminal offenses.

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

11 SECTION 1. Chapter 102, Business & Commerce Code, is  
12 amended by adding Subchapter C to read as follows:

13 SUBCHAPTER C. NOTICE REQUIREMENTS ON PREMISES OF SEXUALLY ORIENTED  
14 BUSINESSES

15 Sec. 102.101. POSTING OF CERTAIN SIGN REQUIRED. (a) A  
16 sexually oriented business shall post by the sink area in each  
17 restroom on the premises one sign that directs a victim of human  
18 trafficking to contact the National Human Trafficking Resource  
19 Center. Except as provided by Subsection (c), the sign must be 11  
20 inches by 17 inches in size.

21 (b) The attorney general by rule shall prescribe the design,  
22 content, and manner of display of the sign required by this section.

23 The sign must:

24 (1) be in both English and Spanish; and

1           (2) include the telephone number and Internet website  
2 of the National Human Trafficking Resource Center.

3           (c) The attorney general by rule may require the sign to:

4           (1) be in an additional language other than English or  
5 Spanish;

6           (2) be larger than 11 inches by 17 inches in size if  
7 the attorney general determines that a larger sign is appropriate;  
8 and

9           (3) include other information the attorney general  
10 considers necessary and appropriate.

11           Sec. 102.102. CRIMINAL PENALTY. (a) A person commits an  
12 offense if the person:

13           (1) is an owner or operator of a sexually oriented  
14 business; and

15           (2) fails to post the sign required by Section 102.101  
16 in compliance with that section and rules adopted under that  
17 section.

18           (b) An offense under this section is a Class C misdemeanor.

19           SECTION 2. Chapter 140A, Civil Practice and Remedies Code,  
20 is amended by designating Sections 140A.001 and 140A.002 as  
21 Subchapter A and adding a subchapter heading to read as follows:

22                           SUBCHAPTER A. GENERAL PROVISIONS

23           SECTION 3. Section 140A.001, Civil Practice and Remedies  
24 Code, is amended by adding Subdivision (1-a) to read as follows:

25           (1-a) "Attorney general" means the attorney general of  
26 Texas or any assistant attorney general acting under the direction  
27 of the attorney general of Texas.

1 SECTION 4. Subchapter A, Chapter 140A, Civil Practice and  
2 Remedies Code, as added by this Act, is amended by adding Section  
3 140A.0015 to read as follows:

4 Sec. 140A.0015. APPLICABILITY OF PROVISIONS. (a) The  
5 provisions of this chapter are cumulative of each other and any  
6 other provision of law in effect relating to the same subject. The  
7 provisions of this chapter preserve the constitutional and common  
8 law authority of the attorney general to bring any action under  
9 state and federal law.

10 (b) If any of the provisions of this chapter are held  
11 invalid, the remainder of the provisions are not affected as a  
12 result and the application of the provision held invalid to persons  
13 or circumstances other than those as to which it is held invalid are  
14 not affected as a result.

15 SECTION 5. Chapter 140A, Civil Practice and Remedies Code,  
16 is amended by adding Subchapter B to read as follows:

17 SUBCHAPTER B. PROCEDURES AND EVIDENCE

18 Sec. 140A.051. DEFINITIONS. In this subchapter:

19 (1) "Civil investigative demand" means any demand  
20 issued by the attorney general under this subchapter.

21 (2) "Documentary material" means the original or a  
22 copy of any paper, contract, agreement, book, booklet, brochure,  
23 pamphlet, catalog, magazine, notice, announcement, circular,  
24 bulletin, instruction, minutes, agenda, study, analysis, report,  
25 graph, map, chart, table, schedule, note, letter, telegram,  
26 telephone recordings, or data compilations stored in or accessible  
27 through computer or other information retrieval systems, together

1 with instructions and all other materials necessary to use or  
2 interpret the data compilations, and any product of discovery.

3 (3) "Person" has the meaning assigned by Section  
4 311.005, Government Code.

5 (4) "Product of discovery" means:

6 (A) the original or a copy of a deposition,  
7 interrogatory, document, thing, result of inspection of land or  
8 other property, examination, or admission that is obtained by any  
9 method of discovery in a judicial or administrative proceeding of  
10 an adversarial nature;

11 (B) a digest, analysis, selection, compilation,  
12 or derivation of any item listed in Paragraph (A); and

13 (C) an index, instruction, or other aid or means  
14 of access to any item listed in Paragraph (A).

15 (5) "Racketeering investigation" means any inquiry  
16 conducted by the attorney general for the purpose of ascertaining  
17 whether any person is or has been engaged in or is actively  
18 preparing to engage in activities that may constitute a  
19 racketeering violation.

20 (6) "Racketeering violation" means any act or omission  
21 in violation of any of the prohibitions in Section 140A.002.

22 Sec. 140A.052. CIVIL INVESTIGATIVE DEMAND. If the attorney  
23 general has reason to believe that a person may be in possession,  
24 custody, or control of any documentary material or other evidence  
25 or may have any information relevant to a civil racketeering  
26 investigation, the attorney general may, before beginning a civil  
27 proceeding, issue in writing and serve on the person a civil

1 investigative demand requiring the person to:

2 (1) produce any of the documentary material for  
3 inspection and copying;

4 (2) answer in writing any written interrogatories;

5 (3) give oral testimony; or

6 (4) provide any combination of civil investigative  
7 demands under Subdivisions (1)-(3).

8 Sec. 140A.053. CONTENTS OF DEMAND. (a) A civil  
9 investigative demand issued under Section 140A.052 must:

10 (1) describe the nature of the activities that are the  
11 subject of the investigation;

12 (2) state each statute the activity violates; and

13 (3) advise the person on whom the demand is served that  
14 the person has the right to object to the demand as provided for in  
15 this subchapter.

16 (b) A demand for production of documentary material must:

17 (1) describe the class of material to be produced with  
18 reasonable specificity so that the material demanded is fairly  
19 identified;

20 (2) prescribe a return date that provides a reasonable  
21 period of time within which the material is to be produced; and

22 (3) identify the individual to whom the material is to  
23 be made available for inspection and copying.

24 (c) A demand for answers to written interrogatories must:

25 (1) propound the interrogatories with definiteness  
26 and certainty;

27 (2) prescribe a date by which answers to the

1 interrogatories must be submitted; and

2 (3) identify the individual to whom the answers should  
3 be submitted.

4 (d) Each demand for the giving of oral testimony must:

5 (1) prescribe a reasonable date, time, and place at  
6 which the testimony will begin; and

7 (2) identify the individual who will conduct the  
8 examination.

9 Sec. 140A.054. SERVICE; PROOF OF SERVICE. (a) Service of  
10 any civil investigative demand or petition filed under Section  
11 140A.055 or 140A.060 may be made on any natural person by delivering  
12 a duly executed copy of the demand or petition to the person to be  
13 served or by mailing a copy by registered or certified mail, return  
14 receipt requested, to the person at the person's residence or  
15 principal office or place of business.

16 (b) Service of any demand or petition filed under Section  
17 140A.055 or 140A.060 may be made on any person other than a natural  
18 person by delivering a duly executed copy of the demand or petition  
19 to a person to whom delivery would be appropriate under state law if  
20 the demand or petition were process in a civil suit.

21 (c) A verified return by the individual serving any demand  
22 or petition filed under Section 140A.055 or 140A.060 setting forth  
23 the manner of service is proof of service. In the case of service by  
24 registered or certified mail, the return must be accompanied by the  
25 return post office receipt of delivery of the demand or petition.

26 Sec. 140A.055. PETITION FOR ORDER MODIFYING OR SETTING  
27 ASIDE DEMAND. (a) At any time before the return date specified in a

1 civil investigative demand or not later than the 30th day after the  
2 date the demand was served, whichever period is shorter, the person  
3 who has been served, and in the case of a demand for a product of  
4 discovery the person from whom the discovery was obtained, may file  
5 a petition for an order modifying or setting aside the demand in the  
6 district court in the county of the person's residence or principal  
7 office or place of business or a district court of Travis County.  
8 The petition must specify each ground upon which the petitioner  
9 relies in seeking the relief sought. The petition may be based on  
10 any failure of a demand to comply with the provisions of this  
11 subchapter or on any constitutional or other legal right or  
12 privilege of the petitioner.

13 (b) The petitioner shall serve a copy of the petition on the  
14 attorney general in accordance with Section 140A.054. The attorney  
15 general may submit an answer to the petition.

16 (c) In ruling on the petition under this section, the court  
17 shall presume absent evidence to the contrary that the attorney  
18 general issued the demand in good faith and within the scope of the  
19 attorney general's authority.

20 Sec. 140A.056. COMPLIANCE WITH DEMAND. (a) A person on  
21 whom a civil investigative demand is served under this subchapter  
22 shall comply with the terms of the demand unless otherwise provided  
23 by court order.

24 (b) The time for compliance with the demand wholly or partly  
25 does not run during the pendency of any petition filed under Section  
26 140A.055, provided that the petitioner shall comply with any  
27 portions of the demand not sought to be modified or set aside.

1       Sec. 140A.057. DOCUMENTARY MATERIAL. (a) Any person on  
2 whom any civil investigative demand for the production of  
3 documentary material has been duly served under this subchapter  
4 shall make the material available to the attorney general for  
5 inspection and copying during normal business hours on the return  
6 date specified in the demand at the person's principal office or  
7 place of business or as otherwise may be agreed on by the person and  
8 the attorney general. The attorney general shall bear the expense  
9 of any copying. The person may substitute copies for originals of  
10 all or part of the requested documents if the originals are made  
11 available for inspection. The attorney general may elect to obtain  
12 or review information in an electronic format. The person shall  
13 indicate in writing which, if any, of the documents produced  
14 contain trade secrets or confidential information.

15       (b) The production of documentary material in response to  
16 any demand must be made under a sworn certificate in the form the  
17 demand designates by a natural person having knowledge of the facts  
18 and circumstances relating to the production to the effect that all  
19 of the requested material in the possession, custody, or control of  
20 the person to whom the demand is directed has been produced.

21       Sec. 140A.058. INTERROGATORIES. (a) Each interrogatory in  
22 any civil investigative demand duly served must be answered  
23 separately and fully in writing, unless it is objected to, in which  
24 case the basis for the objection shall be set forth in lieu of an  
25 answer. The person shall indicate in writing which, if any, of the  
26 answers contain trade secrets or confidential information.

27       (b) Answers to interrogatories must be submitted under a



1 sworn certificate in the form the related demand designates by a  
2 natural person having knowledge of the facts and circumstances  
3 relating to the preparation of the answers to the effect that all of  
4 the requested information in the possession, custody, control, or  
5 knowledge of the person to whom the demand is directed has been set  
6 forth fully and accurately.

7 Sec. 140A.059. ORAL EXAMINATION. (a) The examination of  
8 any person pursuant to a civil investigative demand for oral  
9 testimony duly served must be taken before any person authorized to  
10 administer oaths and affirmations under the laws of this state or  
11 the United States. The person before whom the testimony is to be  
12 taken shall put the witness on oath or affirmation and shall  
13 personally or by someone acting under the person's direction and in  
14 the person's presence record the witness's testimony. At the  
15 expense of the attorney general, and except as provided by this  
16 subsection, the testimony must be taken stenographically and may be  
17 transcribed. The attorney general may take audio and video  
18 recordings of the testimony by providing notice to the person to be  
19 examined not later than the seventh day before the day the person is  
20 to be examined.

21 (b) The oral testimony of any person taken pursuant to a  
22 demand served must be taken within 100 miles of the county where the  
23 person resides, is found, or transacts business or in any other  
24 place agreed on by the person and the attorney general.

25 (c) Any person compelled to appear under a demand for oral  
26 testimony may be accompanied, represented, and advised by counsel.  
27 Counsel may advise the person in confidence, either on the request

1 of the person or on the counsel's own initiative, with respect to  
2 any question arising in connection with the examination.

3 (d) The individual conducting the examination on behalf of  
4 the attorney general shall exclude from the place of examination  
5 all other persons except the person being examined, the person's  
6 counsel, the counsel of the person to whom the demand has been  
7 issued, the person before whom the testimony is to be taken, any  
8 stenographer taking the testimony, audiographer, videographer, and  
9 any person assisting the individual conducting the examination.

10 (e) During the examination, the person being examined or the  
11 person's counsel may object on the record to any question in  
12 accordance with Rule 199.5(e), Texas Rules of Civil Procedure. An  
13 objection may properly be made, received, and entered on the record  
14 when it is claimed that the person is entitled to refuse to answer  
15 the question on grounds of any constitutional or other privilege,  
16 including the privilege against self-incrimination. Neither that  
17 person nor the person's counsel may otherwise object to or refuse to  
18 answer any question or interrupt the oral examination. If the  
19 person refuses to answer any question, the attorney general may  
20 petition the district court in the county where the examination is  
21 being conducted for an order compelling the person to answer the  
22 question.

23 (f) After the testimony has been fully transcribed, the  
24 person before whom the testimony was taken shall promptly transmit  
25 the transcript of the testimony to the witness and a copy of the  
26 transcript to the attorney general. The witness must have a  
27 reasonable opportunity to examine the transcript and make any

1 changes in form or substance accompanied by a statement of the  
2 reasons for the changes. The witness shall then sign and return the  
3 transcript. If the witness does not return the transcript to the  
4 person before whom the testimony was taken not later than the 20th  
5 day after the date the transcript was provided to the witness, the  
6 witness may be deemed to have waived the right to make changes. The  
7 officer shall then certify on the transcript that the witness was  
8 duly sworn and that the transcript is a true record of the testimony  
9 given by the witness and promptly transmit a copy of the certified  
10 transcript to the attorney general.

11 (g) On request, the attorney general shall furnish a copy of  
12 the certified transcript to the witness.

13 (h) The attorney general may provide the witness the same  
14 fees and mileage reimbursement that are paid to witnesses in the  
15 district courts of this state.

16 Sec. 140A.060. FAILURE TO COMPLY WITH DEMAND PETITION FOR  
17 ENFORCEMENT. If a person fails to comply with a civil investigative  
18 demand duly served on the person, the attorney general may file in  
19 the district court in the county in which the person resides, is  
20 found, or transacts business or in a district court of Travis County  
21 and may serve on the person a petition for an order of the court for  
22 enforcement. If the person transacts business in more than one  
23 county and the attorney general elects not to file the petition in  
24 Travis County, the petition must be filed in the county of the  
25 person's principal office or place of business in the state or in  
26 any other county as may be agreed on by the person and the attorney  
27 general.

1       Sec. 140A.061. DELIBERATE NONCOMPLIANCE. (a) A person  
2 commits an offense if the person, with intent to avoid, evade, or  
3 prevent compliance with a civil investigative demand issued under  
4 this subchapter, knowingly removes from any place, conceals,  
5 withholds, destroys, mutilates, alters, or by any other means  
6 falsifies any documentary material or otherwise provides  
7 inaccurate information.

8       (b) An offense under this section is a misdemeanor  
9 punishable by:

10           (1) a fine of not more than \$5,000;

11           (2) confinement in a county jail for not more than one  
12 year; or

13           (3) both a fine and confinement.

14       Sec. 140A.062. DISCLOSURE AND USE OF MATERIAL AND  
15 INFORMATION. (a) The civil investigative demand issued by the  
16 attorney general, any information obtained, maintained, or created  
17 in response to the demand, or any documentary material, product of  
18 discovery, or other record derived or created during an  
19 investigation from the information, is not subject to disclosure  
20 under Chapter 552, Government Code, and is not subject to  
21 disclosure, discovery, subpoena, or other means of legal compulsion  
22 for the release, except as described in Subsections (b) and (c).

23       (b) The attorney general may not release or disclose  
24 information that is obtained in response to a demand or any  
25 documentary material, product of discovery, or other record derived  
26 from the information except:

27           (1) by court order for good cause shown;

1           (2) with the consent of the person who provided the  
2 information to the attorney general;

3           (3) to an employee or other person under the direction  
4 of the attorney general;

5           (4) to an agency of this state, the United States, or  
6 another state or foreign country;

7           (5) to any party or person in accordance with Sections  
8 140A.107 and 140A.108;

9           (6) to a political subdivision of this state; or

10          (7) to a person authorized by the attorney general to  
11 receive the information.

12          (c) The attorney general may use information obtained in  
13 response to a demand, or any documentary material, product of  
14 discovery, or other record derived or created from the information  
15 as the attorney general determines necessary in the enforcement of  
16 this chapter, including presentation before court.

17          Sec. 140A.063. JURISDICTION. If a petition is filed in the  
18 district court in any county, the court has jurisdiction to hear and  
19 determine the matter presented and to enter any order required to  
20 implement this chapter. Any final order is subject to appeal.  
21 Failure to comply with any final order entered by a court under this  
22 chapter is punishable by the court as contempt of the order.

23          Sec. 140A.064. NONEXCLUSIVE PROCEDURES. Nothing in this  
24 chapter precludes the attorney general from using any procedure not  
25 specified in this chapter in conducting a racketeering  
26 investigation.

27          SECTION 6. Chapter 140A, Civil Practice and Remedies Code,

1 is amended by adding Subchapter C and adding a subchapter heading to  
2 read as follows:

3 SUBCHAPTER C. ENFORCEMENT

4 SECTION 7. Sections 140A.003 through 140A.013, Civil  
5 Practice and Remedies Code, are transferred to Subchapter C,  
6 Chapter 140A, Civil Practice and Remedies Code, as added by this  
7 Act, redesignated as Sections 140A.101 through 140A.111, Civil  
8 Practice and Remedies Code, and amended to read as follows:

9 Sec. 140A.101 [~~140A.003~~]. SUIT TO ABATE RACKETEERING. (a)  
10 The attorney general may bring suit in the name of the state against  
11 a person or enterprise for racketeering and may seek civil  
12 penalties, costs, reasonable attorney's fees, and appropriate  
13 injunctive relief.

14 (b) This chapter does not authorize suit by a person or  
15 enterprise that sustains injury as a result of racketeering.

16 (c) A suit under this chapter must be brought in a district  
17 court in a county in which all or part of the alleged racketeering  
18 offense giving rise to the suit occurred.

19 Sec. 140A.102 [~~140A.004~~]. INJUNCTIVE RELIEF; OTHER  
20 REMEDIES. (a) A court in which a proceeding is brought under this  
21 chapter may prevent, restrain, and remedy racketeering by issuing  
22 appropriate orders. The orders may include a temporary restraining  
23 order, a temporary or permanent injunction, the creation of a  
24 receivership, and the enforcement of a constructive trust in  
25 connection with any property or other interest, prejudgment writs  
26 of attachment under Chapter 61 for the purposes of freezing,  
27 preserving, and disgorging assets, or another order for a remedy or

1 restraint the court considers proper.

2 (b) Following a final determination of liability under this  
3 chapter, the court may issue an appropriate order, including an  
4 order that:

5 (1) requires a person to divest any direct or indirect  
6 interest in an enterprise;

7 (2) imposes reasonable restrictions on the future  
8 activities or investments of a person that affect the laws of this  
9 state, including prohibiting a person from engaging in the type of  
10 endeavor or enterprise that gave rise to the racketeering offense,  
11 to the extent permitted by the constitutions of this state and the  
12 United States;

13 (3) requires the dissolution or reorganization of an  
14 enterprise involved in the suit;

15 (4) orders the recovery of reasonable fees, expenses,  
16 and costs incurred in obtaining injunctive relief or civil remedies  
17 or in conducting investigations under this chapter, including court  
18 costs, investigation costs, attorney's fees, witness fees, and  
19 deposition fees;

20 (5) orders payment to the state of an amount equal to:

21 (A) the gain acquired or maintained through  
22 racketeering; or

23 (B) the amount for which a person is liable under  
24 this chapter;

25 (6) orders payment to the state of a civil penalty by a  
26 person or enterprise found liable for racketeering, in an amount  
27 not to exceed \$250,000 for each separately alleged and proven act of

1 racketeering;

2 (7) orders payment of damages to the state for  
3 racketeering shown to have materially damaged the state; or

4 (8) orders that property attached under Chapter 61 be  
5 used to satisfy an award of the court, including damages,  
6 penalties, costs, and fees.

7 (c) In determining the amount of a civil penalty ordered  
8 under Subsection (b)(6), the court shall consider:

9 (1) the seriousness of the racketeering offense and  
10 the consequent financial or personal harm to the state or to any  
11 identified victim; ~~and~~

12 (2) the duration of the racketeering activity; and

13 (3) any other matter that justice requires.

14 (d) If any property attached under Chapter 61 is not  
15 necessary to satisfy an award of the court after a finding of  
16 liability for racketeering of the person or enterprise having an  
17 interest in the property, the court may order that the property be  
18 disgorged to the state to the extent of the person's or enterprise's  
19 interest. To be disgorged, the property must be acquired or  
20 maintained by the person or enterprise through racketeering.

21 (e) In determining the amount of damages ordered under  
22 Subsection (b)(7), the court shall consider:

23 (1) loss of tax revenue to the state;

24 (2) unpaid state unemployment taxes;

25 (3) unpaid state licensing and regulatory fees;

26 (4) medical and counseling costs incurred by the state  
27 on behalf of any victim of the racketeering; and



1           (5) other material damage caused to the state by the  
2 racketeering.

3           (f) Except as otherwise provided by this chapter, remedies  
4 and awards ordered by a court under this chapter, including costs  
5 and reasonable attorney's fees, may be assessed against and paid  
6 from money or property awarded under this chapter.

7           (g) This chapter is not intended to provide the exclusive  
8 remedy for the activity addressed by this chapter. A proceeding  
9 under this chapter may be brought in addition to or in the  
10 alternative of any other civil or criminal action available under  
11 the laws of this state.

12           (h) Notwithstanding any other provision in this chapter,  
13 Articles 59.13 and 59.14, Code of Criminal Procedure, apply to a  
14 remedy under this section.

15           (i) A remedy under this section may not impair a security  
16 interest in property subject to a bona fide lien.

17           Sec. 140A.103 [~~140A.005~~]. CONSTRUCTIVE TRUST. (a) A  
18 person or enterprise that, through racketeering, acquires property  
19 or prevents another person from receiving property that by law is  
20 required to be transferred or paid to that person is an involuntary  
21 trustee. The involuntary trustee or any other person or  
22 enterprise, other than a bona fide purchaser for value as described  
23 by Subsection (b), holds the property and the proceeds of the  
24 property in constructive trust for the benefit of any person  
25 entitled to remedies under this chapter.

26           (b) A bona fide purchaser for value who was reasonably  
27 without notice of unlawful conduct and who did not knowingly take

1 part in an illegal transaction is not an involuntary trustee under  
2 Subsection (a) and is not subject to a constructive trust imposed  
3 under this chapter.

4 Sec. 140A.104 [~~140A.006~~]. EVIDENCE. (a) In a proceeding  
5 under this chapter, the state bears the burden of proof by a  
6 preponderance of the evidence.

7 (b) A person convicted in a criminal proceeding is  
8 precluded, in a proceeding under this chapter, from subsequently  
9 denying the essential allegations of the criminal offense of which  
10 the person was convicted. For purposes of this subsection, a  
11 verdict or a plea, including a plea of nolo contendere, is  
12 considered a conviction.

13 (c) An individual may not be held liable under this chapter  
14 based on the conduct of another person unless the finder of fact  
15 finds by a preponderance of the evidence that the individual  
16 authorized, requested, commanded, participated in, ratified, or  
17 recklessly tolerated the unlawful conduct of the other person.

18 (d) An enterprise may not be held liable under this chapter  
19 based on the conduct of an agent unless the finder of fact finds by a  
20 preponderance of the evidence that a director or high managerial  
21 agent performed, authorized, requested, commanded, participated  
22 in, ratified, or recklessly tolerated the unlawful conduct of the  
23 agent.

24 (e) A bank or savings and loan association insured by the  
25 Federal Deposit Insurance Corporation, a credit union insured by  
26 the National Credit Union Administration, or the holder of a money  
27 transmission license as defined by Chapter 151, Finance Code, may

1 not be held liable in damages or for other relief under this  
2 chapter, unless the finder of fact finds by a preponderance of the  
3 evidence that the person or agent acquiring or maintaining an  
4 interest in or transporting, transacting, transferring, or  
5 receiving the funds on behalf of another did so knowing that the  
6 funds were the proceeds of an offense and that a director or high  
7 managerial agent performed, authorized, requested, commanded,  
8 participated in, ratified, or recklessly tolerated the unlawful  
9 conduct of the person or agent.

10       Sec. 140A.105 [~~140A.007~~]. LIMITATIONS PERIOD.       A  
11 proceeding may be commenced under this chapter only if the  
12 proceeding is filed on or before the seventh anniversary of the date  
13 on which the racketeering offense was actually discovered. This  
14 section supersedes any conflicting provision establishing a  
15 shorter period of limitations for the same conduct.

16       Sec. 140A.106 [~~140A.008~~]. SPECIAL DOCKETING PROCEDURES.  
17 The attorney general may file with the clerk of the district court  
18 in which a proceeding is brought under this chapter a certificate  
19 stating that the case is of special public importance. The clerk  
20 must immediately furnish a copy of the certificate to the  
21 administrative judge of the district court of the county in which  
22 the proceeding is pending. On receiving the copy of the  
23 certificate, the administrative judge shall immediately designate  
24 a judge to hear and determine the proceeding. The designated judge  
25 shall promptly assign the proceeding for hearing, participate in  
26 hearings, make determinations, and cause the action to be  
27 expedited.

1           Sec. 140A.107 [~~140A.009~~]. NOTICE TO LOCAL PROSECUTOR. (a)  
2 In a reasonable time before initiating suit or on initiating an  
3 investigation on racketeering, the attorney general shall provide  
4 notice to the district attorney, criminal district attorney, or  
5 county attorney with felony criminal jurisdiction that appears to  
6 have primary jurisdiction over the criminal prosecution of any  
7 target of an investigation under this chapter at the time of the  
8 notice concerning the attorney general's intent to file suit under  
9 this chapter or investigate racketeering, as applicable.

10           (b) The notices described by Subsection (a) must describe or  
11 otherwise identify the defendant to the suit or the suspect, as  
12 applicable.

13           Sec. 140A.108 [~~140A.010~~]. COOPERATION WITH LOCAL  
14 PROSECUTOR. (a) A district attorney, criminal district attorney,  
15 or county attorney with felony criminal jurisdiction that receives  
16 notice under Section 140A.107 [~~140A.009~~] may notify the attorney  
17 general of a related pending criminal investigation or prosecution.

18           (b) Notification to the attorney general under Subsection  
19 (a) must be in writing and describe or otherwise identify the  
20 defendant or suspect in the criminal investigation or proceeding.

21           (c) On receipt of notice described by Subsection (a), the  
22 attorney general shall coordinate and cooperate with the district  
23 attorney, criminal district attorney, or county attorney with  
24 felony criminal jurisdiction to ensure that the filing of a suit  
25 under this chapter does not interfere with an ongoing criminal  
26 investigation or prosecution. The attorney general shall update  
27 the district attorney, criminal district attorney, or county

1 attorney with felony criminal jurisdiction on matters affecting the  
2 suit or the investigation.

3       Sec. 140A.109 [~~140A.011~~]. ABATEMENT OF SUIT. If the  
4 district attorney, criminal district attorney, or county attorney  
5 with felony criminal jurisdiction determines that a suit brought  
6 under this chapter would interfere with an ongoing criminal  
7 investigation or prosecution after notifying the attorney general  
8 of the investigation or prosecution under Section 140A.108  
9 [~~140A.010~~], the district attorney, criminal district attorney, or  
10 county attorney with felony criminal jurisdiction may request, in  
11 writing, that the attorney general abate the suit. On receipt of  
12 this request, the attorney general shall abate the suit.

13       Sec. 140A.110 [~~140A.012~~]. DISPOSITION OF ASSETS. (a) An  
14 award issued in an action brought under this chapter must be paid in  
15 accordance with this section.

16       (b) After a deduction of any costs of suit, including  
17 reasonable attorney's fees and court costs, 80 percent of the  
18 amount of the award remaining must be paid to the state, and the  
19 remaining 20 percent must be paid, on a pro rata basis, to each law  
20 enforcement agency, district attorney's office, criminal district  
21 attorney's office, and office of a county attorney with felony  
22 criminal jurisdiction found by the court to have assisted in the  
23 suit.

24       (c) The first \$10 million, after any costs of suit described  
25 by Subsection (b), that is paid to the state under this chapter in a  
26 fiscal year shall be dedicated to the compensation to victims of  
27 crime fund described by Article 56.54, Code of Criminal Procedure.

1           Sec. 140A.111 [~~140A.013~~]. PREVIOUSLY SEIZED ASSETS.  
2 Notwithstanding another provision of this chapter, no remedies  
3 provided by this chapter may be assessed against proceeds,  
4 contraband, or other property over which a law enforcement agency  
5 has previously asserted jurisdiction under Chapter 59, Code of  
6 Criminal Procedure, at the time a suit under this chapter was filed.

7           SECTION 8. Article 24A.001, Code of Criminal Procedure, is  
8 amended to read as follows:

9           Art. 24A.001. APPLICABILITY OF SUBCHAPTER. This subchapter  
10 applies only to a subpoena, search warrant, or other court order  
11 that:

12                   (1) relates to the investigation or prosecution of a  
13 criminal offense under:

14                           (A) Section 21.02, 21.11, 22.011, or 22.021,  
15 Penal Code;

16                           (B) Chapter 20A, Penal Code;

17                           (C) Section 33.021, Penal Code; or

18                           (D) Chapter 43, Penal Code; and

19                   (2) is served on or issued with respect to an online  
20 [~~Internet~~] service provider that provides service in this state.

21           SECTION 9. Subchapter A, Chapter 24A, Code of Criminal  
22 Procedure, is amended by adding Article 24A.0015 to read as  
23 follows:

24           Art. 24A.0015. DEFINITION. In this chapter, "online  
25 service provider" means an Internet service provider, search  
26 engine, web hosting company, web browsing company, manufacturer of  
27 devices providing online application platforms, or company

1 providing online social media platforms.

2 SECTION 10. Articles 24A.002(a) and (b), Code of Criminal  
3 Procedure, are amended to read as follows:

4 (a) Except as provided by Subsection (b), not later than the  
5 10th day after the date on which an online [~~Internet~~] service  
6 provider is served with or otherwise receives a subpoena, search  
7 warrant, or other court order described by Article 24A.001, the  
8 online [~~Internet~~] service provider shall:

9 (1) fully comply with the subpoena, warrant, or order;  
10 or

11 (2) petition a court to excuse the online [~~Internet~~]  
12 service provider from complying with the subpoena, warrant, or  
13 order.

14 (b) As soon as is practicable, and in no event later than the  
15 second business day after the date the online [~~Internet~~] service  
16 provider is served with or otherwise receives a subpoena, search  
17 warrant, or other court order described by Article 24A.001, the  
18 online [~~Internet~~] service provider shall fully comply with the  
19 subpoena, search warrant, or order if the subpoena, search warrant,  
20 or order indicates that full compliance is necessary to address a  
21 situation that threatens a person with death or other serious  
22 bodily injury.

23 SECTION 11. Article 24A.003, Code of Criminal Procedure, is  
24 amended to read as follows:

25 Art. 24A.003. DISOBEYING SUBPOENA, WARRANT, OR ORDER. An  
26 online [~~Internet~~] service provider that disobeys a subpoena, search  
27 warrant, or other court order described by Article 24A.001 and that

1 was not excused from complying with the subpoena, warrant, or order  
2 under Article 24A.002(a)(2) may be punished in any manner provided  
3 by law.

4 SECTION 12. Article 24A.051, Code of Criminal Procedure, is  
5 amended to read as follows:

6 Art. 24A.051. PRESERVING INFORMATION. (a) On written  
7 request of a law enforcement agency in this state or a federal law  
8 enforcement agency and pending the issuance of a subpoena or other  
9 court order described by Article 24A.001, an online [~~Internet~~]  
10 service provider that provides service in this state shall take all  
11 steps necessary to preserve all records or other potential evidence  
12 in a criminal trial that is in the possession of the online  
13 [~~Internet~~] service provider.

14 (b) Subject to Subsection (c), an online [~~Internet~~] service  
15 provider shall preserve information under Subsection (a) for a  
16 period of 90 days after the date the online [~~Internet~~] service  
17 provider receives the written request described by Subsection (a).

18 (c) An online [~~Internet~~] service provider shall preserve  
19 information under Subsection (a) for the 90-day period immediately  
20 following the 90-day period described by Subsection (b) if the  
21 requesting law enforcement agency in writing requests an extension  
22 of the preservation period.

23 SECTION 13. Article 45.0216(f), Code of Criminal Procedure,  
24 is amended to read as follows:

25 (f) The court shall order the conviction, together with all  
26 complaints, verdicts, sentences, and prosecutorial and law  
27 enforcement records, and any other documents relating to the



1 offense, expunged from the person's record if the court finds that:

2 (1) for a person applying for the expunction of a  
3 conviction for an offense described by Section 8.07(a)(4) or (5),  
4 Penal Code, the person was not convicted of any other offense  
5 described by Section 8.07(a)(4) or (5), Penal Code, while the  
6 person was a child; and

7 (2) for a person applying for the expunction of a  
8 conviction for an offense described by Section 43.261, Penal Code,  
9 the person was not found to have engaged in conduct indicating a  
10 need for supervision described by Section 51.03(b)(6)  
11 [~~51.03(b)(7)~~], Family Code, while the person was a child.

12 SECTION 14. Article 56.32(a)(9), Code of Criminal  
13 Procedure, is amended to read as follows:

14 (9) "Pecuniary loss" means the amount of expense  
15 reasonably and necessarily incurred as a result of personal injury  
16 or death for:

17 (A) medical, hospital, nursing, or psychiatric  
18 care or counseling, or physical therapy;

19 (B) actual loss of past earnings and anticipated  
20 loss of future earnings and necessary travel expenses because of:

21 (i) a disability resulting from the  
22 personal injury;

23 (ii) the receipt of medically indicated  
24 services related to the disability resulting from the personal  
25 injury; or

26 (iii) participation in or attendance at  
27 investigative, prosecutorial, or judicial processes related to the

1 criminally injurious conduct and participation in or attendance at  
2 any postconviction or postadjudication proceeding relating to  
3 criminally injurious conduct;

4 (C) care of a child or dependent, including  
5 specialized care for a child who is a victim;

6 (D) funeral and burial expenses, including, for  
7 an immediate family member or household member of the victim, the  
8 necessary expenses of traveling to and attending the funeral;

9 (E) loss of support to a dependent, consistent  
10 with Article 56.41(b)(5);

11 (F) reasonable and necessary costs of cleaning  
12 the crime scene;

13 (G) reasonable replacement costs for clothing,  
14 bedding, or property of the victim seized as evidence or rendered  
15 unusable as a result of the criminal investigation;

16 (H) reasonable and necessary costs for  
17 relocation and housing rental assistance payments as provided by  
18 Article 56.42(d);

19 (I) for an immediate family member or household  
20 member of a deceased victim, bereavement leave of not more than 10  
21 work days; and

22 (J) reasonable and necessary costs of traveling  
23 to and from a place of execution for the purpose of witnessing the  
24 execution, including one night's lodging near the place at which  
25 the execution is conducted.

26 SECTION 15. Article 62.001(5), Code of Criminal Procedure,  
27 is amended to read as follows:

1           (5) "Reportable conviction or adjudication" means a  
2 conviction or adjudication, including an adjudication of  
3 delinquent conduct or a deferred adjudication, that, regardless of  
4 the pendency of an appeal, is a conviction for or an adjudication  
5 for or based on:

6           (A) a violation of Section 21.02 (Continuous  
7 sexual abuse of young child or children), 21.11 (Indecency with a  
8 child), 22.011 (Sexual assault), 22.021 (Aggravated sexual  
9 assault), or 25.02 (Prohibited sexual conduct), Penal Code;

10           (B) a violation of Section 43.05 (Compelling  
11 prostitution), 43.25 (Sexual performance by a child), or 43.26  
12 (Possession or promotion of child pornography), Penal Code;

13           (B-1) a violation of Section 43.02  
14 (Prostitution), Penal Code, if the offense is punishable under  
15 Subsection (c-1)(3) [~~(c)(3)~~] of that section;

16           (C) a violation of Section 20.04(a)(4)  
17 (Aggravated kidnapping), Penal Code, if the actor committed the  
18 offense or engaged in the conduct with intent to violate or abuse  
19 the victim sexually;

20           (D) a violation of Section 30.02 (Burglary),  
21 Penal Code, if the offense or conduct is punishable under  
22 Subsection (d) of that section and the actor committed the offense  
23 or engaged in the conduct with intent to commit a felony listed in  
24 Paragraph (A) or (C);

25           (E) a violation of Section 20.02 (Unlawful  
26 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),  
27 Penal Code, if, as applicable:

1 (i) the judgment in the case contains an  
2 affirmative finding under Article 42.015; or

3 (ii) the order in the hearing or the papers  
4 in the case contain an affirmative finding that the victim or  
5 intended victim was younger than 17 years of age;

6 (F) the second violation of Section 21.08  
7 (Indecent exposure), Penal Code, but not if the second violation  
8 results in a deferred adjudication;

9 (G) an attempt, conspiracy, or solicitation, as  
10 defined by Chapter 15, Penal Code, to commit an offense or engage in  
11 conduct listed in Paragraph (A), (B), (C), (D), (E), [~~ex~~] (K), or  
12 (L);

13 (H) a violation of the laws of another state,  
14 federal law, the laws of a foreign country, or the Uniform Code of  
15 Military Justice for or based on the violation of an offense  
16 containing elements that are substantially similar to the elements  
17 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),  
18 (G), (J), [~~ex~~] (K), or (L), but not if the violation results in a  
19 deferred adjudication;

20 (I) the second violation of the laws of another  
21 state, federal law, the laws of a foreign country, or the Uniform  
22 Code of Military Justice for or based on the violation of an offense  
23 containing elements that are substantially similar to the elements  
24 of the offense of indecent exposure, but not if the second violation  
25 results in a deferred adjudication;

26 (J) a violation of Section 33.021 (Online  
27 solicitation of a minor), Penal Code; [~~ex~~]

1           (K) a violation of Section 20A.02(a)(3), (4),  
2 (7), or (8) (Trafficking of persons), Penal Code; or  
3           (L) a violation of Section 20A.03 (Continuous  
4 trafficking of persons), Penal Code, if the offense is based partly  
5 or wholly on conduct that constitutes an offense under Section  
6 20A.02(a)(3), (4), (7), or (8) of that code.

7           SECTION 16. Article 62.005(b), Code of Criminal Procedure,  
8 is amended to read as follows:

9           (b) The information contained in the database, including  
10 the numeric risk level assigned to a person under this chapter, is  
11 public information, with the exception of any information:

12           (1) regarding the person's social security number or  
13 driver's license number, or any home, work, or cellular telephone  
14 number of the person;

15           (2) that is described by Article 62.051(c)(7) or  
16 required by the department under Article 62.051(c)(9)  
17 [~~62.051(c)(8)~~], including any information regarding an employer's  
18 name, address, or telephone number; or

19           (3) that would identify the victim of the offense for  
20 which the person is subject to registration.

21           SECTION 17. Article 62.051(c), Code of Criminal Procedure,  
22 is amended to read as follows:

23           (c) The registration form shall require:

24           (1) the person's full name, date of birth, sex, race,  
25 height, weight, eye color, hair color, social security number,  
26 driver's license number, and shoe size;

27           (1-a) the address at which the person resides or

1 intends to reside or, if the person does not reside or intend to  
2 reside at a physical address, a detailed description of each  
3 geographical location at which the person resides or intends to  
4 reside;

5 (1-b) each alias used by the person and any home, work,  
6 or cellular telephone number of the person;

7 (2) a recent color photograph or, if possible, an  
8 electronic digital image of the person and a complete set of the  
9 person's fingerprints;

10 (3) the type of offense the person was convicted of,  
11 the age of the victim, the date of conviction, and the punishment  
12 received;

13 (4) an indication as to whether the person is  
14 discharged, paroled, or released on juvenile probation, community  
15 supervision, or mandatory supervision;

16 (5) an indication of each license, as defined by  
17 Article 62.005(g), that is held or sought by the person;

18 (6) an indication as to whether the person is or will  
19 be employed, carrying on a vocation, or a student at a particular  
20 public or private institution of higher education in this state or  
21 another state, and the name and address of that institution;

22 (7) the identification of any online identifier  
23 established or used by the person;

24 (8) the vehicle registration information, including  
25 the make, model, vehicle identification number, color, and license  
26 plate number, of any vehicle owned by the person, if the person has  
27 a reportable conviction or adjudication for an offense under:

1                    (A) Section 20A.02(a)(3), (4), (7), or (8), Penal  
2 Code; or

3                    (B) Section 20A.03, Penal Code, if based partly  
4 or wholly on conduct that constitutes an offense under Section  
5 20A.02(a)(3), (4), (7), or (8) of that code; and

6                    (9) [~~8~~] any other information required by the  
7 department.

8            SECTION 18. Article 62.101(a), Code of Criminal Procedure,  
9 is amended to read as follows:

10            (a) Except as provided by Subsection (b) and Subchapter I,  
11 the duty to register for a person ends when the person dies if the  
12 person has a reportable conviction or adjudication, other than an  
13 adjudication of delinquent conduct, for:

14                    (1) a sexually violent offense;

15                    (2) an offense under Section 20A.02(a)(3), (4), (7),  
16 or (8), 25.02, 43.05(a)(2), or 43.26, Penal Code;

17                    (3) an offense under Section 20A.03, Penal Code, if  
18 based partly or wholly on conduct that constitutes an offense under  
19 Section 20A.02(a)(3), (4), (7), or (8) of that code;

20                    (4) an offense under Section 21.11(a)(2), Penal Code,  
21 if before or after the person is convicted or adjudicated for the  
22 offense under Section 21.11(a)(2), Penal Code, the person receives  
23 or has received another reportable conviction or adjudication,  
24 other than an adjudication of delinquent conduct, for an offense or  
25 conduct that requires registration under this chapter;

26                    (5) [~~4~~] an offense under Section 20.02, 20.03, or  
27 20.04, Penal Code, if:

1 (A) the judgment in the case contains an  
2 affirmative finding under Article 42.015 or, for a deferred  
3 adjudication, the papers in the case contain an affirmative finding  
4 that the victim or intended victim was younger than 17 years of age;  
5 and

6 (B) before or after the person is convicted or  
7 adjudicated for the offense under Section 20.02, 20.03, or 20.04,  
8 Penal Code, the person receives or has received another reportable  
9 conviction or adjudication, other than an adjudication of  
10 delinquent conduct, for an offense or conduct that requires  
11 registration under this chapter; or

12 (6) [~~5~~] an offense under Section 43.23, Penal Code,  
13 that is punishable under Subsection (h) of that section.

14 SECTION 19. Subchapter A, Chapter 130, Education Code, is  
15 amended by adding Section 130.0105 to read as follows:

16 Sec. 130.0105. COMMERCIAL DRIVER'S LICENSE TRAINING  
17 PROGRAM; CERTAIN CURRICULUM REQUIREMENTS. (a) The Texas Higher  
18 Education Coordinating Board by rule shall require each public  
19 junior college offering a commercial driver's license training  
20 program to include as a part of that program education and training  
21 on the recognition and prevention of human trafficking.

22 (b) The Texas Higher Education Coordinating Board, in  
23 collaboration with the office of the attorney general, shall  
24 establish the content of the education and training required by  
25 this section.

26 SECTION 20. Subchapter A, Chapter 132, Education Code, is  
27 amended by adding Section 132.006 to read as follows:



1           Sec. 132.006. COMMERCIAL DRIVER'S LICENSE TRAINING  
2 PROGRAM; CERTAIN CURRICULUM REQUIREMENTS. (a) The commission by  
3 rule shall require each career school or college offering a  
4 commercial driver's license training program to include as a part  
5 of that program education and training on the recognition and  
6 prevention of human trafficking.

7           (b) The commission, in collaboration with the office of the  
8 attorney general, shall establish the content of the education and  
9 training required by this section.

10           SECTION 21. Section 51.03(b), Family Code, as amended by  
11 Chapters 935 (H.B. 2398), 944 (S.B. 206), and 1273 (S.B. 825), Acts  
12 of the 84th Legislature, Regular Session, 2015, is reenacted and  
13 amended to read as follows:

14           (b) Conduct indicating a need for supervision is:

15                 (1) subject to Subsection (f), conduct, other than a  
16 traffic offense, that violates:

17                         (A) the penal laws of this state of the grade of  
18 misdemeanor that are punishable by fine only; or

19                         (B) the penal ordinances of any political  
20 subdivision of this state;

21                 (2) the voluntary absence of a child from the child's  
22 home without the consent of the child's parent or guardian for a  
23 substantial length of time or without intent to return;

24                 (3) conduct prohibited by city ordinance or by state  
25 law involving the inhalation of the fumes or vapors of paint and  
26 other protective coatings or glue and other adhesives and the  
27 volatile chemicals itemized in Section 485.001, Health and Safety

1 Code;

2 (4) an act that violates a school district's  
3 previously communicated written standards of student conduct for  
4 which the child has been expelled under Section 37.007(c),  
5 Education Code;

6 (5) [~~(6)~~] notwithstanding Subsection (a)(1), conduct  
7 described by Section 43.02(a) or (b), Penal Code; or

8 (6) [~~(7)~~] notwithstanding Subsection (a)(1), conduct  
9 that violates Section 43.261, Penal Code.

10 SECTION 22. Section 51.13(e), Family Code, is amended to  
11 read as follows:

12 (e) A finding that a child engaged in conduct indicating a  
13 need for supervision as described by Section 51.03(b)(6)  
14 [~~51.03(b)(7)~~] is a conviction only for the purposes of Sections  
15 43.261(c) and (d), Penal Code.

16 SECTION 23. Section 54.0404(a), Family Code, is amended to  
17 read as follows:

18 (a) If a child is found to have engaged in conduct  
19 indicating a need for supervision described by Section 51.03(b)(6)  
20 [~~51.03(b)(7)~~], the juvenile court may enter an order requiring the  
21 child to attend and successfully complete an educational program  
22 described by Section 37.218, Education Code, or another equivalent  
23 educational program.

24 SECTION 24. Section 58.003(c-3), Family Code, is amended to  
25 read as follows:

26 (c-3) Notwithstanding Subsections (a) and (c) and subject  
27 to Subsection (b), a juvenile court, on the court's own motion and

1 without a hearing, shall order the sealing of records concerning a  
2 child found to have engaged in conduct indicating a need for  
3 supervision described by Section 51.03(b)(5) [~~51.03(b)(6)~~] or  
4 taken into custody to determine whether the child engaged in  
5 conduct indicating a need for supervision described by Section  
6 51.03(b)(5) [~~51.03(b)(6)~~]. This subsection applies only to  
7 records related to conduct indicating a need for supervision  
8 described by Section 51.03(b)(5) [~~51.03(b)(6)~~].

9 SECTION 25. Section 23.101(a), Government Code, is amended  
10 to read as follows:

11 (a) The trial courts of this state shall regularly and  
12 frequently set hearings and trials of pending matters, giving  
13 preference to hearings and trials of the following:

14 (1) temporary injunctions;

15 (2) criminal actions, with the following actions given  
16 preference over other criminal actions:

17 (A) criminal actions against defendants who are  
18 detained in jail pending trial;

19 (B) criminal actions involving a charge that a  
20 person committed an act of family violence, as defined by Section  
21 71.004, Family Code;

22 (C) an offense under:

23 (i) Section 21.02 or 21.11, Penal Code;

24 (ii) Chapter 22, Penal Code, if the victim  
25 of the alleged offense is younger than 17 years of age;

26 (iii) Section 25.02, Penal Code, if the  
27 victim of the alleged offense is younger than 17 years of age;

1 (iv) Section 25.06, Penal Code;  
2 (v) Section 43.25, Penal Code; or  
3 (vi) Section 20A.02(a)(7), 20A.02(a)(8),  
4 or 20A.03, Penal Code;

5 (D) an offense described by Article 62.001(6)(C)  
6 or (D), Code of Criminal Procedure; and

7 (E) criminal actions against persons who are  
8 detained as provided by Section 51.12, Family Code, after transfer  
9 for prosecution in criminal court under Section 54.02, Family Code;

10 (3) election contests and suits under the Election  
11 Code;

12 (4) orders for the protection of the family under  
13 Subtitle B, Title 4, Family Code;

14 (5) appeals of final rulings and decisions of the  
15 division of workers' compensation of the Texas Department of  
16 Insurance regarding workers' compensation claims and claims under  
17 the Federal Employers' Liability Act and the Jones Act;

18 (6) appeals of final orders of the commissioner of the  
19 General Land Office under Section 51.3021, Natural Resources Code;

20 (7) actions in which the claimant has been diagnosed  
21 with malignant mesothelioma, other malignant asbestos-related  
22 cancer, malignant silica-related cancer, or acute silicosis; and

23 (8) appeals brought under Section 42.01 or 42.015, Tax  
24 Code, of orders of appraisal review boards of appraisal districts  
25 established for counties with a population of less than 175,000.

26 SECTION 26. Section 126.002(a), Government Code, as  
27 transferred and redesignated from Section 169A.002, Health and

1 Safety Code, by Chapters 604 (S.B. 536) and 1236 (S.B. 1296), Acts  
2 of the 84th Legislature, Regular Session, 2015, and as amended by  
3 Chapters 604 (S.B. 536) and 1273 (S.B. 825), Acts of the 84th  
4 Legislature, Regular Session, 2015, is reenacted to read as  
5 follows:

6 (a) The commissioners court of a county or governing body of  
7 a municipality may establish a commercially sexually exploited  
8 persons court program for defendants charged with an offense under  
9 Section 43.02(a), Penal Code.

10 SECTION 27. Section 402.035(c), Government Code, as amended  
11 by Chapters 146 (H.B. 188), 332 (H.B. 10), and 734 (H.B. 1549), Acts  
12 of the 84th Legislature, Regular Session, 2015, is reenacted and  
13 amended to read as follows:

14 (c) The task force is composed of the following:

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

16 (2) the attorney general or the attorney general's  
17 designee;

18 (3) the executive commissioner of the Health and Human  
19 Services Commission or the executive commissioner's designee;

20 (4) the commissioner of the Department of Family and  
21 Protective Services or the commissioner's designee;

22 (5) the commissioner of the Department of State Health  
23 Services or the commissioner's designee;

24 (6) the public safety director of the Department of  
25 Public Safety or the director's designee;

26 (7) one representative from each of the following  
27 state agencies, appointed by the chief administrative officer of

1 the respective agency:

2 (A) the Texas Workforce Commission;

3 (B) the Texas Department of Criminal Justice;

4 (C) the Texas Juvenile Justice Department;

5 (D) the Texas Education Agency;

6 (E) ~~(D)~~ the Texas Alcoholic Beverage  
7 Commission;

8 (F) the ~~Texas~~ Parks and Wildlife Department;

9 ~~and~~

10 (G) the Supreme Court of Texas Permanent Judicial  
11 Commission for Children, Youth and Families;

12 (H) the Texas Department of Licensing and  
13 Regulation;

14 (I) the Office of Court Administration of the  
15 Texas Judicial System;

16 (J) the office of the secretary of state; and

17 (K) the Texas Commission on Law Enforcement; and

18 (8) as appointed by the attorney general:

19 (A) a chief public defender employed by a public  
20 defender's office, as defined by Article 26.044(a), Code of  
21 Criminal Procedure, or an attorney designated by the chief public  
22 defender;

23 (B) an attorney representing the state;

24 (C) a representative of:

25 (i) a hotel and motel association;

26 (ii) a district and county attorneys  
27 association;

- 1 (iii) a state police association; and  
2 (iv) a statewide medical association;  
3 (D) representatives of sheriff's departments;  
4 (E) representatives of local law enforcement  
5 agencies affected by human trafficking; and  
6 (F) representatives of nongovernmental entities  
7 making comprehensive efforts to combat human trafficking by:  
8 (i) identifying human trafficking victims;  
9 (ii) providing legal or other services to  
10 human trafficking victims;  
11 (iii) participating in community outreach  
12 or public awareness efforts regarding human trafficking;  
13 (iv) providing or developing training  
14 regarding the prevention of human trafficking; or  
15 (v) engaging in other activities designed  
16 to prevent human trafficking.

17 SECTION 28. Section 402.035(d), Government Code, as amended  
18 by Chapters 146 (H.B. 188) and 332 (H.B. 10), Acts of the 84th  
19 Legislature, Regular Session, 2015, is reenacted and amended to  
20 read as follows:

- 21 (d) The task force shall:  
22 (1) collaborate, as needed to fulfill the duties of  
23 the task force, with:  
24 (A) United States attorneys' offices [~~Attorneys'~~  
25 ~~Offices~~] for all of the federal districts of Texas; and  
26 (B) special agents or customs and border  
27 protection officers and border patrol agents of:

- 1 (i) the Federal Bureau of Investigation;
- 2 (ii) the United States Drug Enforcement
- 3 Administration;
- 4 (iii) the Bureau of Alcohol, Tobacco,
- 5 Firearms and Explosives;
- 6 (iv) United States Immigration and Customs
- 7 Enforcement; or
- 8 (v) the United States Department of
- 9 Homeland Security;

10 (2) collect, organize, and periodically publish  
11 statistical data on the nature and extent of human trafficking in  
12 this state, including data described by Subdivisions (4)(A), (B),  
13 (C), (D), and (E);

14 (3) solicit cooperation and assistance from state and  
15 local governmental agencies, political subdivisions of the state,  
16 nongovernmental organizations, and other persons, as appropriate,  
17 for the purpose of collecting and organizing statistical data under  
18 Subdivision (2);

19 (4) ensure that each state or local governmental  
20 agency and political subdivision of the state and each state or  
21 local law enforcement agency, district attorney, or county attorney  
22 that assists in the prevention of human trafficking collects  
23 statistical data related to human trafficking, including, as  
24 appropriate:

25 (A) the number of investigations concerning,  
26 arrests and prosecutions for, and convictions of:

- 27 (i) the offense of trafficking of persons;



1 (ii) the offense of forgery or an offense  
2 under Chapter 43, Penal Code, if the offense was committed as part  
3 of a criminal episode involving the trafficking of persons; and

4 (iii) an offense punishable under Section  
5 43.02(c-1)(3) [~~43.02(c)(3)~~], Penal Code, regardless of whether the  
6 offense was committed as part of a criminal episode involving the  
7 trafficking of persons;

8 (B) demographic information on persons who are  
9 convicted of offenses described by Paragraph (A) and persons who  
10 are the victims of those offenses;

11 (C) geographic routes by which human trafficking  
12 victims are trafficked, including routes by which victims are  
13 trafficked across this state's international border, and  
14 geographic patterns in human trafficking, including the country or  
15 state of origin and the country or state of destination;

16 (D) means of transportation and methods used by  
17 persons who engage in trafficking to transport their victims; and

18 (E) social and economic factors that create a  
19 demand for the labor or services that victims of human trafficking  
20 are forced to provide;

21 (5) work with the Texas Commission on Law Enforcement  
22 to develop and conduct training for law enforcement personnel,  
23 victim service providers, and medical service providers to identify  
24 victims of human trafficking;

25 (6) work with the Texas Education Agency, the  
26 Department of Family and Protective Services, and the Health and  
27 Human Services Commission to:

1                   (A) develop a list of key indicators that a  
2 person is a victim of human trafficking;

3                   (B) develop a standardized curriculum for  
4 training doctors, nurses, emergency medical services personnel,  
5 teachers, school counselors, school administrators, and personnel  
6 from the Department of Family and Protective Services and the  
7 Health and Human Services Commission to identify and assist victims  
8 of human trafficking;

9                   (C) train doctors, nurses, emergency medical  
10 services personnel, teachers, school counselors, school  
11 administrators, and personnel from the Department of Family and  
12 Protective Services and the Health and Human Services Commission to  
13 identify and assist victims of human trafficking;

14                   (D) develop and conduct training for personnel  
15 from the Department of Family and Protective Services and the  
16 Health and Human Services Commission on methods for identifying  
17 children in foster care who may be at risk of becoming victims of  
18 human trafficking; and

19                   (E) develop a process for referring identified  
20 human trafficking victims and individuals at risk of becoming  
21 victims to appropriate entities for services;

22                   (7) on the request of a judge of a county court, county  
23 court at law, or district court or a county attorney, district  
24 attorney, or criminal district attorney, assist and train the judge  
25 or the judge's staff or the attorney or the attorney's staff in the  
26 recognition and prevention of human trafficking;

27                   (8) examine training protocols related to human

1 trafficking issues, as developed and implemented by federal, state,  
2 and local law enforcement agencies;

3 (9) collaborate with state and local governmental  
4 agencies, political subdivisions of the state, and nongovernmental  
5 organizations to implement a media awareness campaign in  
6 communities affected by human trafficking;

7 (10) develop recommendations on how to strengthen  
8 state and local efforts to prevent human trafficking, protect and  
9 assist human trafficking victims, curb markets and other economic  
10 avenues that facilitate human trafficking and investigate and  
11 prosecute human trafficking offenders;

12 (11) examine the extent to which human trafficking is  
13 associated with the operation of sexually oriented businesses, as  
14 defined by Section 243.002, Local Government Code, and the  
15 workplace or public health concerns that are created by the  
16 association of human trafficking and the operation of sexually  
17 oriented businesses; ~~and~~

18 (12) develop recommendations for addressing the  
19 demand for forced labor or services or sexual conduct involving  
20 victims of human trafficking, including recommendations for  
21 increased penalties for individuals who engage or attempt to engage  
22 in prostitution with victims younger than 18 years of age; and

23 (13) [~~(12)~~] identify and report to the governor and  
24 legislature on laws, licensure requirements, or other regulations  
25 that can be passed at the state and local level to curb trafficking  
26 using the Internet and in sexually oriented businesses.

27 SECTION 29. Section 81.046(d), Health and Safety Code, is

1 amended to read as follows:

2 (d) In a case of sexually transmitted disease involving a  
3 minor under 14 [~~13~~] years of age, information may not be released,  
4 except that the child's name, age, and address and the name of the  
5 disease may be released to appropriate agents as required by  
6 Chapter 261, Family Code. This subsection does not affect a  
7 person's duty to report child abuse or neglect under Subchapter B,  
8 Chapter 261, Family Code, except that information made confidential  
9 by this chapter may not be released. If that information is  
10 required in a court proceeding involving child abuse, the  
11 information shall be disclosed in camera.

12 SECTION 30. Section 20A.02(b), Penal Code, is amended to  
13 read as follows:

14 (b) Except as otherwise provided by this subsection, an  
15 offense under this section is a felony of the second degree. An  
16 offense under this section is a felony of the first degree if:

17 (1) the applicable conduct constitutes an offense  
18 under Subsection (a)(5), (6), (7), or (8), regardless of whether  
19 the actor knows the age of the child at the time of [~~the actor~~  
20 ~~commits~~] the offense; or

21 (2) the commission of the offense results in the death  
22 of the person who is trafficked.

23 SECTION 31. Section 21.02(b), Penal Code, is amended to  
24 read as follows:

25 (b) A person commits an offense if:

26 (1) during a period that is 30 or more days in  
27 duration, the person commits two or more acts of sexual abuse,

1 regardless of whether the acts of sexual abuse are committed  
2 against one or more victims; and

3 (2) at the time of the commission of each of the acts  
4 of sexual abuse, the actor is 17 years of age or older and the victim  
5 is a child younger than 14 years of age, regardless of whether the  
6 actor knows the age of the victim at the time of the offense.

7 SECTION 32. Section 21.11(a), Penal Code, is amended to  
8 read as follows:

9 (a) A person commits an offense if, with a child younger  
10 than 17 years of age, whether the child is of the same or opposite  
11 sex and regardless of whether the person knows the age of the child  
12 at the time of the offense, the person:

13 (1) engages in sexual contact with the child or causes  
14 the child to engage in sexual contact; or

15 (2) with intent to arouse or gratify the sexual desire  
16 of any person:

17 (A) exposes the person's anus or any part of the  
18 person's genitals, knowing the child is present; or

19 (B) causes the child to expose the child's anus  
20 or any part of the child's genitals.

21 SECTION 33. Section 22.011(a), Penal Code, is amended to  
22 read as follows:

23 (a) A person commits an offense if [~~the person~~]:

24 (1) the person intentionally or knowingly:

25 (A) causes the penetration of the anus or sexual  
26 organ of another person by any means, without that person's  
27 consent;

1 (B) causes the penetration of the mouth of  
2 another person by the sexual organ of the actor, without that  
3 person's consent; or

4 (C) causes the sexual organ of another person,  
5 without that person's consent, to contact or penetrate the mouth,  
6 anus, or sexual organ of another person, including the actor; or

7 (2) regardless of whether the person knows the age of  
8 the child at the time of the offense, the person intentionally or  
9 knowingly:

10 (A) causes the penetration of the anus or sexual  
11 organ of a child by any means;

12 (B) causes the penetration of the mouth of a  
13 child by the sexual organ of the actor;

14 (C) causes the sexual organ of a child to contact  
15 or penetrate the mouth, anus, or sexual organ of another person,  
16 including the actor;

17 (D) causes the anus of a child to contact the  
18 mouth, anus, or sexual organ of another person, including the  
19 actor; or

20 (E) causes the mouth of a child to contact the  
21 anus or sexual organ of another person, including the actor.

22 SECTION 34. Section 22.021(a), Penal Code, is amended to  
23 read as follows:

24 (a) A person commits an offense:

25 (1) if the person:

26 (A) intentionally or knowingly:

27 (i) causes the penetration of the anus or

1 sexual organ of another person by any means, without that person's  
2 consent;

3 (ii) causes the penetration of the mouth of  
4 another person by the sexual organ of the actor, without that  
5 person's consent; or

6 (iii) causes the sexual organ of another  
7 person, without that person's consent, to contact or penetrate the  
8 mouth, anus, or sexual organ of another person, including the  
9 actor; or

10 (B) regardless of whether the person knows the  
11 age of the child at the time of the offense, intentionally or  
12 knowingly:

13 (i) causes the penetration of the anus or  
14 sexual organ of a child by any means;

15 (ii) causes the penetration of the mouth of  
16 a child by the sexual organ of the actor;

17 (iii) causes the sexual organ of a child to  
18 contact or penetrate the mouth, anus, or sexual organ of another  
19 person, including the actor;

20 (iv) causes the anus of a child to contact  
21 the mouth, anus, or sexual organ of another person, including the  
22 actor; or

23 (v) causes the mouth of a child to contact  
24 the anus or sexual organ of another person, including the actor; and

25 (2) if:

26 (A) the person:

27 (i) causes serious bodily injury or

1 attempts to cause the death of the victim or another person in the  
2 course of the same criminal episode;

3 (ii) by acts or words places the victim in  
4 fear that any person will become the victim of an offense under  
5 Section 20A.02(a)(3), (4), (7), or (8) or that death, serious  
6 bodily injury, or kidnapping will be imminently inflicted on any  
7 person;

8 (iii) by acts or words occurring in the  
9 presence of the victim threatens to cause any person to become the  
10 victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or  
11 to cause the death, serious bodily injury, or kidnapping of any  
12 person;

13 (iv) uses or exhibits a deadly weapon in the  
14 course of the same criminal episode;

15 (v) acts in concert with another who  
16 engages in conduct described by Subdivision (1) directed toward the  
17 same victim and occurring during the course of the same criminal  
18 episode; or

19 (vi) administers or provides  
20 flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate,  
21 or ketamine to the victim of the offense with the intent of  
22 facilitating the commission of the offense;

23 (B) the victim is younger than 14 years of age,  
24 regardless of whether the person knows the age of the victim at the  
25 time of the offense; or

26 (C) the victim is an elderly individual or a  
27 disabled individual.



1 SECTION 35. Section 43.01, Penal Code, is amended by adding  
2 Subdivision (1-a) to read as follows:

3 (1-a) "Fee" means the payment or offer of payment in  
4 the form of money, goods, services, or other benefit.

5 SECTION 36. Sections 43.02(a) and (b), Penal Code, are  
6 amended to read as follows:

7 (a) A person commits an offense if [~~, in return for receipt~~  
8 ~~of a fee,~~] the person knowingly offers or agrees to receive a fee  
9 from another to engage in sexual conduct [+

10 [~~(1) offers to engage, agrees to engage, or engages in~~  
11 ~~sexual conduct, or~~

12 [~~(2) solicits another in a public place to engage with~~  
13 ~~the actor in sexual conduct for hire].~~

14 (b) A person commits an offense if [~~, based on the payment of~~  
15 ~~a fee by the actor or another person on behalf of the actor,~~] the  
16 person knowingly offers or agrees to pay a fee to another person for  
17 the purpose of engaging in sexual conduct with that person or  
18 another [+

19 [~~(1) offers to engage, agrees to engage, or engages in~~  
20 ~~sexual conduct, or~~

21 [~~(2) solicits another in a public place to engage with~~  
22 ~~the actor in sexual conduct for hire].~~

23 SECTION 37. Section 43.02, Penal Code, as amended by  
24 Chapters 332 (H.B. 10) and 1273 (S.B. 825), Acts of the 84th  
25 Legislature, Regular Session, 2015, is amended by reenacting  
26 Subsection (c) and reenacting and amending Subsection (c-1) to read  
27 as follows:

1 (c) An offense under Subsection (a) is a Class B  
2 misdemeanor, except that the offense is:

3 (1) a Class A misdemeanor if the actor has previously  
4 been convicted one or two times of an offense under Subsection (a);  
5 or

6 (2) a state jail felony if the actor has previously  
7 been convicted three or more times of an offense under Subsection  
8 (a).

9 (c-1) An offense under Subsection (b) is a Class B  
10 misdemeanor, except that the offense is:

11 (1) a Class A misdemeanor if the actor has previously  
12 been convicted one or two times of an offense under Subsection (b);

13 (2) a state jail felony if the actor has previously  
14 been convicted three or more times of an offense under Subsection  
15 (b); or

16 (3) a felony of the second degree if the person with  
17 whom the actor agrees to engage in sexual conduct ~~[solicited]~~ is:

18 (A) younger than 18 years of age, regardless of  
19 whether the actor knows the age of the person ~~[solicited]~~ at the  
20 time of ~~[the actor commits]~~ the offense;

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

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

25 SECTION 38. Section 43.03(b), Penal Code, is amended to  
26 read as follows:

27 (b) An offense under this section is a state jail felony

1 [~~Class A misdemeanor~~], except that the offense is:

2 (1) a felony of the third degree [~~state jail felony~~] if  
3 the actor has been previously convicted of an offense under this  
4 section; or

5 (2) a felony of the second degree if the actor engages  
6 in conduct described by Subsection (a)(1) or (2) involving a person  
7 younger than 18 years of age engaging in prostitution, regardless  
8 of whether the actor knows the age of the person at the time of [~~the~~  
9 ~~actor commits~~] the offense.

10 SECTION 39. Section 43.04(b), Penal Code, is amended to  
11 read as follows:

12 (b) An offense under this section is a felony of the second  
13 [~~third~~] degree, except that the offense is a felony of the first  
14 degree if the prostitution enterprise uses as a prostitute one or  
15 more persons younger than 18 years of age, regardless of whether the  
16 actor knows the age of the person at the time of [~~the actor commits~~]  
17 the offense.

18 SECTION 40. Section 43.05(a), Penal Code, is amended to  
19 read as follows:

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

21 (1) causes another by force, threat, or fraud to  
22 commit prostitution; or

23 (2) causes by any means a child younger than 18 years  
24 to commit prostitution, regardless of whether the actor knows the  
25 age of the child at the time of [~~the actor commits~~] the offense.

26 SECTION 41. Section 43.25, Penal Code, is amended by  
27 amending Subsections (c) and (e) and adding Subsection (h) to read

1 as follows:

2 (c) An offense under Subsection (b) is a felony of the  
3 second degree, except that the offense is a felony of the first  
4 degree if the victim is younger than 14 years of age at the time the  
5 offense is committed, regardless of whether the actor knows the age  
6 of the victim at the time of the offense.

7 (e) An offense under Subsection (d) is a felony of the third  
8 degree, except that the offense is a felony of the second degree if  
9 the victim is younger than 14 years of age at the time the offense is  
10 committed, regardless of whether the actor knows the age of the  
11 victim at the time of the offense.

12 (h) Conduct under this section constitutes an offense  
13 regardless of whether the actor knows the age of the victim at the  
14 time of the offense.

15 SECTION 42. Section 43.251, Penal Code, is amended by  
16 amending Subsection (c) and adding Subsection (d) to read as  
17 follows:

18 (c) An offense under this section is a felony of the second  
19 degree, except that the offense is a felony of the first degree if  
20 the child is younger than 14 years of age at the time the offense is  
21 committed, regardless of whether the actor knows the age of the  
22 child at the time of the offense.

23 (d) Conduct under this section constitutes an offense  
24 regardless of whether the actor knows the age of the child at the  
25 time of the offense.

26 SECTION 43. Subchapter C, Chapter 522, Transportation Code,  
27 is amended by adding Section 522.035 to read as follows:

1           Sec. 522.035. RECOGNITION AND PREVENTION OF HUMAN  
2 TRAFFICKING. The department shall provide informational materials  
3 regarding the recognition and prevention of human trafficking for  
4 distribution to commercial driver's license applicants. The  
5 department may coordinate with organizations that specialize in the  
6 recognition and prevention of human trafficking to provide  
7 informational materials as required by this section.

8           SECTION 44. The following laws are repealed:

- 9                   (1) Section 402.035(h), Government Code; and  
10                   (2) Section 43.02(b-1), Penal Code.

11           SECTION 45. (a) Except as provided by Subsection (b) of  
12 this section, the changes in law made by this Act apply only to an  
13 offense committed on or after the effective date of this Act. An  
14 offense committed before the effective date of this Act is governed  
15 by the law in effect on the date the offense was committed, and the  
16 former law is continued in effect for that purpose. For purposes of  
17 this subsection, an offense was committed before the effective date  
18 of this Act if any element of the offense occurred before that date.

19           (b) The changes in law made by this Act in amending Chapter  
20 62, Code of Criminal Procedure, apply only to a person who is  
21 required to register under Chapter 62, Code of Criminal Procedure,  
22 on the basis of a conviction or adjudication for or based on an  
23 offense committed on or after the effective date of this Act. A  
24 person who is required to register under Chapter 62, Code of  
25 Criminal Procedure, solely on the basis of a conviction or  
26 adjudication for or based on an offense committed before the  
27 effective date of this Act is governed by the law in effect on the

1 date the offense was committed, and the former law is continued in  
2 effect for that purpose. For purposes of this subsection, an  
3 offense was committed before the effective date of this Act if any  
4 element of the offense occurred before that date.

5 SECTION 46. The change in law made by this Act to Chapter  
6 24A, Code of Criminal Procedure, applies only to a subpoena, search  
7 warrant, or other court order issued on or after the effective date  
8 of this Act. A subpoena, search warrant, or other court order  
9 issued before the effective date of this Act is governed by the law  
10 in effect on the date the warrant was issued, and the former law is  
11 continued in effect for that purpose.

12 SECTION 47. (a) The attorney general shall adopt rules to  
13 implement Section 102.101, Business & Commerce Code, as added by  
14 this Act, not later than September 1, 2018.

15 (b) Each sexually oriented business shall post the sign  
16 required by Section 102.101, Business & Commerce Code, as added by  
17 this Act, not later than March 1, 2019.

18 SECTION 48. (a) Not later than December 1, 2017, the Texas  
19 Higher Education Coordinating Board shall adopt rules necessary to  
20 implement Section 130.0105, Education Code, as added by this Act.

21 (b) Not later than December 1, 2017, the Texas Workforce  
22 Commission shall adopt rules necessary to implement Section  
23 132.006, Education Code, as added by this Act.

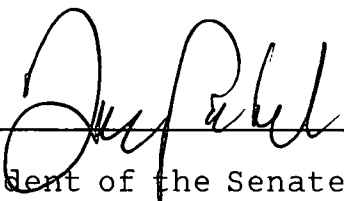
24 (c) Not later than December 1, 2017, the Department of  
25 Public Safety shall provide informational materials as required by  
26 Section 522.035, Transportation Code, as added by this Act.

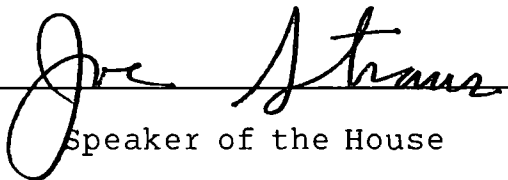
27 SECTION 49. To the extent of any conflict, this Act prevails

1 over another Act of the 85th Legislature, Regular Session, 2017,  
2 relating to nonsubstantive additions to and corrections in enacted  
3 codes.

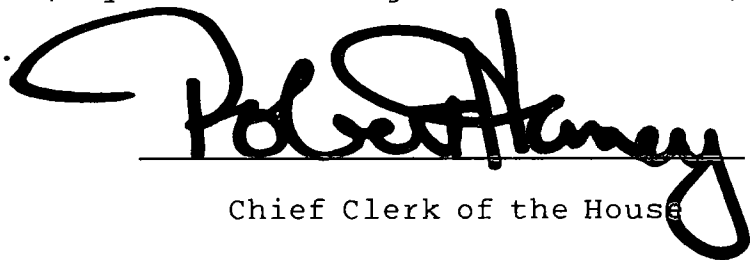
4 SECTION 50. (a) Except as provided by Subsection (b) of  
5 this section, this Act takes effect September 1, 2017.

6 (b) Section 102.102, Business & Commerce Code, as added by  
7 this Act, takes effect March 1, 2019.

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

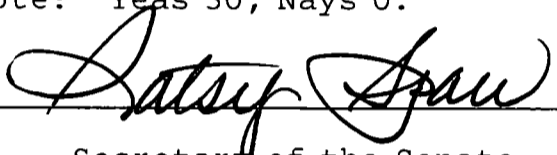
I certify that H.B. No. 29 was passed by the House on April 19, 2017, by the following vote: Yeas 148, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 29 on May 20, 2017, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 29 on May 28, 2017, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House



H.B. No. 29

I certify that H.B. No. 29 was passed by the Senate, with amendments, on May 17, 2017, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 29 on May 28, 2017, by the following vote: Yeas 30, Nays 0.


  
Secretary of the Senate

APPROVED: 6-9-2017

Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:30 pm O'CLOCK

JUN 12 2017  
  
Secretary of State

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 27, 2017**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB29** by Thompson, Senfronia (Relating to prostitution and the trafficking of persons, civil racketeering related to trafficking, the prevention, investigation, and prosecution of and punishment for certain sexual offenses and offenses involving or related to trafficking, reimbursement of certain costs for criminal victims who are children, and the release and reporting of certain information relating to a child; increasing criminal penalties; creating criminal offenses.), **Conference Committee Report**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend various codes as they relate to human trafficking and crimes of public indecency, such as prostitution. The Comptroller of Public Accounts indicates that while the bill would establish a new finable misdemeanor offense, the amount of revenue collected as a result of this offense cannot be determined. It is assumed that any additional workload or responsibilities associated with the bill would not be significant and could be absorbed within the existing resources of affected agencies. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies. The bill would take effect September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

**Local Government Impact**

The bill modifies certain misdemeanor offenses and creates a new misdemeanor offense. Costs associated with enforcement and prosecution of modified misdemeanor offenses could likely be absorbed within existing resources. Revenue gain from fines imposed and collected for modified misdemeanors is not anticipated to have a significant fiscal implication. According to the Texas Association of Counties, the fiscal impact to counties to implement the provisions of the bill related to modified misdemeanors is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 407 Commission on Law Enforcement, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 307 Secretary of State, 320 Texas Workforce Commission, 452 Department of Licensing and Regulation, 696 Department of Criminal Justice, 781 Higher Education Coordinating Board

**LBB Staff:** UP, KJo, LM, JJ, AKU, AG, JSm, ASa, GDz, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 18, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB29** by Thompson, Senfronia (Relating to prostitution and the trafficking of persons, civil racketeering related to trafficking, the investigation and prosecution of and punishment for certain sexual offenses and offenses involving or related to trafficking, reimbursement of certain costs for criminal victims who are children, and the release and reporting of certain information relating to a child; increasing a criminal penalty; creating a criminal offense. ), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend various codes as they relate to human trafficking and crimes of public indecency, such as prostitution.

The Comptroller of Public Accounts indicates that while the bill would establish a new finable misdemeanor offense, the amount of revenue collected as a result of this offense cannot be determined. It is assumed that any additional workload or responsibilities associated with the bill would not be significant and could be absorbed within the existing resources of affected agencies. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

The bill would take effect September 1, 2017.

**Local Government Impact**

The bill modifies certain misdemeanor offenses and creates a new misdemeanor offense. Costs associated with enforcement and prosecution of modified misdemeanor offenses could likely be absorbed within existing resources. Revenue gain from fines imposed and collected for modified misdemeanors is not anticipated to have a significant fiscal implication. According to the Texas Association of Counties, the fiscal impact to counties to implement the provisions of the bill related to modified misdemeanors is not anticipated to be significant.

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**LBB Staff:** UP, KJo, JJ, AKU, AG, JSm, ASa, GDz, JGA

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 27, 2017**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB29** by Thompson, Senfronia (Relating to prostitution and the trafficking of persons, civil racketeering related to trafficking, the investigation and prosecution of and punishment for certain sexual offenses and offenses involving or related to trafficking, reimbursement of certain costs for criminal victims who are children, and the release and reporting of certain information relating to a child; increasing a criminal penalty; creating a criminal offense.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend various codes as they relate to human trafficking and crimes of public indecency, such as prostitution.

The Comptroller of Public Accounts indicates that while the bill would establish a new finable misdemeanor offense, the amount of revenue collected as a result of this offense cannot be determined. It is assumed that any additional workload associated with the bill would not be significant and could be absorbed within the existing resources of affected agencies. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

The bill would take effect September 1, 2017.

**Local Government Impact**

The bill modifies certain misdemeanor offenses. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication. According to the Texas Association of Counties, the fiscal impact to counties to implement the provisions of the bill is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 407 Commission on Law Enforcement, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 307 Secretary of State, 320 Texas Workforce Commission, 452 Department of Licensing and Regulation, 696 Department of Criminal Justice, 781 Higher Education Coordinating Board

**LBB Staff:** UP, KJo, JJ, AKU, AG, JSm, ASa, GDz, JGA

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 21, 2017**

**TO:** Honorable Byron Cook, Chair, House Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB29** by Thompson, Senfronia (Relating to prostitution and the trafficking of persons, civil racketeering related to trafficking, the prosecution of and punishment for certain sexual offenses and offenses involving or related to trafficking, reimbursement of certain costs for criminal victims who are children, and the release and reporting of certain information relating to a child; increasing a criminal penalty; creating a criminal offense.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend various codes as they relate to human trafficking and crimes of public indecency, such as prostitution.

The Comptroller of Public Accounts indicates that while the bill would establish a new finable misdemeanor offense, the amount of revenue collected as a result of this offense cannot be determined. The Office of Court Administration indicates that while the bill would establish new procedures governing enforcement action and expand the scope of existing criminal offenses, any increased workload would likely be absorbed by existing resources. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

The bill would take effect September 1, 2017.

**Local Government Impact**

The bill modifies certain misdemeanor offenses. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication. According to the Texas Association of Counties, the fiscal impact to counties to implement the provisions of the bill is not anticipated to be significant.

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**LBB Staff:** UP, AG, JJ, AKU, JSm, ASa, GDz, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**85TH LEGISLATIVE REGULAR SESSION**

**May 27, 2017**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB29** by Thompson, Senfronia (Relating to prostitution and the trafficking of persons, civil racketeering related to trafficking, the prevention, investigation, and prosecution of and punishment for certain sexual offenses and offenses involving or related to trafficking, reimbursement of certain costs for criminal victims who are children, and the release and reporting of certain information relating to a child; increasing criminal penalties; creating criminal offenses.), **Conference Committee Report**

The provisions of the bill addressing felony sanctions for criminal offenses are the subject of this analysis. The bill would amend the Penal Code as it relates to the offense and punishment of promotion of prostitution and aggravated promotion of prostitution. The bill would enhance the punishment for promotion of prostitution from a Class A misdemeanor to a state jail felony and enhance the punishment from a state jail to a third degree felony for individuals previously convicted of this offense. The bill would also enhance the punishment for the offense of aggravated promotion of prostitution from a third degree to a second degree felony.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years; a third degree felony for a term from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in a county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Enhancing the penalty for any criminal offense is expected to result in increased demands on the correctional resources of the counties or of the State due to longer terms of supervision in the community or longer terms of confinement within state correctional institutions. In fiscal year 2016, 123 individuals were arrested, 18 were placed under felony community supervision, and fewer than 10 were admitted into state correctional facilities who were subject to the bill's provisions. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

**Source Agencies:**

**LBB Staff:** UP, KJo, LM, AKU

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**85TH LEGISLATIVE REGULAR SESSION**

**April 27, 2017**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB29** by Thompson, Senfronia (Relating to prostitution and the trafficking of persons, civil racketeering related to trafficking, the investigation and prosecution of and punishment for certain sexual offenses and offenses involving or related to trafficking, reimbursement of certain costs for criminal victims who are children, and the release and reporting of certain information relating to a child; increasing a criminal penalty; creating a criminal offense.), **As Engrossed**

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A second degree felony is punishable by confinement in prison for a term from 2 to 20 years; a third degree felony for a term from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in a county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Enhancing the penalty for any criminal offense is expected to result in increased demands on the correctional resources of the counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. In fiscal year 2016, 123 individuals were arrested, 18 were placed under felony community supervision, and fewer than 10 were admitted into state correctional facilities who were subject to the bill's provisions. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

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The provisions of the bill addressing felony sanctions for criminal offenses are the subject of this analysis. The bill would amend the Penal Code as it relates to the offense and punishment of promotion of prostitution and aggravated promotion of prostitution. The bill would enhance the punishment for promotion of prostitution from a Class A Misdemeanor to a state jail felony and enhance the punishment from a state jail to a third degree felony for individuals previously convicted of this offense. The bill would also enhance the punishment for the offense of aggravated promotion of prostitution from a third degree to a second degree felony.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years; a third degree felony for a term from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A Misdemeanor punishment. In addition to confinement, all felony level offenses are subject to an optional fine not to exceed \$10,000. A Class A Misdemeanor is punishable by confinement in a county jail for a term not to exceed one year and/or a fine not to exceed \$4,000.

Enhancing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. In fiscal year 2016, 123 individuals subject to the bill's provisions were arrested, 18 were placed under felony community supervision, and less than 10 were admitted to state correctional facilities. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

**Source Agencies:**

**LBB Staff:** UP, LM, KJo