

AN ACT

relating to criminal consequences of conduct that involves certain trafficking or transporting of persons.

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

SECTION 1. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4191 to read as follows:

Sec. 545.4191. PERSON RIDING IN TRAILER OR SEMITRAILER DRAWN BY TRUCK, ROAD TRACTOR, OR TRUCK TRACTOR. (a) A person may not operate a truck, road tractor, or truck tractor when another person occupies a trailer or semitrailer being drawn by the truck, road tractor, or truck tractor.

(b) It is a defense to prosecution under this section that:

(1) the person was operating or towing the vehicle:

(A) in a parade or in an emergency;

(B) to transport farmworkers from one field to another field on a farm-to-market road, ranch-to-market road, or county road outside a municipality; or

(C) in a hayride permitted by the governing body of or a law enforcement agency of each county or municipality in which the hayride will occur;

(2) the person operating or towing the vehicle did not know that another person occupied the trailer or semitrailer; or

(3) the person occupying the trailer or semitrailer was in a part of the trailer or semitrailer designed for human

1 habitation.

2 (c) An offense under this section is a Class B misdemeanor.

3 SECTION 2. Title 5, Penal Code, is amended by adding Chapter  
4 20A to read as follows:

5 CHAPTER 20A. TRAFFICKING OF PERSONS

6 Sec. 20A.01. DEFINITIONS. In this chapter:

7 (1) "Forced labor or services" means labor or services  
8 that are performed or provided by another person and obtained  
9 through an actor's:

10 (A) threatening to cause bodily injury to  
11 another;

12 (B) restraining another in a manner described by  
13 Section 20.01(1); or

14 (C) withholding from another the person's:

15 (i) government records;

16 (ii) identifying information; or

17 (iii) personal property.

18 (2) "Traffic" means to transport another person or to  
19 entice, recruit, harbor, provide, or otherwise obtain another  
20 person for transport by deception, coercion, or force.

21 Sec. 20A.02. TRAFFICKING OF PERSONS. (a) A person commits  
22 an offense if the person knowingly traffics another person with the  
23 intent that the trafficked person engage in:

24 (1) forced labor or services; or

25 (2) conduct that constitutes an offense under Chapter

26 43.

27 (b) Except as otherwise provided by this subsection, an

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

3 (1) the offense is committed under Subsection (a)(2)  
4 and the person who is trafficked is younger than 14 years of age at  
5 the time of the offense; or

6 (2) the commission of the offense results in the death  
7 of the person who is trafficked.

8 (c) If conduct constituting an offense under this section  
9 also constitutes an offense under another section of this code, the  
10 actor may be prosecuted under either section or under both  
11 sections.

12 SECTION 3. Section 71.02(a), Penal Code, is amended to read  
13 as follows:

14 (a) A person commits an offense if, with the intent to  
15 establish, maintain, or participate in a combination or in the  
16 profits of a combination or as a member of a criminal street gang,  
17 he commits or conspires to commit one or more of the following:

18 (1) murder, capital murder, arson, aggravated  
19 robbery, robbery, burglary, theft, aggravated kidnapping,  
20 kidnapping, aggravated assault, aggravated sexual assault, sexual  
21 assault, forgery, deadly conduct, assault punishable as a Class A  
22 misdemeanor, burglary of a motor vehicle, or unauthorized use of a  
23 motor vehicle;

24 (2) any gambling offense punishable as a Class A  
25 misdemeanor;

26 (3) promotion of prostitution, aggravated promotion  
27 of prostitution, or compelling prostitution;

1           (4) unlawful manufacture, transportation, repair, or  
2 sale of firearms or prohibited weapons;

3           (5) unlawful manufacture, delivery, dispensation, or  
4 distribution of a controlled substance or dangerous drug, or  
5 unlawful possession of a controlled substance or dangerous drug  
6 through forgery, fraud, misrepresentation, or deception;

7           (6) any unlawful wholesale promotion or possession of  
8 any obscene material or obscene device with the intent to wholesale  
9 promote the same;

10           (7) any offense under Subchapter B, Chapter 43,  
11 depicting or involving conduct by or directed toward a child  
12 younger than 18 years of age;

13           (8) any felony offense under Chapter 32[~~, Penal Code~~];

14           (9) any offense under Chapter 36[~~, Penal Code~~];

15           (10) any offense under Chapter 34[~~, Penal Code~~]; [~~or~~]

16           (11) any offense under Section 37.11(a); or

17           (12) any offense under Chapter 20A[~~, Penal Code~~].

18           SECTION 4. This Act takes effect September 1, 2003.

David Newhall

President of the Senate

Jim Cordak

Speaker of the House

I certify that H.B. No. 2096 was passed by the House on April 14, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2096 on May 22, 2003, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2096 was passed by the Senate, with amendments, on May 21, 2003, by a viva-voce vote.

Aetsy Saw

Secretary of the Senate

APPROVED: 20 JUN 03

Date

Rick Peary

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:30 PM O'CLOCK

Ann Shea  
JUN 20 2003  
Secretary of State