

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 25, 2019
Date

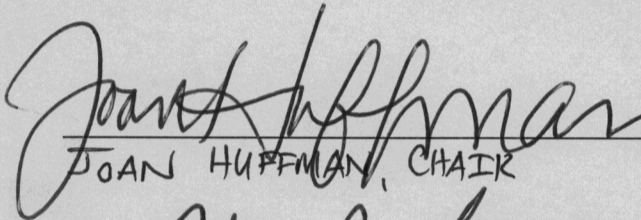
Honorable Dan Patrick
President of the Senate

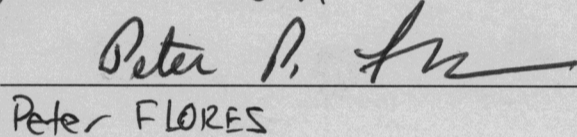
Honorable Dennis Bonnen
Speaker of the House of Representatives

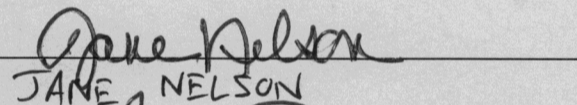
(86R 37083)

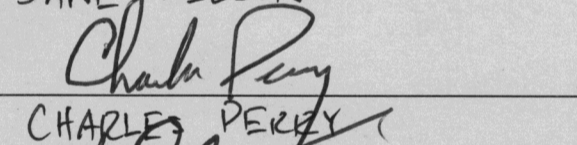
Sirs:

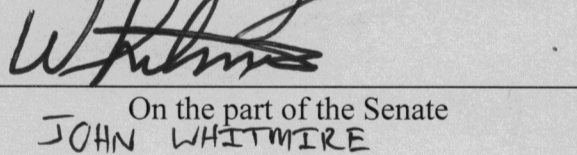
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 3800 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


JOAN HUFFMAN, CHAIR

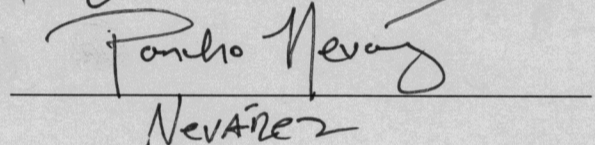

Peter FLORES

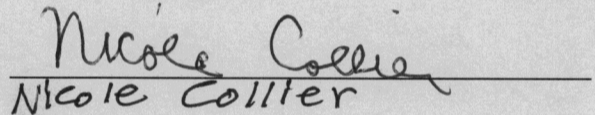

JANE NELSON

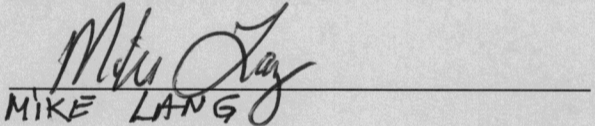

CHARLES PERRY

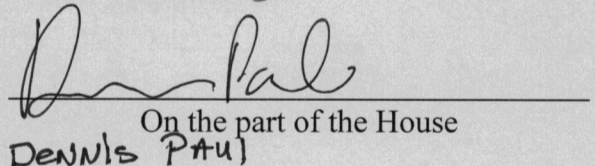

On the part of the Senate
JOHN WHITMIRE


SENFRONIA THOMPSON, CHAIR


NevAire


Nicole COLLIER


MIKE LANG


On the part of the House
DENNIS PAUL

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 3800

A BILL TO BE ENTITLED

1 AN ACT

2 relating to required reporting of human trafficking cases by
3 certain law enforcement entities and by prosecutors.

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

5 SECTION 1. Chapter 2, Code of Criminal Procedure, is
6 amended by adding Article 2.305 to read as follows:

7 Art. 2.305. REPORT REQUIRED CONCERNING HUMAN TRAFFICKING
8 CASES. (a) This article applies only to:

9 (1) a municipal police department, sheriff's
10 department, constable's office, county attorney's office, district
11 attorney's office, and criminal district attorney's office, as
12 applicable, in a county with a population of more than 50,000; and

13 (2) the Department of Public Safety.

14 (b) An entity described by Subsection (a) that investigates
15 the alleged commission of an offense under Chapter 20A, Penal Code,
16 or the alleged commission of an offense under Chapter 43, Penal
17 Code, which may involve human trafficking, shall submit to the
18 attorney general the following information:

19 (1) the offense being investigated, including a brief
20 description of the alleged prohibited conduct;

21 (2) regarding each person suspected of committing the
22 offense and each victim of the offense:

23 (A) the person's:

24 (i) age;

1 (ii) gender; and
2 (iii) race or ethnicity, as defined by
3 Article 2.132; and
4 (B) the case number associated with the offense
5 and the person suspected of committing the offense;
6 (3) the date, time, and location of the alleged
7 offense;
8 (4) the type of human trafficking involved, including:
9 (A) forced labor or services, as defined by
10 Section 20A.01, Penal Code;
11 (B) causing the victim by force, fraud, or
12 coercion to engage in prohibited conduct involving one or more
13 sexual activities, including conduct described by Section
14 20A.02(a)(3), Penal Code; or
15 (C) causing a child victim by any means to engage
16 in, or become the victim of, prohibited conduct involving one or
17 more sexual activities, including conduct described by Section
18 20A.02(a)(7), Penal Code;
19 (5) if available, information regarding any victims'
20 service organization or program to which the victim was referred as
21 part of the investigation; and
22 (6) the disposition of the investigation, regardless
23 of the manner of disposition.
24 (c) An attorney representing the state who prosecutes the
25 alleged commission of an offense under Chapter 20A, Penal Code, or
26 the alleged commission of an offense under Chapter 43, Penal Code,
27 which may involve human trafficking, shall submit to the attorney

1 general the following information:

2 (1) the offense being prosecuted, including a brief
3 description of the alleged prohibited conduct;

4 (2) any other charged offense that is part of the same
5 criminal episode out of which the offense described by Subdivision
6 (1) arose;

7 (3) the information described by Subsections (b)(2),
8 (3), (4), and (5); and

9 (4) the disposition of the prosecution, regardless of
10 the manner of disposition.

11 (d) The attorney general shall enter into a contract with a
12 university that provides for the university's assistance in the
13 collection and analysis of information received under this article.

14 (e) In consultation with the entities described by
15 Subsection (a), the attorney general shall adopt rules to
16 administer this article, including rules prescribing:

17 (1) the form and manner of submission of a report
18 required by Subsection (b) or (c); and

19 (2) additional information to include in a report
20 required by Subsection (b) or (c).

21 SECTION 2. Notwithstanding Article 2.305, Code of Criminal
22 Procedure, as added by this Act:

23 (1) the Department of Public Safety of the State of
24 Texas is not required to comply with that article until August 1,
25 2020; and

26 (2) an entity described by Subsection (a) of that
27 article, other than the Department of Public Safety of the State of

1 Texas:

2 (A) if located in a county with a population of
3 more than 500,000, is not required to comply with that article until
4 August 1, 2020; and

5 (B) if located in a county with a population of
6 500,000 or less, is not required to comply with that article until
7 August 1, 2021.

8 SECTION 3. This Act takes effect September 1, 2019.

House Bill 3800
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.305 to read as follows:

Art. 2.305. REPORT REQUIRED CONCERNING HUMAN TRAFFICKING CASES. (a) This article applies only to:

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

(2) the Department of Public Safety.

(b) An entity described by Subsection (a) that investigates the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:

(1) the offense being investigated, including a brief description of the alleged prohibited conduct;

(2) regarding each person suspected of committing the offense and each victim of the offense:

(A) the person's:

(i) age;

(ii) gender; and

(iii) race or ethnicity, as defined by Article 2.132; and

(B) the case number associated with the offense and the person suspected of committing the offense;

(3) the date, time, and location of the alleged offense;

(4) the type of human trafficking involved, including:

(A) forced labor or services, as defined by Section 20A.01, Penal Code;

(B) causing the victim by force, fraud, or coercion to engage in prohibited conduct involving one or more sexual

SENATE VERSION (CS)

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.305 to read as follows:

Art. 2.305. REPORT REQUIRED CONCERNING HUMAN TRAFFICKING CASES. (a) This article applies only to:

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

(2) the Department of Public Safety.

(b) An entity described by Subsection (a) that investigates the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:

(1) the offense being investigated, including a brief description of the alleged prohibited conduct;

(2) regarding each person suspected of committing the offense and each victim of the offense:

(A) the person's:

(i) age;

(ii) gender; and

(iii) race or ethnicity, as defined by Article 2.132; and

(B) the case number associated with the offense and the person suspected of committing the offense;

(3) the date, time, and location of the alleged offense;

(4) the type of human trafficking involved, including:

(A) forced labor or services, as defined by Section 20A.01, Penal Code;

(B) causing the victim by force, fraud, or coercion to engage in prohibited conduct involving one or more sexual

CONFERENCE

SECTION 1. Same as House version.

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HOUSE VERSION

activities, including conduct described by Section 20A.02(a)(3), Penal Code; or

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

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

(6) the disposition of the investigation, regardless of the manner of disposition.

(c) An attorney representing the state who prosecutes the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:

(1) the offense being prosecuted, including a brief description of the alleged prohibited conduct;

(2) any other charged offense that is part of the same criminal episode out of which the offense described by Subdivision (1) arose;

(3) the information described by Subsections (b)(2), (3), (4), and (5); and

(4) the disposition of the prosecution, regardless of the manner of disposition.

(d) The attorney general shall enter into a contract with a **university that provides** for the **university's** assistance in the collection and analysis of information received under this article.

(e) In consultation with the entities described by Subsection (a), the attorney general shall adopt rules to administer this article, including rules prescribing:

SENATE VERSION (CS)

activities, including conduct described by Section 20A.02(a)(3), Penal Code; or

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

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

(6) the disposition of the investigation, regardless of the manner of disposition.

(c) An attorney representing the state who prosecutes the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:

(1) the offense being prosecuted, including a brief description of the alleged prohibited conduct;

(2) any other charged offense that is part of the same criminal episode out of which the offense described by Subdivision (1) arose;

(3) the information described by Subsections (b)(2), (3), (4), and (5); and

(4) the disposition of the prosecution, regardless of the manner of disposition.

(d) The attorney general shall enter into a contract with a **public or private institution of higher education** for the **institution's** assistance in the collection and analysis of information received under this article.

(e) In consultation with the entities described by Subsection (a), the attorney general shall adopt rules to administer this article, including rules prescribing:

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House Bill 3800
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

(1) the form and manner of submission of a report required by Subsection (b) or (c); and
(2) additional information to include in a report required by Subsection (b) or (c).

(1) the form and manner of submission of a report required by Subsection (b) or (c); and
(2) additional information to include in a report required by Subsection (b) or (c).

No equivalent provision.

SECTION 2. Article 13.12, Code of Criminal Procedure, is amended.

Same as House version.

No equivalent provision.

SECTION 3. Chapter 20A, Penal Code, is amended by adding Section 20A.05.

Same as House version.

No equivalent provision.

SECTION 4. Title 5, Penal Code, is amended by adding Chapter 20B.

Same as House version.

SECTION 2. Notwithstanding Article 2.305, Code of Criminal Procedure, as added by this Act:

(1) the Department of Public Safety of the State of Texas is not required to comply with that article until August 1, 2020; and

(2) an entity described by Subsection (a) of that article, other than the Department of Public Safety of the State of Texas:

(A) if located in a county with a population of more than 500,000, is not required to comply with that article until August 1, 2020; and

(B) if located in a county with a population of 500,000 or less, is not required to comply with that article until August 1, 2021.

SECTION 5. Same as House version.

SECTION 2. Same as House version.

No equivalent provision.

SECTION 6. Saving provision.

Same as House version.

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SENATE VERSION (CS)

CONFERENCE

SECTION 3. This Act takes effect September 1, 2019.

SECTION 7. Same as House version.

SECTION 3. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3800 by Thompson, Senfronia (Relating to required reporting of human trafficking cases by certain law enforcement entities and by prosecutors.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require attorneys representing the State in certain jurisdictions and the Department of Public Safety (DPS) to file a report to the Office of the Attorney General (OAG) on any investigations of human trafficking offenses. OAG would be required to adopt rules to administer this reporting program and to contract with a university partner to analyze data generated from the required reports. The bill would require counties with populations of more than 500,000 people and DPS to comply beginning August 1, 2020, and counties with populations of less than 500,000 people to comply beginning August 1, 2021.

According to the Department of Public Safety, no fiscal implication to the State is anticipated.

According to the Office of Court Administration (OCA), no significant impact to the State court system is anticipated.

According to OAG, there is no fiscal impact to the office. The responsibilities tasked to the office could be consolidated in its role as the head of the Statewide Human Trafficking Prevention Task Force.

Local Government Impact

According to OCA, no significant impact to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: WP, LBO, KK, GP, AF, SD