

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/25/19

Date

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 20 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.

Jan Huffman
SENATOR JAN HUFFMAN CLERK

Sanfonia Thompson
Representative Sanfonia Thompson Chair
#86RB688 JSQ-D

Gene Nelson
SENATOR NELSON

John Hunter
REPRESENTATIVE HUNTER

Andy S. Paxton
SENATOR PAXTON

Ray D. King
REPRESENTATIVE KING

Zaffirini
On the part of the Senate
SENATOR ZAFFIRINI

Art L. Moody
On the part of the House
REPRESENTATIVE MOODY

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

S.B. No. 20

A BILL TO BE ENTITLED

AN ACT

relating to the prevention of, reporting regarding, investigation of, prosecution of, criminal and civil penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses, to treatment, services, and compensation available to victims of those offenses, and to orders of nondisclosure for certain persons who are victims of certain of those offenses.

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

ARTICLE 1. TRAFFICKING OF PERSONS AND CONTINUOUS TRAFFICKING OF PERSONS

SECTION 1.01. Section 3.03(b), Penal Code, is amended to read as follows:

(b) If the accused is found guilty of more than one offense arising out of the same criminal episode, the sentences may run concurrently or consecutively if each sentence is for a conviction of:

(1) an offense:

(A) under Section 49.07 or 49.08, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is

1 charged with violations of the same section more than once or is
2 charged with violations of both sections;

3 (2) an offense:

4 (A) under Section 33.021 or an offense under
5 Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed
6 against a victim younger than 17 years of age at the time of the
7 commission of the offense regardless of whether the accused is
8 convicted of violations of the same section more than once or is
9 convicted of violations of more than one section; or

10 (B) for which a plea agreement was reached in a
11 case in which the accused was charged with more than one offense
12 listed in Paragraph (A) committed against a victim younger than 17
13 years of age at the time of the commission of the offense regardless
14 of whether the accused is charged with violations of the same
15 section more than once or is charged with violations of more than
16 one section;

17 (3) an offense:

18 (A) under Section 21.15 or 43.26, regardless of
19 whether the accused is convicted of violations of the same section
20 more than once or is convicted of violations of both sections; or

21 (B) for which a plea agreement was reached in a
22 case in which the accused was charged with more than one offense
23 listed in Paragraph (A), regardless of whether the accused is
24 charged with violations of the same section more than once or is
25 charged with violations of both sections;

26 (4) an offense for which the judgment in the case
27 contains an affirmative finding under Article 42.0197, Code of

1 Criminal Procedure;

2 (5) an offense:

3 (A) under Section 20A.02, 20A.03, or 43.05,
4 regardless of whether the accused is convicted of violations of the
5 same section more than once or is convicted of violations of more
6 than one section [~~both sections~~]; or

7 (B) for which a plea agreement was reached in a
8 case in which the accused was charged with more than one offense
9 listed in Paragraph (A), regardless of whether the accused is
10 charged with violations of the same section more than once or is
11 charged with violations of more than one section [~~both sections~~];
12 or

13 (6) an offense:

14 (A) under Section 22.04(a)(1) or (2) or Section
15 22.04(a-1)(1) or (2) that is punishable as a felony of the first
16 degree, regardless of whether the accused is convicted of
17 violations of the same section more than once or is convicted of
18 violations of more than one section; or

19 (B) for which a plea agreement was reached in a
20 case in which the accused was charged with more than one offense
21 listed in Paragraph (A) and punishable as described by that
22 paragraph, regardless of whether the accused is charged with
23 violations of the same section more than once or is charged with
24 violations of more than one section.

25 SECTION 1.02. Section 402.035(h), Government Code, as
26 amended by Chapter 762 (S.B. 2039), Acts of the 85th Legislature,
27 Regular Session, 2017, and repealed by Chapter 685 (H.B. 29), Acts

1 of the 85th Legislature, Regular Session, 2017, is repealed.

2 SECTION 1.03. The change in law made by this article applies
3 only to an offense committed on or after the effective date of this
4 Act. An offense committed before the effective date of this Act is
5 governed by the law in effect on the date the offense was committed,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense was
9 committed before that date.

10 ARTICLE 2. PENALTIES FOR PROSTITUTION

11 SECTION 2.01. Subchapter K, Chapter 42A, Code of Criminal
12 Procedure, is amended by adding Article 42A.515 to read as follows:

13 Art. 42A.515. COMMUNITY SUPERVISION FOR CERTAIN
14 PROSTITUTION OFFENSES. (a) Except as provided by Subsection (e),
15 on a defendant's conviction of a Class B misdemeanor under Section
16 43.02(a), Penal Code, the judge shall suspend imposition of the
17 sentence and place the defendant on community supervision.

18 (b) Except as provided by Subsection (e), on a defendant's
19 conviction of a state jail felony under Section 43.02(c)(2), Penal
20 Code, that is punished under Section 12.35(a), Penal Code, the
21 judge shall suspend the imposition of the sentence and place the
22 defendant on community supervision. This subsection does not apply
23 to a defendant who has previously been convicted of any other state
24 jail felony under Section 43.02(c)(2), Penal Code, that is punished
25 under Section 12.35, Penal Code.

26 (c) A judge who places a defendant on community supervision
27 under Subsection (a) or (b) shall require as a condition of

1 community supervision that the defendant participate in a
2 commercially sexually exploited persons court program established
3 under Chapter 126, Government Code, if a program has been
4 established for the county or municipality where the defendant
5 resides. Sections 126.002(b) and (c), Government Code, do not
6 apply with respect to a defendant required to participate in the
7 court program under this subsection.

8 (d) A judge who requires a defendant to participate in a
9 commercially sexually exploited persons court program under
10 Subsection (c) may suspend in whole or in part the imposition of the
11 program fee described by Section 126.006, Government Code.

12 (e) In any case in which the jury assesses punishment, the
13 judge must follow the recommendations of the jury in suspending the
14 imposition of a sentence or ordering a sentence to be executed. If
15 a jury assessing punishment does not recommend community
16 supervision, the judge must order the sentence to be executed in
17 whole.

18 (f) The judge may suspend in whole or in part the imposition
19 of any fine imposed on conviction.

20 SECTION 2.02. Article 42A.551(d), Code of Criminal
21 Procedure, is amended to read as follows:

22 (d) On conviction of a state jail felony punished under
23 Section 12.35(a), Penal Code, other than a state jail felony listed
24 in Subsection (a) or to which Article 42A.515 applies, subject to
25 Subsection (e), the judge may:

26 (1) suspend the imposition of the sentence and place
27 the defendant on community supervision; or

(2) order the sentence to be executed:

(A) in whole; or

(B) in part, with a period of community supervision to begin immediately on release of the defendant from confinement.

SECTION 2.03. Article 62.001(5), Code of Criminal Procedure, is amended to read as follows:

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

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or children), 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

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

(B-1) a violation of Section 43.02 (Prostitution), Penal Code, if the offense is punishable under Subsection (c-1)(2) [~~(c-1)(3)~~] of that section;

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

1 (D) a violation of Section 30.02 (Burglary),
2 Penal Code, if the offense or conduct is punishable under
3 Subsection (d) of that section and the actor committed the offense
4 or engaged in the conduct with intent to commit a felony listed in
5 Paragraph (A) or (C);

6 (E) a violation of Section 20.02 (Unlawful
7 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
8 Penal Code, if, as applicable:

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

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

14 (F) the second violation of Section 21.08
15 (Indecent exposure), Penal Code, but not if the second violation
16 results in a deferred adjudication;

17 (G) an attempt, conspiracy, or solicitation, as
18 defined by Chapter 15, Penal Code, to commit an offense or engage in
19 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

20 (H) a violation of the laws of another state,
21 federal law, the laws of a foreign country, or the Uniform Code of
22 Military Justice for or based on the violation of an offense
23 containing elements that are substantially similar to the elements
24 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
25 (G), (J), (K), or (L), but not if the violation results in a
26 deferred adjudication;

27 (I) the second violation of the laws of another

1 state, federal law, the laws of a foreign country, or the Uniform
2 Code of Military Justice for or based on the violation of an offense
3 containing elements that are substantially similar to the elements
4 of the offense of indecent exposure, but not if the second violation
5 results in a deferred adjudication;

6 (J) a violation of Section 33.021 (Online
7 solicitation of a minor), Penal Code;

8 (K) a violation of Section 20A.02(a)(3), (4),
9 (7), or (8) (Trafficking of persons), Penal Code; or

10 (L) a violation of Section 20A.03 (Continuous
11 trafficking of persons), Penal Code, if the offense is based partly
12 or wholly on conduct that constitutes an offense under Section
13 20A.02(a)(3), (4), (7), or (8) of that code.

14 SECTION 2.04. Section 402.035, Government Code, is amended
15 by amending Subsection (d) and adding Subsection (f-3) to read as
16 follows:

17 (d) The task force shall:

18 (1) collaborate, as needed to fulfill the duties of
19 the task force, with:

20 (A) United States attorneys' offices for all of
21 the federal districts of Texas; and

22 (B) special agents or customs and border
23 protection officers and border patrol agents of:

24 (i) the Federal Bureau of Investigation;

25 (ii) the United States Drug Enforcement
26 Administration;

27 (iii) the Bureau of Alcohol, Tobacco,

1 Firearms and Explosives;

2 (iv) United States Immigration and Customs
3 Enforcement; or

4 (v) the United States Department of
5 Homeland Security;

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

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

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

21 (A) the number of investigations concerning,
22 arrests and prosecutions for, and convictions of:

23 (i) the offense of trafficking of persons;

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

27 (iii) an offense punishable under Section

1 43.02(c-1)(2) [~~43.02(c-1)(3)~~], Penal Code, regardless of whether
2 the offense was committed as part of a criminal episode involving
3 the trafficking of persons;

4 (B) demographic information on persons who are
5 convicted of offenses described by Paragraph (A) and persons who
6 are the victims of those offenses;

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

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

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

17 (5) work with the Texas Commission on Law Enforcement
18 to develop and conduct training for law enforcement personnel,
19 victim service providers, and medical service providers to identify
20 victims of human trafficking;

21 (6) work with the Texas Education Agency, the
22 Department of Family and Protective Services, and the Health and
23 Human Services Commission to:

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

26 (B) develop a standardized curriculum for
27 training doctors, nurses, emergency medical services personnel,

1 teachers, school counselors, school administrators, and personnel
2 from the Department of Family and Protective Services and the
3 Health and Human Services Commission to identify and assist victims
4 of human trafficking;

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

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

15 (E) develop a process for referring identified
16 human trafficking victims and individuals at risk of becoming
17 victims to appropriate entities for services;

18 (7) on the request of a judge of a county court, county
19 court at law, or district court or a county attorney, district
20 attorney, or criminal district attorney, assist and train the judge
21 or the judge's staff or the attorney or the attorney's staff in the
22 recognition and prevention of human trafficking;

23 (8) examine training protocols related to human
24 trafficking issues, as developed and implemented by federal, state,
25 and local law enforcement agencies;

26 (9) collaborate with state and local governmental
27 agencies, political subdivisions of the state, and nongovernmental

1 organizations to implement a media awareness campaign in
2 communities affected by human trafficking;

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

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

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

19 (13) identify and report to the governor and
20 legislature on laws, licensure requirements, or other regulations
21 that can be passed at the state and local level to curb trafficking
22 using the Internet and in sexually oriented businesses.

23 (f-3) The attorney general may enter into a contract with an
24 institution of higher education or private or independent
25 institution of higher education, as those terms are defined by
26 Section 61.003, Education Code, for the institution's assistance in
27 the collection and analysis of information received under this

1 section. The attorney general may adopt rules to administer the
2 submission and collection of information under this section.

3 SECTION 2.05. Section 43.02(c-1), Penal Code, is amended to
4 read as follows:

5 (c-1) An offense under Subsection (b) is a Class A [~~B~~]
6 misdemeanor, except that the offense is:

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

9 [~~(2)~~] a state jail felony if the actor has previously
10 been convicted [~~three or more times~~] of an offense under Subsection
11 (b); or

12 (2) [~~(3)~~] a felony of the second degree if the person
13 with whom the actor agrees to engage in sexual conduct is:

14 (A) younger than 18 years of age, regardless of
15 whether the actor knows the age of the person at the time of the
16 offense;

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

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

21 SECTION 2.06. (a) Except as provided by Subsection (b) of
22 this section, the change in law made by this article applies only to
23 an offense committed on or after the effective date of this Act. An
24 offense committed before the effective date of this Act is governed
25 by the law in effect on the date the offense was committed, and the
26 former law is continued in effect for that purpose. For purposes of
27 this section, an offense was committed before the effective date of

1 this Act if any element of the offense occurred before that date.

2 (b) Subsection (a) of this section does not apply to Section
3 402.035(f-3), Government Code, as added by this article.

4 ARTICLE 3. ONLINE PROMOTION OF PROSTITUTION

5 SECTION 3.01. Section 43.01, Penal Code, is amended by
6 adding Subdivisions (1-b) and (1-c) to read as follows:

7 (1-b) "Interactive computer service" means any
8 information service, system, or access software provider that
9 provides or enables computer access to a computer server by
10 multiple users, including a service or system that provides access
11 to the Internet or a system operated or service offered by a library
12 or educational institution.

13 (1-c) "Internet" means the international computer
14 network of both federal and nonfederal interoperable packet
15 switched data networks.

16 SECTION 3.02. Subchapter A, Chapter 43, Penal Code, is
17 amended by adding Sections 43.031 and 43.041 to read as follows:

18 Sec. 43.031. ONLINE PROMOTION OF PROSTITUTION. (a) A
19 person commits an offense if the person owns, manages, or operates
20 an interactive computer service with the intent to promote the
21 prostitution of another person or facilitate another person to
22 engage in prostitution.

23 (b) An offense under this section is a felony of the third
24 degree, except that the offense is a felony of the second degree if
25 the actor:

26 (1) has been previously convicted of an offense under
27 this section or Section 43.041; or

1 (2) engages in conduct described by Subsection (a)
2 involving a person younger than 18 years of age engaging in
3 prostitution, regardless of whether the actor knows the age of the
4 person at the time of the offense.

5 Sec. 43.041. AGGRAVATED ONLINE PROMOTION OF PROSTITUTION.

6 (a) A person commits an offense if the person owns, manages, or
7 operates an interactive computer service with the intent to promote
8 the prostitution of five or more persons or facilitate five or more
9 persons to engage in prostitution.

10 (b) An offense under this section is a felony of the second
11 degree, except that the offense is a felony of the first degree if
12 the actor:

13 (1) has been previously convicted of an offense under
14 this section; or

15 (2) engages in conduct described by Subsection (a)
16 involving two or more persons younger than 18 years of age engaging
17 in prostitution, regardless of whether the actor knows the age of
18 the persons at the time of the offense.

19 SECTION 3.03. Section 98A.001, Civil Practice and Remedies
20 Code, is amended by adding Subdivisions (1-a) and (4-a) to read as
21 follows:

22 (1-a) "Aggravated online promotion of prostitution"
23 means conduct that constitutes an offense under Section 43.041,
24 Penal Code.

25 (4-a) "Online promotion of prostitution" means
26 conduct that constitutes an offense under Section 43.031, Penal
27 Code.

1 SECTION 3.04. Section 98A.002(a), Civil Practice and
2 Remedies Code, is amended to read as follows:

3 (a) A defendant is liable to a victim of compelled
4 prostitution, as provided by this chapter, for damages arising from
5 the compelled prostitution if the defendant:

6 (1) engages in compelling prostitution with respect to
7 the victim;

8 (2) knowingly or intentionally engages in promotion of
9 prostitution, online promotion of prostitution, aggravated
10 promotion of prostitution, or aggravated online promotion of
11 prostitution that results in compelling prostitution with respect
12 to the victim; or

13 (3) purchases an advertisement that the defendant
14 knows or reasonably should know constitutes promotion of
15 prostitution or aggravated promotion of prostitution, and the
16 publication of the advertisement results in compelling
17 prostitution with respect to the victim.

18 SECTION 3.05. Article 18A.101, Code of Criminal Procedure,
19 is amended to read as follows:

20 Art. 18A.101. OFFENSES FOR WHICH INTERCEPTION ORDER MAY BE
21 ISSUED. A judge of competent jurisdiction may issue an
22 interception order only if the prosecutor applying for the order
23 shows probable cause to believe that the interception will provide
24 evidence of the commission of:

25 (1) a felony under any of the following provisions of
26 the Health and Safety Code:

27 (A) Chapter 481, other than felony possession of

1 marihuana;

2 (B) Chapter 483; or

3 (C) Section 485.032;

4 (2) an offense under any of the following provisions
5 of the Penal Code:

6 (A) Section 19.02;

7 (B) Section 19.03;

8 (C) Section 20.03;

9 (D) Section 20.04;

10 (E) Chapter 20A;

11 (F) Chapter 34, if the criminal activity giving
12 rise to the proceeds involves the commission of an offense under
13 Title 5, Penal Code, or an offense under federal law or the laws of
14 another state containing elements that are substantially similar to
15 the elements of an offense under Title 5;

16 (G) Section 38.11;

17 (H) Section 43.04;

18 (I) Section 43.041;

19 (J) Section 43.05; or

20 (K) [~~(J)~~] Section 43.26; or

21 (3) an attempt, conspiracy, or solicitation to commit
22 an offense listed in Subdivision (1) or (2).

23 SECTION 3.06. Article 56.32(a)(14), Code of Criminal
24 Procedure, is amended to read as follows:

25 (14) "Trafficking of persons" means any offense that
26 results in a person engaging in forced labor or services, including
27 sexual conduct, and that may be prosecuted under Section 20A.02,

1 20A.03, 43.03, 43.031, 43.04, 43.041, 43.05, 43.25, 43.251, or
2 43.26, Penal Code.

3 SECTION 3.07. Article 56.81(7), Code of Criminal Procedure,
4 is amended to read as follows:

5 (7) "Trafficking of persons" means any conduct that
6 constitutes an offense under Section 20A.02, 20A.03, 43.03, 43.031,
7 43.04, 43.041, 43.05, 43.25, 43.251, or 43.26, Penal Code, and that
8 results in a person:

9 (A) engaging in forced labor or services; or

10 (B) otherwise becoming a victim of the offense.

11 SECTION 3.08. Section 411.042(b), Government Code, is
12 amended to read as follows:

13 (b) The bureau of identification and records shall:

14 (1) procure and file for record photographs, pictures,
15 descriptions, fingerprints, measurements, and other pertinent
16 information of all persons arrested for or charged with a criminal
17 offense or convicted of a criminal offense, regardless of whether
18 the conviction is probated;

19 (2) collect information concerning the number and
20 nature of offenses reported or known to have been committed in the
21 state and the legal steps taken in connection with the offenses, and
22 other information useful in the study of crime and the
23 administration of justice, including information that enables the
24 bureau to create a statistical breakdown of:

25 (A) offenses in which family violence was
26 involved;

27 (B) offenses under Sections 22.011 and 22.021,

1 Penal Code; and

2 (C) offenses under Sections 20A.02, 43.02(a),
3 43.02(b), 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

4 (3) make ballistic tests of bullets and firearms and
5 chemical analyses of bloodstains, cloth, materials, and other
6 substances for law enforcement officers of the state;

7 (4) cooperate with identification and crime records
8 bureaus in other states and the United States Department of
9 Justice;

10 (5) maintain a list of all previous background checks
11 for applicants for any position regulated under Chapter 1702,
12 Occupations Code, who have undergone a criminal history background
13 check under Section 411.119, if the check indicates a Class B
14 misdemeanor or equivalent offense or a greater offense;

15 (6) collect information concerning the number and
16 nature of protective orders and magistrate's orders of emergency
17 protection and all other pertinent information about all persons
18 subject to active orders, including pertinent information about
19 persons subject to conditions of bond imposed for the protection of
20 the victim in any family violence, sexual assault or abuse,
21 stalking, or trafficking case. Information in the law enforcement
22 information system relating to an active order shall include:

23 (A) the name, sex, race, date of birth, personal
24 descriptors, address, and county of residence of the person to whom
25 the order is directed;

26 (B) any known identifying number of the person to
27 whom the order is directed, including the person's social security

1 number or driver's license number;

2 (C) the name and county of residence of the
3 person protected by the order;

4 (D) the residence address and place of employment
5 or business of the person protected by the order, unless that
6 information is excluded from the order under Article 17.292(e),
7 Code of Criminal Procedure;

8 (E) the child-care facility or school where a
9 child protected by the order normally resides or which the child
10 normally attends, unless that information is excluded from the
11 order under Article 17.292(e), Code of Criminal Procedure;

12 (F) the relationship or former relationship
13 between the person who is protected by the order and the person to
14 whom the order is directed;

15 (G) the conditions of bond imposed on the person
16 to whom the order is directed, if any, for the protection of a
17 victim in any family violence, sexual assault or abuse, stalking,
18 or trafficking case;

19 (H) any minimum distance the person subject to
20 the order is required to maintain from the protected places or
21 persons; and

22 (I) the date the order expires;

23 (7) grant access to criminal history record
24 information in the manner authorized under Subchapter F;

25 (8) collect and disseminate information regarding
26 offenders with mental impairments in compliance with Chapter 614,
27 Health and Safety Code; and

(9) record data and maintain a state database for a computerized criminal history record system and computerized juvenile justice information system that serves:

(A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and

(B) as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation.

SECTION 3.09. Section 499.027(b), Government Code, is amended to read as follows:

(b) An inmate is not eligible under this subchapter to be considered for release to intensive supervision parole if:

(1) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure;

(2) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense listed in one of the following sections of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 19.04 (manslaughter);

(D) Section 20.03 (kidnapping);

(E) Section 20.04 (aggravated kidnapping);

(F) Section 21.11 (indecentcy with a child);

- 1 (G) Section 22.011 (sexual assault);
- 2 (H) Section 22.02 (aggravated assault);
- 3 (I) Section 22.021 (aggravated sexual assault);
- 4 (J) Section 22.04 (injury to a child, elderly
- 5 individual, or disabled individual);
- 6 (K) Section 25.02 (prohibited sexual conduct);
- 7 (L) Section 25.08 (sale or purchase of a child);
- 8 (M) Section 28.02 (arson);
- 9 (N) Section 29.02 (robbery);
- 10 (O) Section 29.03 (aggravated robbery);
- 11 (P) Section 30.02 (burglary), if the offense is
- 12 punished as a first-degree felony under that section;
- 13 (Q) Section 43.04 (aggravated promotion of
- 14 prostitution);
- 15 (R) Section 43.05 (compelling prostitution);
- 16 (S) Section 43.24 (sale, distribution, or
- 17 display of harmful material to minor);
- 18 (T) Section 43.25 (sexual performance by a
- 19 child);
- 20 (U) Section 46.10 (deadly weapon in penal
- 21 institution);
- 22 (V) Section 15.01 (criminal attempt), if the
- 23 offense attempted is listed in this subsection;
- 24 (W) Section 15.02 (criminal conspiracy), if the
- 25 offense that is the subject of the conspiracy is listed in this
- 26 subsection;
- 27 (X) Section 15.03 (criminal solicitation), if

1 the offense solicited is listed in this subsection;

2 (Y) Section 21.02 (continuous sexual abuse of
3 young child or children);

4 (Z) Section 20A.02 (trafficking of persons);
5 ~~[or]~~

6 (AA) Section 20A.03 (continuous trafficking of
7 persons); or

8 (BB) Section 43.041 (aggravated online promotion
9 of prostitution); or

10 (3) the inmate is awaiting transfer to the
11 institutional division, or serving a sentence, for an offense under
12 Chapter 481, Health and Safety Code, punishable by a minimum term of
13 imprisonment or a maximum fine that is greater than the minimum term
14 of imprisonment or the maximum fine for a first degree felony.

15 SECTION 3.10. Section 169.002(b), Health and Safety Code,
16 is amended to read as follows:

17 (b) A defendant is eligible to participate in a first
18 offender prostitution prevention program established under this
19 chapter only if:

20 (1) the attorney representing the state consents to
21 the defendant's participation in the program; and

22 (2) the court in which the criminal case is pending
23 finds that the defendant has not been previously convicted of:

24 (A) an offense under Section 20A.02, 43.02,
25 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code;

26 (B) an offense listed in Article 42A.054(a), Code
27 of Criminal Procedure; or

1 (C) an offense punishable as a felony under
2 Chapter 481.

3 SECTION 3.11. Section 20A.02(a), Penal Code, is amended to
4 read as follows:

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

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

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

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

15 (A) Section 43.02 (Prostitution);

16 (B) Section 43.03 (Promotion of Prostitution);

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

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

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

23 (D) Section 43.05 (Compelling Prostitution);

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

1 (5) traffics a child with the intent that the
2 trafficked child engage in forced labor or services;

3 (6) receives a benefit from participating in a venture
4 that involves an activity described by Subdivision (5), including
5 by receiving labor or services the person knows are forced labor or
6 services;

7 (7) traffics a child and by any means causes the
8 trafficked child to engage in, or become the victim of, conduct
9 prohibited by:

10 (A) Section 21.02 (Continuous Sexual Abuse of
11 Young Child or Children);

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

13 (C) Section 22.011 (Sexual Assault);

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

15 (E) Section 43.02 (Prostitution);

16 (F) Section 43.03 (Promotion of Prostitution);

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

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

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

23 (H) Section 43.05 (Compelling Prostitution);

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

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

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

3 (8) receives a benefit from participating in a venture
4 that involves an activity described by Subdivision (7) or engages
5 in sexual conduct with a child trafficked in the manner described in
6 Subdivision (7).

7 ARTICLE 4. ORDERS OF NONDISCLOSURE FOR CERTAIN VICTIMS OF
8 TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION

9 SECTION 4.01. Section 411.0728, Government Code, is amended
10 to read as follows:

11 Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING
12 OF PERSONS OR COMPELLING PROSTITUTION. (a) This section applies
13 only to a person:

14 (1) who is convicted of or placed on deferred
15 adjudication community supervision [~~under Chapter 42A, Code of~~
16 ~~Criminal Procedure, after conviction~~] for an offense under:

17 (A) Section 481.120, Health and Safety Code, if
18 the offense is punishable under Subsection (b)(1);

19 (B) Section 481.121, Health and Safety Code, if
20 the offense is punishable under Subsection (b)(1);

21 (C) Section 31.03, Penal Code, if the offense is
22 punishable under Subsection (e)(1) or (2); or

23 (D) Section 43.02, Penal Code; [~~or~~
24 [~~(E) Section 43.03(a)(2), Penal Code, if the~~
25 ~~offense is punishable as a Class A misdemeanor,~~] and

26 (2) who, if requested by the applicable law
27 enforcement agency or prosecuting attorney to provide assistance in

1 the investigation or prosecution of an offense under Section
2 20A.02, 20A.03, or 43.05, Penal Code, or a federal offense
3 containing elements that are substantially similar to the elements
4 of an offense under any of those sections:

5 (A) provided assistance in the investigation or
6 prosecution of the offense; or

7 (B) did not provide assistance in the
8 investigation or prosecution of the offense due to the person's age
9 or a physical or mental disability resulting from being a victim of
10 an offense described by this subdivision [~~with respect to whom the~~
11 ~~conviction is subsequently set aside by the court under Article~~
12 ~~42A.701, Code of Criminal Procedure~~].

13 (b) Notwithstanding any other provision of this subchapter
14 or Subchapter F, a person described by Subsection (a) who satisfies
15 the requirements of Section 411.074(b) [~~411.074~~] may petition the
16 court that convicted the person or placed the person on deferred
17 adjudication community supervision for an order of nondisclosure of
18 criminal history record information under this section on the
19 grounds that the person committed the offense solely as a victim of
20 an offense under Section 20A.02, 20A.03, or 43.05, Penal Code
21 [~~trafficking of persons~~].

22 (b-1) A petition under Subsection (b) must:

23 (1) be in writing;

24 (2) allege specific facts that, if proved, would
25 establish that the petitioner committed the offense described by
26 Subsection (a)(1) solely as a victim of an offense under Section
27 20A.02, 20A.03, or 43.05, Penal Code; and

1 (3) assert that if the person has previously submitted
2 a petition for [seeking] an order of nondisclosure under this
3 section, the person has not committed an offense described by
4 Subsection (a)(1) on or after the date on which the person's first
5 petition [previously received an order of nondisclosure] under this
6 section was submitted.

7 (b-2) On the filing of the petition under Subsection (b),
8 the clerk of the court shall promptly serve a copy of the petition
9 and any supporting document on the appropriate office of the
10 attorney representing the state. Any response to the petition by
11 the attorney representing the state must be filed not later than the
12 20th business day after the date of service under this subsection.

13 (b-3) A person convicted of or placed on deferred
14 adjudication community supervision for more than one offense
15 described by Subsection (a)(1) that the person committed solely as
16 a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal
17 Code, may file a petition for an order of nondisclosure of criminal
18 history record information under this section with respect to each
19 offense, and may request consolidation of those petitions, in a
20 district court in the county where the person was most recently
21 convicted or placed on deferred adjudication community supervision
22 as described by this subsection. On receipt of a request for
23 consolidation, the court shall consolidate the petitions and
24 exercise jurisdiction over the petitions, regardless of the county
25 in which the offenses described by Subsection (a)(1) occurred. For
26 each offense that is the subject of a consolidated petition and that
27 occurred in a county other than the county in which the court

consolidating the petitions is located, the clerk of the court, in addition to the clerk's duties under Subsection (b-2), shall promptly serve a copy of the consolidated petition and any supporting document related to the applicable offense on the appropriate office of the attorney representing the state on behalf of the other county. Each attorney representing the state who receives a copy of a consolidated petition under this subsection may file a response to the petition in accordance with Subsection (b-2).

(b-4) A district court that consolidates petitions under Subsection (b-3) shall allow an attorney representing the state who receives a petition involving an offense that was committed outside the county in which the court is located to appear at any hearing regarding the consolidated petition by telephone or video conference call.

(c) After notice to the state and~~[an opportunity for a hearing, [a determination by the court that the person has not previously received an order of nondisclosure under this section, and a determination by the court that the person committed the offense solely as a victim of trafficking of persons and that issuance of the order is in the best interest of justice,~~]] the court having jurisdiction over the petition shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense if the court determines that:

(1) the person committed the offense described by Subsection (a)(1) solely as a victim of an offense under Section

1 20A.02, 20A.03, or 43.05, Penal Code;

2 (2) if applicable, the person did not commit another
3 offense described by Subsection (a)(1) on or after the date on which
4 the person's first petition for an order of nondisclosure under
5 this section was submitted; and

6 (3) issuance of the order is in the best interest of
7 justice [~~for which the defendant was placed on community~~
8 ~~supervision as described by Subsection (a)].~~

9 (c-1) In determining whether a person committed an offense
10 described by Subsection (a)(1) solely as a victim of an offense
11 under Section 20A.02, 20A.03, or 43.05, Penal Code, the court may
12 consider any order of nondisclosure previously granted to the
13 person under this section.

14 (d) A person may petition the applicable court [~~that placed~~
15 ~~the person on community supervision~~] for an order of nondisclosure
16 of criminal history record information under this section only on
17 or after the first anniversary of the date the person:

18 (1) completed the sentence, including any term of
19 confinement imposed and payment of all fines, costs, and
20 restitution imposed; or

21 (2) received a dismissal and discharge under Article
22 42A.111, Code of Criminal Procedure, if the person was placed on
23 deferred adjudication community supervision [~~person's conviction~~
24 ~~is set aside as described by Subsection (a)].~~

25 SECTION 4.02. Article 56.021, Code of Criminal Procedure,
26 is amended by adding Subsection (e) to read as follows:

27 (e) A victim of an offense under Section 20A.02, 20A.03, or

43.05, Penal Code, is entitled to be informed that the victim may petition for an order of nondisclosure of criminal history record information under Section 411.0728, Government Code, if the victim:

(1) has been convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1) of that section; and

(2) committed that offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

SECTION 4.03. Section 126.004, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A program established under this chapter shall provide each program participant with information related to the right to petition for an order of nondisclosure of criminal history record information under Section 411.0728.

ARTICLE 5. SEX TRAFFICKING PREVENTION AND VICTIM TREATMENT PROGRAMS

SECTION 5.01. Subtitle B, Title 2, Health and Safety Code, is amended by adding Chapter 50 to read as follows:

CHAPTER 50. SEX TRAFFICKING PREVENTION AND VICTIM TREATMENT PROGRAMS

SUBCHAPTER A. TREATMENT PROGRAM FOR VICTIMS OF CHILD SEX TRAFFICKING

Sec. 50.0001. DEFINITIONS. In this subchapter:

(1) "Child sex trafficking" has the meaning assigned by Section 772.0062, Government Code.

(2) "Program" means the treatment program for victims of child sex trafficking established under this subchapter.

1 Sec. 50.0002. ESTABLISHMENT; PURPOSE. The commission, in
2 collaboration with the institution designated under Section
3 50.0003, shall establish a program to improve the quality and
4 accessibility of care for victims of child sex trafficking in this
5 state.

6 Sec. 50.0003. DESIGNATION OF INSTITUTION; OPERATION OF
7 PROGRAM. (a) The commission shall designate a health-related
8 institution of higher education to operate the program.

9 (b) The designated institution shall improve the quality
10 and accessibility of care for victims of child sex trafficking by:

11 (1) dedicating a unit at the institution to provide or
12 contract for inpatient care for victims of child sex trafficking;

13 (2) dedicating a unit at the institution to provide or
14 contract for outpatient care for victims of child sex trafficking;

15 (3) creating opportunities for research and workforce
16 expansion related to treatment of victims of child sex trafficking;
17 and

18 (4) assisting other health-related institutions of
19 higher education in this state to establish similar programs.

20 (c) The commission shall solicit and review applications
21 from health-related institutions of higher education before
22 designating an institution under this section.

23 Sec. 50.0004. FUNDING. In addition to money appropriated
24 by the legislature, the designated institution may accept gifts,
25 grants, and donations from any public or private person for the
26 purpose of carrying out the program.

27 Sec. 50.0005. RULES. The executive commissioner shall

1 adopt rules necessary to implement this subchapter.

2 SUBCHAPTER B. MATCHING GRANT PROGRAM FOR MUNICIPAL SEX TRAFFICKING
3 PREVENTION PROGRAMS

4 Sec. 50.0051. ESTABLISHMENT OF MATCHING GRANT PROGRAM. (a)

5 The commission shall establish a matching grant program to award to
6 a municipality a grant in an amount equal to the amount committed by
7 the municipality for the development of a sex trafficking
8 prevention needs assessment. A municipality that is awarded a
9 grant must develop the needs assessment in collaboration with a
10 local institution of higher education and on completion submit a
11 copy of the needs assessment to the commission.

12 (b) A sex trafficking prevention needs assessment developed
13 under Subsection (a) must outline:

14 (1) the prevalence of sex trafficking crimes in the
15 municipality;

16 (2) strategies for reducing the number of sex
17 trafficking crimes in the municipality; and

18 (3) the municipality's need for additional funding for
19 sex trafficking prevention programs and initiatives.

20 Sec. 50.0052. APPLICATION. (a) A municipality may apply to
21 the commission in the form and manner prescribed by the commission
22 for a matching grant under this subchapter. To qualify for a grant,
23 an applicant must:

24 (1) develop a media campaign and appoint a municipal
25 employee to oversee the program; and

26 (2) provide proof that the applicant is able to obtain
27 or secure municipal money in an amount at least equal to the amount

1 of the awarded grant.

2 (b) The commission shall review applications for a matching
3 grant submitted under this section and award matching grants to
4 each municipality that demonstrates in the application the most
5 effective strategies for reducing the number of sex trafficking
6 crimes in the municipality and the greatest need for state funding.

7 (c) The commission may provide a grant under Subsection (b)
8 only in accordance with a contract between the commission and the
9 municipality. The contract must include provisions under which the
10 commission is granted sufficient control to ensure the public
11 purpose of sex trafficking prevention is accomplished and the state
12 receives the return benefit.

13 Sec. 50.0053. FUNDING. In addition to money appropriated
14 by the legislature, the commission may solicit and accept gifts,
15 grants, or donations from any source to administer and finance the
16 matching grant program established under this subchapter.

17 SUBCHAPTER C. SEX TRAFFICKING PREVENTION GRANT PROGRAM FOR LOCAL
18 LAW ENFORCEMENT

19 Sec. 50.0101. ESTABLISHMENT OF GRANT PROGRAM. (a) The
20 office of the governor, in collaboration with the Child Sex
21 Trafficking Prevention Unit established under Section 772.0062,
22 Government Code, shall establish and administer a grant program to
23 train local law enforcement officers to recognize signs of sex
24 trafficking.

25 (b) The office of the governor may establish eligibility
26 criteria for a grant applicant.

27 (c) A grant awarded under this section must include

1 provisions under which the office of the governor is provided
2 sufficient control to ensure the public purpose of sex trafficking
3 prevention is accomplished and the state receives the return
4 benefit.

5 Sec. 50.0102. FUNDING. In addition to money appropriated
6 by the legislature, the office of the governor may solicit and
7 accept gifts, grants, or donations from any source to administer
8 and finance the grant program established under this subchapter.

9 SECTION 5.02. As soon as practicable after the effective
10 date of this Act:

11 (1) the executive commissioner of the Health and Human
12 Services Commission shall adopt rules as necessary to implement
13 Subchapters A and B, Chapter 50, Health and Safety Code, as added by
14 this article; and

15 (2) the governor shall adopt rules as necessary to
16 implement Subchapter C, Chapter 50, Health and Safety Code, as
17 added by this article.

18 SECTION 5.03. A state agency is required to implement a
19 provision of this article only if the legislature appropriates
20 money to the agency specifically for the purpose of implementing
21 the applicable provision. If the legislature does not appropriate
22 money specifically for the purpose of implementing the applicable
23 provision, the agency may, but is not required to, implement the
24 provision using other appropriations available for that purpose.

25 ARTICLE 6. PROHIBITION ON CERTAIN BIDS AND CONTRACTS RELATED TO
26 PERSONS INVOLVED IN HUMAN TRAFFICKING

27 SECTION 6.01. Subchapter A, Chapter 2155, Government Code,

1 is amended by adding Section 2155.0061 to read as follows:

2 Sec. 2155.0061. PROHIBITION ON CERTAIN BIDS AND CONTRACTS
3 RELATED TO PERSONS INVOLVED IN HUMAN TRAFFICKING. (a) A state
4 agency may not accept a bid or award a contract, including a
5 contract for which purchasing authority is delegated to a state
6 agency, that includes proposed financial participation by a person
7 who, during the five-year period preceding the date of the bid or
8 award, has been convicted of any offense related to the direct
9 support or promotion of human trafficking.

10 (b) A bid or award subject to the requirements of this
11 section must include the following statement:

12 "Under Section 2155.0061, Government Code, the vendor
13 certifies that the individual or business entity named in this bid
14 or contract is not ineligible to receive the specified contract and
15 acknowledges that this contract may be terminated and payment
16 withheld if this certification is inaccurate."

17 (c) If a state agency determines that an individual or
18 business entity holding a state contract was ineligible to have the
19 bid accepted or contract awarded under this section, the state
20 agency may immediately terminate the contract without further
21 obligation to the vendor.

22 (d) This section does not create a cause of action to
23 contest a bid or award of a state contract.

24 SECTION 6.02. Section 2155.077(a-1), Government Code, is
25 amended to read as follows:

26 (a-1) The commission shall bar a vendor from participating
27 in state contracts that are subject to this subtitle, including

1 contracts for which purchasing authority is delegated to a state
2 agency, if the vendor has been:

3 (1) convicted of violating a federal law in connection
4 with a contract awarded by the federal government for relief,
5 recovery, or reconstruction efforts as a result of Hurricane Rita,
6 as defined by Section 39.459, Utilities Code, Hurricane Katrina, or
7 any other disaster occurring after September 24, 2005; ~~[or]~~

8 (2) assessed a penalty in a federal civil or
9 administrative enforcement action in connection with a contract
10 awarded by the federal government for relief, recovery, or
11 reconstruction efforts as a result of Hurricane Rita, as defined by
12 Section 39.459, Utilities Code, Hurricane Katrina, or any other
13 disaster occurring after September 24, 2005; or

14 (3) convicted of any offense related to the direct
15 support or promotion of human trafficking.

16 SECTION 6.03. Section 2155.0061, Government Code, as added
17 by this article, applies only in relation to a state contract for
18 which the request for bids or proposals or other applicable
19 expressions of interest are made public on or after the effective
20 date of this Act.

21 SECTION 6.04. Section 2155.077, Government Code, as amended
22 by this article, applies only to a contract entered into on or after
23 the effective date of this Act.

24 ARTICLE 7. EFFECTIVE DATE

25 SECTION 7.01. This Act takes effect September 1, 2019.

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SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
ARTICLE 1. TRAFFICKING OF PERSONS AND CONTINUOUS TRAFFICKING OF PERSONS	ARTICLE __. Same as Senate version. [Deleted by FA2,3rd(1) and added by FA2,3rd(2)]	ARTICLE 1. Same as Senate version.
<p>SECTION 1.01. Section 20A.01, Penal Code, is amended by adding Subdivision (1-a) to read as follows:</p> <p><u>(1-a) "Coercion" as defined by Section 1.07 includes destroying, concealing, confiscating, or withholding from a person, or threatening to destroy, conceal, confiscate, or withhold from a person, the person's actual or purported:</u></p> <p><u>(A) government records; or</u></p> <p><u>(B) identifying information or documents.</u></p>	<p><i>No equivalent provision.</i> SECTION 1.01. [Deleted by FA2(1) and by FA2,3rd(1)]</p>	<p>Same as House version.</p>
<p>SECTION 1.02. Section 3.03(b), Penal Code, is amended to read as follows:</p> <p>(b) If the accused is found guilty of more than one offense arising out of the same criminal episode, the sentences may run concurrently or consecutively if each sentence is for a conviction of:</p> <p>(1) an offense:</p> <p>(A) under Section 49.07 or 49.08, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or</p> <p>(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections;</p> <p>(2) an offense:</p> <p>(A) under Section 33.021 or an offense under Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed against a</p>	<p>SECTION __.__. Same as Senate version. [FA2,3rd(2)]</p>	<p>SECTION 1.01. Same as Senate version.</p>

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victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section;

(3) an offense:

(A) under Section 21.15 or 43.26, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections;

(4) an offense for which the judgment in the case contains an affirmative finding under Article 42.0197, Code of Criminal Procedure;

(5) an offense:

(A) under Section 20A.02, 20A.03, or 43.05, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section [~~both sections~~]; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or

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is charged with violations of more than one section [~~both sections~~]; or

(6) an offense:

(A) under Section 22.04(a)(1) or (2) or Section 22.04(a-1)(1) or (2) that is punishable as a felony of the first degree, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) and punishable as described by that paragraph, regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section.

SECTION 1.03. The following provisions are repealed:

- (1) Section 402.035(h), Government Code, as amended by Chapter 762 (S.B. 2039), Acts of the 85th Legislature, Regular Session, 2017, and repealed by Chapter 685 (H.B. 29), Acts of the 85th Legislature, Regular Session, 2017; and
- (2) *Section 20A.02(a-1), Penal Code.*

SECTION _____. Section 402.035(h), Government Code, as amended by Chapter 762 (S.B. 2039), Acts of the 85th Legislature, Regular Session, 2017, and repealed by Chapter 685 (H.B. 29), Acts of the 85th Legislature, Regular Session, 2017, is repealed. [FA2(2); FA2,3rd(2)]

SECTION 1.02. Same as House version.

ARTICLE 2. *PENALTIES FOR PROSTITUTION*

ARTICLE 2. *COMMUNITY SUPERVISION FOR CERTAIN PROSTITUTION OFFENSES*

ARTICLE 2. Same as Senate version.

SECTION 2.01. Subchapter K, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.515 to read as follows:

Art. 42A.515. COMMUNITY SUPERVISION FOR

SECTION 2.01. Subchapter K, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.515 to read as follows:

Art. 42A.515. COMMUNITY SUPERVISION FOR

SECTION 2.01. Same as Senate version.

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CERTAIN PROSTITUTION OFFENSES. (a) Except as provided by Subsection (e), on a defendant's conviction of a Class B misdemeanor under Section 43.02(a), Penal Code, the judge shall suspend imposition of the sentence and place the defendant on community supervision.

(b) Except as provided by Subsection (e), on a defendant's conviction of a *state jail felony under Section 43.02(c)(2), Penal Code, that is punished under Section 12.35(a), Penal Code*, the judge shall suspend the imposition of the sentence and place the defendant on community supervision. This subsection does not apply to a defendant who has previously been convicted of any other *state jail felony under Section 43.02(c)(2), Penal Code, that is punished under Section 12.35, Penal Code*.

(c) A judge who places a defendant on community supervision under Subsection (a) or (b) shall require as a condition of community supervision that the defendant participate in a commercially sexually exploited persons court program established under Chapter 126, Government Code, if a program has been established for the county or municipality where the defendant resides. Sections 126.002(b) and (c), Government Code, do not apply with respect to a defendant required to participate in the court program under this subsection.

(d) A judge who requires a defendant to participate in a commercially sexually exploited persons court program under Subsection (c) may suspend in whole or in part the imposition of the program fee described by Section 126.006, Government Code.

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CERTAIN PROSTITUTION OFFENSES. (a) Except as provided by Subsection (e), on a defendant's conviction of a Class B misdemeanor under Section 43.02(c), Penal Code, the judge shall suspend imposition of the sentence and place the defendant on community supervision. *This subsection does not apply to a defendant who has previously been convicted of any other Class B misdemeanor under Section 43.02(c), Penal Code.* [FA3(1); FA1,3rd(1)]

(b) Except as provided by Subsection (e), on a defendant's conviction of a *Class A misdemeanor under Section 43.02(c), Penal Code*, the judge shall suspend the imposition of the sentence and place the defendant on community supervision. This subsection does not apply to a defendant who has previously been convicted of any *other Class A misdemeanor under Section 43.02(c), Penal Code.* [FA3(2)-(3); FA1,3rd(1)]

(c) A judge who places a defendant on community supervision under Subsection (a) or (b) shall require as a condition of community supervision that the defendant participate in a commercially sexually exploited persons court program established under Chapter 126, Government Code, if a program has been established for the county or municipality where the defendant resides. Sections 126.002(b) and (c), Government Code, do not apply with respect to a defendant required to participate in the court program under this subsection. [FA1,3rd(1)]

(d) A judge who requires a defendant to participate in a commercially sexually exploited persons court program under Subsection (c) may suspend in whole or in part the imposition of the program fee described by Section 126.006, Government Code.

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(e) In any case in which the jury assesses punishment, the judge must follow the recommendations of the jury in suspending the imposition of a sentence or ordering a sentence to be executed. If a jury assessing punishment does not recommend community supervision, the judge must order the sentence to be executed in whole.

(f) The judge may suspend in whole or in part the imposition of any fine imposed on conviction.

SECTION 2.02. Article 42A.551(d), Code of Criminal Procedure, is amended.

SECTION 2.03. Article 62.001(5), Code of Criminal Procedure, is amended to read as follows:

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

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or children), 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

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

(B-1) a violation of Section 43.02 (Prostitution), Penal Code, if the offense is punishable under Subsection (c-1)(2) [~~(e-1)(3)~~] of that section;

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(e) In any case in which the jury assesses punishment, the judge must follow the recommendations of the jury in suspending the imposition of a sentence or ordering a sentence to be executed. If a jury assessing punishment does not recommend community supervision, the judge must order the sentence to be executed in whole.

(f) The judge may suspend in whole or in part the imposition of any fine imposed on conviction.

SECTION 2.02. Same as Senate version.

No equivalent provision.

CONFERENCE

SECTION 2.02. Same as Senate version.

SECTION 2.03. Same as Senate version.

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

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

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

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

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

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

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

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

(I) the second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of

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Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication;

(J) a violation of Section 33.021 (Online solicitation of a minor), Penal Code;

(K) a violation of Section 20A.02(a)(3), (4), (7), or (8) (Trafficking of persons), Penal Code; or

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

SECTION 2.04. Section 402.035(d), Government Code, is amended to read as follows:

(d) The task force shall:

(1) collaborate, as needed to fulfill the duties of the task force, with:

(A) United States attorneys' offices for all of the federal districts of Texas; and

(B) special agents or customs and border protection officers and border patrol agents of:

(i) the Federal Bureau of Investigation;

(ii) the United States Drug Enforcement Administration;

(iii) the Bureau of Alcohol, Tobacco, Firearms and Explosives;

(iv) United States Immigration and Customs Enforcement; or

(v) the United States Department of Homeland Security;

(2) collect, organize, and periodically publish statistical data

HOUSE VERSION (IE)

No equivalent provision.

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SECTION 2.04. Section 402.035(d), Government Code, is amended by amending Subsection (d) ***and adding Subsection (f-3) to read as follows:***

(d) The task force shall:

(1) collaborate, as needed to fulfill the duties of the task force, with:

(A) United States attorneys' offices for all of the federal districts of Texas; and

(B) special agents or customs and border protection officers and border patrol agents of:

(i) the Federal Bureau of Investigation;

(ii) the United States Drug Enforcement Administration;

(iii) the Bureau of Alcohol, Tobacco, Firearms and Explosives;

(iv) United States Immigration and Customs Enforcement; or

(v) the United States Department of Homeland Security;

(2) collect, organize, and periodically publish statistical data

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on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);

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

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

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

(i) the offense of trafficking of persons;

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

(iii) an offense punishable under Section 43.02(c-1)(2) [~~43.02(e-1)(3)~~], Penal Code, regardless of whether the offense was committed as part of a criminal episode involving the trafficking of persons;

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

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

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on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);

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

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

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

(i) the offense of trafficking of persons;

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

(iii) an offense punishable under Section 43.02(c-1)(2) [~~43.02(e-1)(3)~~], Penal Code, regardless of whether the offense was committed as part of a criminal episode involving the trafficking of persons;

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

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

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- (D) means of transportation and methods used by persons who engage in trafficking to transport their victims; and
- (E) social and economic factors that create a demand for the labor or services that victims of human trafficking are forced to provide;
- (5) work with the Texas Commission on Law Enforcement to develop and conduct training for law enforcement personnel, victim service providers, and medical service providers to identify victims of human trafficking;
- (6) work with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to:
- (A) develop a list of key indicators that a person is a victim of human trafficking;
- (B) develop a standardized curriculum for training doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;
- (C) train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;
- (D) develop and conduct training for personnel from the Department of Family and Protective Services and the Health and Human Services Commission on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking; and
- (E) develop a process for referring identified human trafficking victims and individuals at risk of becoming victims

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- (D) means of transportation and methods used by persons who engage in trafficking to transport their victims; and
- (E) social and economic factors that create a demand for the labor or services that victims of human trafficking are forced to provide;
- (5) work with the Texas Commission on Law Enforcement to develop and conduct training for law enforcement personnel, victim service providers, and medical service providers to identify victims of human trafficking;
- (6) work with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to:
- (A) develop a list of key indicators that a person is a victim of human trafficking;
- (B) develop a standardized curriculum for training doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;
- (C) train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;
- (D) develop and conduct training for personnel from the Department of Family and Protective Services and the Health and Human Services Commission on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking; and
- (E) develop a process for referring identified human trafficking victims and individuals at risk of becoming victims

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to appropriate entities for services;

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

(8) examine training protocols related to human trafficking issues, as developed and implemented by federal, state, and local law enforcement agencies;

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

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

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

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

(13) identify and report to the governor and legislature on laws, licensure requirements, or other regulations that can be passed at the state and local level to curb trafficking using the

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to appropriate entities for services;

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

(8) examine training protocols related to human trafficking issues, as developed and implemented by federal, state, and local law enforcement agencies;

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

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

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

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

(13) identify and report to the governor and legislature on laws, licensure requirements, or other regulations that can be passed at the state and local level to curb trafficking using the

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Internet and in sexually oriented businesses.

No equivalent provision.

SECTION 2.05. Section 43.02(c-1), Penal Code, is amended to read as follows:

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

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

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

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

(A) younger than 18 years of age, regardless of whether the actor knows the age of the person at the time of the offense;

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

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

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SECTION 2.03. Section 402.035, Government Code, is amended by adding Subsection (f-3) to read as follows:

(f-3) The attorney general may enter into a contract with an institution of higher education or private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code, for the institution's assistance in the collection and analysis of information received under this section. The attorney general may adopt rules to administer the submission and collection of information under this section.

No equivalent provision. But see SECTION 2.05, below, and FA3(4); FA1,3rd(3)

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Internet and in sexually oriented businesses.

(f-3) The attorney general may enter into a contract with an institution of higher education or private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code, for the institution's assistance in the collection and analysis of information received under this section. The attorney general may adopt rules to administer the submission and collection of information under this section.

SECTION 2.05. Same as Senate version.

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No equivalent provision. But see SECTION 2.05 above.

SECTION 2.05. Section 43.02, Penal Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) A person may not be prosecuted for an offense under Subsection (a) that the person committed when younger than 18 years of age.

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

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

[(2)] a Class A misdemeanor [state jail felony] if the actor has previously been convicted three or more times of an offense under Subsection (a). [FA3(4); FA1,3rd(3)]

Same as Senate version.

SECTION 2.06. The change in law made by this article applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 2.04. Same as Senate version.

SECTION 2.06. *(a) Except as provided by Subsection (b) of this section,* the change in law made by this article applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) Subsection (a) of this section does not apply to Section 402.035(f-3), Government Code, as added by this article.

ARTICLE 3. ONLINE PROMOTION OF PROSTITUTION

Same as Senate version.

ARTICLE 3. Same as Senate version.

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SECTION 3.01. Section 43.01, Penal Code, is amended by adding Subdivisions (1-b) and (1-c) to read as follows:

(1-b) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access to a computer server by multiple users, including a service or system that provides access to the Internet or a system operated or service offered by a library or educational institution.
(1-c) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks.

SECTION 3.02. Subchapter A, Chapter 43, Penal Code, is amended by adding Sections 43.031 and 43.041 to read as

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SECTION 3.01. Section 43.01, Penal Code, is amended by amending Subdivisions (1) and (1-a) and adding Subdivisions (1-b), (1-c), (1-d), and (1-e) to read as follows:

(1) "Access software provider" means a provider of software, including client or server software, or enabling tools that perform one or more of the following functions:

(A) filter, screen, allow, or disallow content;

(B) select, analyze, or digest content; or

(C) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.

(1-a) ~~(1)~~ "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person.

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

(1-c) "Information content provider" means any person or entity that is wholly or partly responsible for the creation or development of information provided through the Internet or any other interactive computer service.

(1-d) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access to a computer server by multiple users, including a service or system that provides access to the Internet or a system operated or service offered by a library or educational institution.

(1-e) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks.

SECTION 3.02. Subchapter A, Chapter 43, Penal Code, is amended by adding Sections 43.031 and 43.041 to read as

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SECTION 3.01. Same as Senate version.

SECTION 3.02. Same as Senate version.

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follows:

Sec. 43.031. ONLINE PROMOTION OF PROSTITUTION.

(a) A person commits an offense if the person owns, manages, or operates an interactive computer service with the intent to promote the prostitution of another person or facilitate another person to engage in prostitution.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor:

(1) has been previously convicted of an offense under this section or Section 43.041; or

(2) engages in conduct described by Subsection (a) involving a person younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the person at the time of the offense.

Sec. 43.041. AGGRAVATED ONLINE PROMOTION OF PROSTITUTION. (a) A person commits an offense if the person owns, manages, or operates an interactive computer service with the intent to promote the prostitution of five or more persons or facilitate five or more persons to engage in prostitution.

(b) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the actor:

(1) has been previously convicted of an offense under this section; or

(2) engages in conduct described by Subsection (a) involving two or more persons younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of

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follows:

Sec. 43.031. ONLINE PROMOTION OF PROSTITUTION.

(a) A person commits an offense if the person owns, manages, or operates an interactive computer service *or information content provider, or operates as an information content provider*, with the intent to promote the prostitution of another person or facilitate another person to engage in prostitution.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor:

(1) has been previously convicted of an offense under this section or Section 43.041; or

(2) engages in conduct described by Subsection (a) involving a person younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the person at the time of the offense.

Sec. 43.041. AGGRAVATED ONLINE PROMOTION OF PROSTITUTION. (a) A person commits an offense if the person owns, manages, or operates an interactive computer service *or information content provider, or operates as an information content provider*, with the intent to promote the prostitution of five or more persons or facilitate five or more persons to engage in prostitution.

(b) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the actor:

(1) has been previously convicted of an offense under this section; or

(2) engages in conduct described by Subsection (a) involving two or more persons younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of

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<u>the persons at the time of the offense.</u>	<u>the persons at the time of the offense.</u>	
SECTION 3.03. Section 98A.001, Civil Practice and Remedies Code, is amended.	SECTION 3.03. Same as Senate version.	SECTION 3.03. Same as Senate version.
SECTION 3.04. Section 98A.002(a), Civil Practice and Remedies Code, is amended.	SECTION 3.04. Same as Senate version.	SECTION 3.04. Same as Senate version.
SECTION 3.05. Article 18A.101, Code of Criminal Procedure, is amended.	SECTION 3.05. Same as Senate version.	SECTION 3.05. Same as Senate version.
SECTION 3.06. Article 56.32(a)(14), Code of Criminal Procedure, is amended.	SECTION 3.06. Same as Senate version.	SECTION 3.06. Same as Senate version.
SECTION 3.07. Article 56.81(7), Code of Criminal Procedure, is amended.	SECTION 3.07. Same as Senate version.	SECTION 3.07. Same as Senate version.
SECTION 3.08. Section 411.042(b), Government Code, is amended to read as follows: (b) The bureau of identification and records shall: (1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;	SECTION 3.08. Same as Senate version. [FA1,3rd(2)]	SECTION 3.08. Same as Senate version.

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(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of:

(A) offenses in which family violence was involved;

(B) offenses under Sections 22.011 and 22.021, Penal Code; and

(C) offenses under Sections 20A.02, 43.02(a), 43.02(b), 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(6) collect information concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, stalking, or trafficking case. Information in the law enforcement information system relating to an active order shall include:

(A) the name, sex, race, date of birth, personal descriptors,

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address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under Article 17.292(e), Code of Criminal Procedure;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Article 17.292(e), Code of Criminal Procedure;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed;

(G) the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse, stalking, or trafficking case;

(H) any minimum distance the person subject to the order is required to maintain from the protected places or persons; and

(I) the date the order expires;

(7) grant access to criminal history record information in the manner authorized under Subchapter F;

(8) collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code; and

(9) record data and maintain a state database for a computerized criminal history record system and

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computerized juvenile justice information system that serves: (A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and (B) as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation.		
SECTION 3.09. Section 499.027(b), Government Code, is amended.	SECTION 3.09. Same as Senate version.	SECTION 3.09. Same as Senate version.
SECTION 3.10. Section 169.002(b), Health and Safety Code, is amended.	SECTION 3.10. Same as Senate version.	SECTION 3.10. Same as Senate version.
SECTION 3.11. Section 20A.02(a), Penal Code, is amended.	SECTION 3.11. Same as Senate version.	SECTION 3.11. Same as Senate version.
ARTICLE 4. ADMISSIBILITY OF EVIDENCE	<i>No equivalent provision.</i>	Same as House version.
SECTION 4.01. Section 1, Article 38.37, Code of Criminal Procedure, is amended to read as follows: Sec. 1. (a) Subsection (b) applies to a proceeding in the prosecution of a defendant for an offense, or an attempt or conspiracy to commit an offense, under the following provisions of the Penal Code:	<i>No equivalent provision.</i>	Same as House version.

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- (1) Chapter 20A (Trafficking of Persons);
- (2) ~~[if committed against a child under 17 years of age;~~
- ~~[(A)]~~ Chapter 21 (Sexual Offenses);
- (3) Section 22.01 (Assault), if committed against a person younger than 18 years of age;
- (4) Section 22.011 (Sexual Assault);
- (5) Section 22.02 (Aggravated Assault), if committed against a person younger than 18 years of age;
- (6) Section 22.021 (Aggravated Sexual Assault);
- (7) Section 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual), if committed against a person younger than 18 years of age;
- (8) Section 22.041 (Abandoning or Endangering a Child);
- (9) Section 22.05 (Deadly Conduct), if committed against a person younger than 18 years of age;
- (10) Section 22.07 (Terroristic Threat), if committed under Subsection (a)(2) of that section against a person younger than 18 years of age;
- (11) ~~[(B) Chapter 22 (Assaultive Offenses); or~~
- ~~[(C)]~~ Section 25.02 (Prohibited Sexual Conduct); [or]
- (12) ~~[(2) if committed against a person younger than 18 years of age;~~
- ~~[(A) Section 43.25 (Sexual Performance by a Child);~~
- ~~[(B) Section 20A.02(a)(7) or (8); or~~
- ~~[(C)]~~ Section 43.05(a)(2) (Compelling Prostitution); or
- (13) Section 43.25 (Sexual Performance by a Child).
- (b) Notwithstanding Rules 404 and 405, Texas Rules of Evidence, evidence of other crimes, wrongs, or acts committed by the defendant against the ~~[child who is the]~~ victim of the alleged offense shall be admitted for its bearing on relevant matters, including:
 - (1) the state of mind of the defendant and the victim ~~[child]~~;

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and
(2) the previous and subsequent relationship between the defendant and the victim [~~child~~].

SECTION 4.02. Section 2(a), Article 38.37, Code of Criminal Procedure, is amended to read as follows:
(a) Subsection (b) applies only to the trial of a defendant for:
(1) an offense under any of the following provisions of the Penal Code:
(A) Section 20A.02, if punishable as a felony of the first degree under Section 20A.02(b)(1) (Sex or Labor Trafficking of a Child);
(B) Section 20A.03, if based partly or wholly on conduct that constitutes an offense under Article 20A.02(a)(5), (6), (7), or (8) (Continuous Trafficking of Persons);
(C) Section 21.02 (Continuous Sexual Abuse of Young Child or Children);
(D) [~~(C)~~] Section 21.11 (Indecency With a Child);
(E) [~~(D)~~] Section 22.011(a)(2) (Sexual Assault of a Child);
(F) [~~(E)~~] Sections 22.021(a)(1)(B) and (2) (Aggravated Sexual Assault of a Child);
(G) [~~(F)~~] Section 33.021 (Online Solicitation of a Minor);
(H) [~~(G)~~] Section 43.25 (Sexual Performance by a Child); or
(I) [~~(H)~~] Section 43.26 (Possession or Promotion of Child Pornography), Penal Code; or
(2) an attempt or conspiracy to commit an offense described by Subdivision (1).

No equivalent provision.

Same as House version.

SECTION 4.03. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.51 to read as follows:

No equivalent provision.

Same as House version.

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Art. 38.51. EVIDENCE OF VICTIM'S PAST SEXUAL BEHAVIOR. (a) This article applies to the prosecution of an offense, or an attempt to commit an offense, under the following provisions of the Penal Code:

(1) Section 20A.02(a)(3), (4), (7), or (8) (Sex Trafficking of Persons);

(2) Section 20A.03 (Continuous Trafficking of Persons), if based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8);

(3) Chapter 21 (Sexual Offenses);

(4) Section 22.011 (Sexual Assault);

(5) Section 22.021 (Aggravated Sexual Assault);

(6) Section 25.02 (Prohibited Sexual Conduct);

(7) Section 43.05 (Compelling Prostitution);

(8) Section 43.24 (Sale, Distribution, or Display of Harmful Material to Minor);

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

(10) Section 43.251 (Employment Harmful to Children);

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

(12) Section 43.262 (Possession or Promotion of Lewd Visual Material Depicting Child).

(b) Except as provided by Subsection (c), in the prosecution of an offense described by Subsection (a), reputation or opinion evidence of a victim's past sexual behavior or evidence regarding specific instances of a victim's past sexual behavior is not admissible.

(c) Evidence of a specific instance of a victim's past sexual behavior is admissible if:

(1) the evidence:

(A) is necessary to rebut or explain scientific or medical evidence offered by the attorney representing the state;

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(B) concerns past sexual behavior with the defendant and is offered by the defendant to prove consent;
(C) relates to the victim's motive or bias;
(D) is admissible under Rule 609, Texas Rules of Evidence;
or
(E) is constitutionally required to be admitted; and
(2) the probative value of the evidence outweighs the danger of unfair prejudice.
(d) Before evidence described by Subsection (c) may be introduced, the defendant must notify the court outside of the jury's presence. The court shall conduct an in camera hearing to determine whether the evidence is admissible. The court reporter shall record the hearing, and the court shall preserve that record under seal as part of the record in the case.
(e) Before referring to evidence that the court has determined to be inadmissible, the defendant must, outside of the jury's presence, request and obtain the court's permission.

SECTION 4.04. Under the terms of Section 22.109(b), Government Code, Rule 412, Texas Rules of Evidence, is disapproved.

No equivalent provision.

Same as House version.

SECTION 4.05. The changes in law and rules made by this article apply to the admissibility of evidence in a criminal proceeding that commences on or after the effective date of this Act. The admissibility of evidence in a criminal proceeding that commences before the effective date of this Act is governed by the law and rules in effect on the date the proceeding commenced, and the former law and rules are continued in effect for that purpose.

No equivalent provision.

Same as House version.

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ARTICLE 5. ORDERS OF NONDISCLOSURE FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION

SECTION 5.01. Section 411.0728, Government Code, is amended to read as follows:

Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION. (a) This section applies only to a person:

(1) who is convicted of or placed on deferred adjudication community supervision [~~under Chapter 42A, Code of Criminal Procedure, after conviction~~] for an offense under:

(A) Section 481.120, Health and Safety Code, if the offense is punishable under Subsection (b)(1);

(B) Section 481.121, Health and Safety Code, if the offense is punishable under Subsection (b)(1);

(C) Section 31.03, Penal Code, if the offense is punishable under Subsection (e)(1) or (2); or

(D) Section 43.02, Penal Code; ~~or~~

~~[(E) Section 43.03(a)(2), Penal Code, if the offense is punishable as a Class A misdemeanor;] and~~

(2) who, if requested by the applicable law enforcement agency or prosecuting attorney to provide assistance in the investigation or prosecution of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, or a federal offense containing elements that are substantially similar to the elements of an offense under any of those sections:

(A) provided assistance in the investigation or prosecution of the offense; or

ARTICLE 4. Same as Senate version.

ARTICLE 4. Same as Senate version.

SECTION 4.01. Section 411.0728, Government Code, is amended to read as follows:

Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION. (a) This section applies only to a person[~~:~~

~~[(1)]~~ who is convicted of or placed on deferred adjudication community supervision [~~under Chapter 42A, Code of Criminal Procedure, after conviction~~] for an offense under:

(1) ~~[(A)]~~ Section 481.120, Health and Safety Code, if the offense is punishable under Subsection (b)(1) of that code;

(2) ~~[(B)]~~ Section 481.121, Health and Safety Code, if the offense is punishable under Subsection (b)(1) of that code;

(3) ~~[(C)]~~ Section 31.03, Penal Code, if the offense is punishable under Subsection (e)(1) or (2) of that code; or

(4) ~~[(D)]~~ Section 43.02, Penal Code~~;~~ or

~~[(E) Section 43.03(a)(2), Penal Code, if the offense is punishable as a Class A misdemeanor; and~~

SECTION 4.01. Same as Senate version.

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(B) did not provide assistance in the investigation or prosecution of the offense due to the person's age or a physical or mental disability resulting from being a victim of an offense described by this subdivision

~~[with respect to whom the conviction is subsequently set aside by the court under Article 42A.701, Code of Criminal Procedure].~~

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who satisfies the requirements of Section 411.074(b) [411.074] may petition the court that convicted the person or placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section on the grounds that the person committed the offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code ~~[trafficking of persons]~~.

(b-1) A petition under Subsection (b) must:

(1) be in writing;

(2) allege specific facts that, if proved, would establish that the petitioner committed the offense described by Subsection (a)(1) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code; and

(3) assert that if the person has previously submitted a petition for [seeking] an order of nondisclosure under this section, the person has not committed an offense described by Subsection (a)(1) on or after the date on which the person's first petition [previously received an order of nondisclosure] under this section was submitted.

(b-2) On the filing of the petition under Subsection (b), the clerk of the court shall promptly serve a copy of the petition and any supporting document on the appropriate office of the

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~~[(2) with respect to whom the conviction is subsequently set aside by the court under Article 42A.701, Code of Criminal Procedure].~~

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who satisfies the requirements of Section 411.074(b) [411.074] may petition the court that convicted the person or placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section on the grounds that the person committed the offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code ~~[trafficking of persons]~~.

(b-1) A petition under Subsection (b) must:

(1) be in writing;

(2) allege specific facts that, if proved, would establish that the petitioner committed the offense described by Subsection (a) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code; and

(3) assert that if the person has previously submitted a petition for [seeking] an order of nondisclosure under this section, the person has not committed an offense described by Subsection (a) on or after the date on which the person's first petition [previously received an order of nondisclosure] under this section was submitted.

(b-2) On the filing of the petition under Subsection (b), the clerk of the court shall promptly serve a copy of the petition and any supporting document on the appropriate office of the

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attorney representing the state. Any response to the petition by the attorney representing the state must be filed not later than the 20th business day after the date of service under this subsection.

(b-3) A person convicted of or placed on deferred adjudication community supervision for more than one offense described by Subsection (a)(1) that the person committed solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, may file a petition for an order of nondisclosure of criminal history record information under this section with respect to each offense, and may request consolidation of those petitions, in a district court in the county where the person was most recently convicted or placed on deferred adjudication community supervision as described by this subsection. On receipt of a request for consolidation, the court shall consolidate the petitions and exercise jurisdiction over the petitions, regardless of the county in which the offenses described by Subsection (a)(1) occurred. For each offense that is the subject of a consolidated petition and that occurred in a county other than the county in which the court consolidating the petitions is located, the clerk of the court, in addition to the clerk's duties under Subsection (b-2), shall promptly serve a copy of the consolidated petition and any supporting document related to the applicable offense on the appropriate office of the attorney representing the state on behalf of the other county. Each attorney representing the state who receives a copy of a consolidated petition under this subsection may file a response to the petition in accordance with Subsection (b-2).

(b-4) A district court that consolidates petitions under Subsection (b-3) shall allow an attorney representing the state

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attorney representing the state. Any response to the petition by the attorney representing the state must be filed not later than the 20th business day after the date of service under this subsection.

(b-3) A person convicted of or placed on deferred adjudication community supervision for more than one offense described by Subsection (a) that the person committed solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, may file a petition for an order of nondisclosure of criminal history record information under this section with respect to each offense, and may request consolidation of those petitions, in a district court in the county where the person was most recently convicted or placed on deferred adjudication community supervision as described by this subsection. On receipt of a request for consolidation, the court shall consolidate the petitions and exercise jurisdiction over the petitions, regardless of the county in which the offenses described by Subsection (a) occurred. For each offense that is the subject of a consolidated petition and that occurred in a county other than the county in which the court consolidating the petitions is located, the clerk of the court, in addition to the clerk's duties under Subsection (b-2), shall promptly serve a copy of the consolidated petition and any supporting document related to the applicable offense on the appropriate office of the attorney representing the state on behalf of the other county. Each attorney representing the state who receives a copy of a consolidated petition under this subsection may file a response to the petition in accordance with Subsection (b-2).

(b-4) A district court that consolidates petitions under Subsection (b-3) shall allow an attorney representing the state

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who receives a petition involving an offense that was committed outside the county in which the court is located to appear at any hearing regarding the consolidated petition by telephone or video conference call.

(c) After notice to the state and[;] an opportunity for a hearing, ~~[a determination by the court that the person has not previously received an order of nondisclosure under this section, and a determination by the court that the person committed the offense solely as a victim of trafficking of persons and that issuance of the order is in the best interest of justice,]~~ the court having jurisdiction over the petition shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense if the court determines that:

(1) the person committed the offense described by Subsection (a)(1) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code;

(2) if applicable, the person did not commit another offense described by Subsection (a)(1) on or after the date on which the person's first petition for an order of nondisclosure under this section was submitted; and

(3) issuance of the order is in the best interest of justice [for which the defendant was placed on community supervision as described by Subsection (a)].

(c-1) In determining whether a person committed an offense described by Subsection (a)(1) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, the court may consider any order of nondisclosure previously granted to the person under this section.

(d) A person may petition the applicable court ~~[that placed the person on community supervision]~~ for an order of nondisclosure of criminal history record information under

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who receives a petition involving an offense that was committed outside the county in which the court is located to appear at any hearing regarding the consolidated petition by telephone or video conference call.

(c) After notice to the state and[;] an opportunity for a hearing, ~~[a determination by the court that the person has not previously received an order of nondisclosure under this section, and a determination by the court that the person committed the offense solely as a victim of trafficking of persons and that issuance of the order is in the best interest of justice,]~~ the court having jurisdiction over the petition shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense if the court determines that:

(1) the person committed the offense described by Subsection (a) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code;

(2) if applicable, the person did not commit another offense described by Subsection (a) on or after the date on which the person's first petition for an order of nondisclosure under this section was submitted; and

(3) issuance of the order is in the best interest of justice [for which the defendant was placed on community supervision as described by Subsection (a)].

(c-1) In determining whether a person committed an offense described by Subsection (a) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, the court may consider any order of nondisclosure previously granted to the person under this section.

(d) A person may petition the applicable court ~~[that placed the person on community supervision]~~ for an order of nondisclosure of criminal history record information under

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this section only on or after the first anniversary of the date the person:

- (1) completed the sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed; or
(2) received a dismissal and discharge under Article 42A.111, Code of Criminal Procedure, if the person was placed on deferred adjudication community supervision [person's conviction is set aside as described by Subsection (a)].

SECTION 5.02. Article 56.021, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) A victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, is entitled to be informed that the victim may petition for an order of nondisclosure of criminal history record information under Section 411.0728, Government Code, if the victim:

- (1) has been convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1) of that section; and
(2) committed that offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

SECTION 5.03. Section 126.004, Government Code, is amended.

ARTICLE 6. REGULATION OF MESSAGE ESTABLISHMENTS, MESSAGE SCHOOLS, AND MESSAGE THERAPISTS

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this section only on or after the first anniversary of the date the person:

- (1) completed the sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed; or
(2) received a dismissal and discharge under Article 42A.111, Code of Criminal Procedure, if the person was placed on deferred adjudication community supervision [person's conviction is set aside as described by Subsection (a)].

SECTION 4.02. Article 56.021, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) A victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, is entitled to be informed that the victim may petition for an order of nondisclosure of criminal history record information under Section 411.0728, Government Code, if the victim:

- (1) has been convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a) of that section; and
(2) committed that offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

SECTION 4.03. Same as Senate version.

No equivalent provision.

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SECTION 4.02. Same as Senate version.

SECTION 4.03. Same as Senate version.

Same as House version.

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SECTION 6.01. Section 455.152, Occupations Code, is amended to read as follows:

Sec. 455.152. INELIGIBILITY FOR LICENSE. ~~[(a)]~~ A person is not eligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor if the person is an individual and has been convicted of, entered a plea of nolo contendere or guilty to, or received deferred adjudication for an offense under Chapter 20A, Penal Code, or Subchapter A, Chapter 43, Penal Code, or another sexual offense.

~~[(b) A person convicted of a violation of this chapter is ineligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor until the fifth anniversary of the date of the conviction.]~~

No equivalent provision.

Same as House version.

SECTION 6.02. Section 455.1525, Occupations Code, is amended to read as follows:

Sec. 455.1525. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE ISSUANCE ~~[BACKGROUND CHECKS]~~. (a) The department shall require an applicant for a license to submit a complete and legible set of fingerprints, on a form prescribed by the department, to the department or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation ~~[On receipt of an application for a license under this chapter, the department shall conduct a criminal background check on the applicant]~~. (b) The department may not issue a license to a person who

No equivalent provision.

Same as House version.

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does not comply with the requirement of Subsection (a).

(c) The department shall conduct a criminal history record information check of each applicant for a license using information:

(1) provided by the individual under this section; and

(2) made available to the department by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The department may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check.

SECTION 6.03. Subchapter D, Chapter 455, Occupations Code, is amended by adding Section 455.1605 to read as follows:

Sec. 455.1605. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL. As required by department rule, an applicant renewing a license issued under this chapter shall submit a complete and legible set of fingerprints for purposes of performing a criminal history record information check of the applicant as provided by Section 455.1525.

No equivalent provision.

Same as House version.

SECTION 6.04. Subchapter D, Chapter 455, Occupations

No equivalent provision.

Same as House version.

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Code, is amended by adding Section 455.161 to read as follows:

Sec. 455.161. STUDENT PERMIT; ELIGIBILITY. (a) The department shall require a student enrolled in a massage school in this state to hold a permit stating the student's name and the name of the school. The permit must be displayed in a reasonable manner at the school.

(b) The department shall issue a student permit to an applicant who submits an application to the department for a student permit accompanied by any required fee.

(c) An applicant for a student permit described by this section shall:

(1) submit an enrollment application to the department in a form and manner prescribed by the department; and

(2) satisfy other requirements specified by the department.

SECTION 6.05. Subchapter E, Chapter 455, Occupations Code, is amended by adding Section 455.207 to read as follows:

Sec. 455.207. POSTING OF CERTAIN NOTICES REQUIRED. (a) Each massage establishment and massage school shall display in the form and manner prescribed by the commission a sign concerning services and assistance available to victims of human trafficking.

(b) The sign required by this section must include a toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

(c) The commission by rule shall establish requirements regarding the posting of signs under this section.

No equivalent provision.

Same as House version.

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SECTION 6.06. Sections 455.251(a) and (c), Occupations Code, are amended to read as follows:

(a) The commission or executive director may refuse to issue a license to a person and may ~~[shall]~~ suspend, revoke, or refuse to renew the license of a person or may ~~[shall]~~ reprimand a person licensed under this chapter if the person:

- (1) obtains or attempts to obtain a license by fraud, misrepresentation, or concealment of material facts;
- (2) sells, barter, or offers to sell or barter a license;
- (3) violates a rule adopted by the commission under this chapter;
- (4) engages in unprofessional conduct as defined by commission rule that endangers or is likely to endanger the health, welfare, or safety of the public;
- (5) violates an order or ordinance adopted by a political subdivision under Chapter 243, Local Government Code; or
- (6) violates this chapter.

(c) The commission or executive director:

(1) shall revoke the license of a person licensed as a massage school or massage establishment if the commission or executive director determines that:

~~[(1)]~~ the school or establishment is a sexually oriented business; and ~~[or]~~

(2) may revoke the license of a person licensed as a massage school or massage establishment if the commission or executive director determines that an offense involving prostitution or another sexual offense that resulted in a conviction for the offense, a plea of nolo contendere or guilty to the offense, or a grant of deferred adjudication for the offense occurred on the premises of the school or establishment.

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No equivalent provision.

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Same as House version.

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SECTION 6.07. Section 455.158, Occupations Code, is repealed.	<i>No equivalent provision.</i>	Same as House version.
SECTION 6.08. Not later than January 1, 2020, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this article to Chapter 455, Occupations Code.	<i>No equivalent provision.</i>	Same as House version.
SECTION 6.09. Section 455.1525, Occupations Code, as amended by this article, and Section 455.1605, Occupations Code, as added by this article, apply only to an application for the issuance or renewal of a license submitted on or after January 1, 2020. An application submitted before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.	<i>No equivalent provision.</i>	Same as House version.
SECTION 6.10. (a) In this section, "massage school" has the meaning assigned by Section 455.001, Occupations Code. (b) Section 455.161, Occupations Code, as added by this article, applies to a student who is enrolled in a massage school on or after January 1, 2020. (c) The Texas Commission of Licensing and Regulation shall adopt rules under Section 455.161, Occupations Code, as added by this article, not later than November 1, 2019.	<i>No equivalent provision.</i>	Same as House version.
SECTION 6.11. A massage establishment, as defined by Section 455.001, Occupations Code, shall comply with	<i>No equivalent provision.</i>	Same as House version.

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Section 455.207, Occupations Code, as added by this article, not later than January 1, 2020.		
SECTION 6.12. The change in law made by this article to Section 455.251, Occupations Code, applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.	<i>No equivalent provision.</i>	Same as House version.
SECTION 6.13. (a) Except as provided by Subsection (b) of this section, this article takes effect September 1, 2019. (b) Section 455.161, Occupations Code, as added by this article, takes effect January 1, 2020.	<i>No equivalent provision.</i>	Same as House version.
<i>No equivalent provision.</i>	ARTICLE __. COURT COST ON CONVICTION OF CERTAIN OFFENSES [FA3(5)]	Same as Senate version.
<i>No equivalent provision.</i>	SECTION __.01. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.023 to read as follows: <u>Art. 102.023. COURT COSTS: COMMERCIAL SEXUAL EXPLOITATION VICTIM FUND. (a) The commercial sexual exploitation victim fund is a dedicated account in the general revenue fund.</u> <u>(b) A person convicted of an offense under Section 20A.02, 20A.03, or 43.02(b), Penal Code, shall pay as a cost of court \$500 on conviction of the offense.</u>	Same as Senate version.

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(c) For purposes of this article, a person is considered to have been convicted if:

(1) a sentence is imposed on the person; or

(2) the person receives community supervision, including deferred adjudication community supervision.

(d) Court costs under this article are collected in the same manner as other fines or costs. An officer collecting the costs shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county treasury.

(e) The custodian of a county treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) If no funds due as costs under this article are deposited in a county treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(g) The comptroller shall deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the commercial sexual exploitation victim fund. The legislature may appropriate money from the account only to the criminal justice division of the governor's office to enable that division to provide funds for services and programs directed toward victims of conduct that constitutes an offense under Section 20A.02 or 43.05, Penal Code, including:

(1) diversion programs for victims who have been charged with an offense;

(2) housing;

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(3) vocational services;
(4) counseling;
(5) substance abuse recovery services;
(6) mental health services; and
(7) prostitution prevention programs.
(h) Funds collected under this article are subject to audit by
the comptroller. [FA3(5)]

No equivalent provision.

SECTION __.02. Subchapter B, Chapter 102, Government Code, is amended by adding Section 102.02111 to read as follows:

Sec. 102.02111. ADDITIONAL COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense under Section 20A.02, 20A.03, or 43.02(b), Penal Code, shall pay, in addition to all other costs, a court cost on conviction to benefit victims of commercial sexual exploitation in this state (Art. 102.023, Code of Criminal Procedure)... \$500. [FA3(5)]

Same as Senate version.

No equivalent provision.

SECTION __.03. The change in law made by this article applies only to a cost on conviction for an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date. [FA3(5)]

Same as Senate version.

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<i>No equivalent provision.</i>	ARTICLE __. MISCELLANEOUS PROVISIONS	Same as Senate version.
<i>No equivalent provision.</i>	SECTION __. Section 85.006(a), Family Code, is amended to read as follows: (a) <u>Notwithstanding Rule 107, Texas Rules of Civil Procedure, a [A] court may render a protective order that is binding on a respondent who does not attend a hearing if:</u> (1) <u>the respondent received service of the application and notice of the hearing; and</u> (2) <u>proof of service was filed with the court before the time set for the hearing.</u> [FA1]	Same as Senate version.
<i>No equivalent provision.</i>	SECTION __. Amend Article 12.03(d), Code of Criminal Procedure, to read as follows: (d) <u>Any</u> [Except as otherwise provided by this chapter, any] offense that bears the title "aggravated" shall carry a <u>[the same] limitation period of five years [as the primary crime] unless a limitation period has otherwise been specifically provided for that aggravated offense under another provision of this chapter.</u> [FA5]	Same as Senate version.
<i>No equivalent provision.</i>	Same as Senate version.	ARTICLE 5. SEX TRAFFICKING PREVENTION AND VICTIM TREATMENT PROGRAMS <i>[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]</i>

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No equivalent provision.

HOUSE VERSION (IE)

Same as Senate version.

CONFERENCE

SECTION 5.01. Subtitle B, Title 2, Health and Safety Code, is amended by adding Chapter 50 to read as follows:

CHAPTER 50. SEX TRAFFICKING PREVENTION AND VICTIM TREATMENT PROGRAMS

SUBCHAPTER A. TREATMENT PROGRAM FOR VICTIMS OF CHILD SEX TRAFFICKING

Sec. 50.0001. DEFINITIONS. In this subchapter:

(1) "Child sex trafficking" has the meaning assigned by Section 772.0062, Government Code.

(2) "Program" means the treatment program for victims of child sex trafficking established under this subchapter.

Sec. 50.0002. ESTABLISHMENT; PURPOSE. The commission, in collaboration with the institution designated under Section 50.0003, shall establish a program to improve the quality and accessibility of care for victims of child sex trafficking in this state.

Sec. 50.0003. DESIGNATION OF INSTITUTION; OPERATION OF PROGRAM. (a) The commission shall designate a health-related institution of higher education to operate the program.

(b) The designated institution shall improve the quality and accessibility of care for victims of child sex trafficking by:

(1) dedicating a unit at the institution to provide or contract for inpatient care for victims of child sex trafficking;

(2) dedicating a unit at the institution to provide or contract for outpatient care for victims of child sex trafficking;

(3) creating opportunities for research and workforce expansion related to treatment of victims of child sex trafficking; and

(4) assisting other health-related institutions of higher education in this state to establish similar programs.

(c) The commission shall solicit and review applications from

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health-related institutions of higher education before designating an institution under this section.

Sec. 50.0004. FUNDING. In addition to money appropriated by the legislature, the designated institution may accept gifts, grants, and donations from any public or private person for the purpose of carrying out the program.

Sec. 50.0005. RULES. The executive commissioner shall adopt rules necessary to implement this subchapter.

SUBCHAPTER B. MATCHING GRANT PROGRAM FOR MUNICIPAL SEX TRAFFICKING PREVENTION PROGRAMS

Sec. 50.0051. ESTABLISHMENT OF MATCHING GRANT PROGRAM. (a) The commission shall establish a matching grant program to award to a municipality a grant in an amount equal to the amount committed by the municipality for the development of a sex trafficking prevention needs assessment. A municipality that is awarded a grant must develop the needs assessment in collaboration with a local institution of higher education and on completion submit a copy of the needs assessment to the commission.

(b) A sex trafficking prevention needs assessment developed under Subsection (a) must outline:

(1) the prevalence of sex trafficking crimes in the municipality;

(2) strategies for reducing the number of sex trafficking crimes in the municipality; and

(3) the municipality's need for additional funding for sex trafficking prevention programs and initiatives.

Sec. 50.0052. APPLICATION. (a) A municipality may apply to the commission in the form and manner prescribed by the commission for a matching grant under this subchapter. To qualify for a grant, an applicant must:

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(1) develop a media campaign and appoint a municipal employee to oversee the program; and

(2) provide proof that the applicant is able to obtain or secure municipal money in an amount at least equal to the amount of the awarded grant.

(b) The commission shall review applications for a matching grant submitted under this section and award matching grants to each municipality that demonstrates in the application the most effective strategies for reducing the number of sex trafficking crimes in the municipality and the greatest need for state funding.

(c) The commission may provide a grant under Subsection (b) only in accordance with a contract between the commission and the municipality. The contract must include provisions under which the commission is granted sufficient control to ensure the public purpose of sex trafficking prevention is accomplished and the state receives the return benefit.

Sec. 50.0053. FUNDING. In addition to money appropriated by the legislature, the commission may solicit and accept gifts, grants, or donations from any source to administer and finance the matching grant program established under this subchapter.

SUBCHAPTER C. SEX TRAFFICKING PREVENTION GRANT PROGRAM FOR LOCAL LAW ENFORCEMENT

Sec. 50.0101. ESTABLISHMENT OF GRANT PROGRAM.

(a) The office of the governor, in collaboration with the Child Sex Trafficking Prevention Unit established under Section 772.0062, Government Code, shall establish and administer a grant program to train local law enforcement officers to recognize signs of sex trafficking.

(b) The office of the governor may establish eligibility criteria for a grant applicant.

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(c) A grant awarded under this section must include provisions under which the office of the governor is provided sufficient control to ensure the public purpose of sex trafficking prevention is accomplished and the state receives the return benefit.

Sec. 50.0102. FUNDING. In addition to money appropriated by the legislature, the office of the governor may solicit and accept gifts, grants, or donations from any source to administer and finance the grant program established under this subchapter.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

SECTION 5.02. As soon as practicable after the effective date of this Act:

(1) the executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement Subchapters A and B, Chapter 50, Health and Safety Code, as added by this article; and

(2) the governor shall adopt rules as necessary to implement Subchapter C, Chapter 50, Health and Safety Code, as added by this article.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

SECTION 5.03. A state agency is required to implement a provision of this article only if the legislature appropriates money to the agency specifically for the purpose of

No equivalent provision.

Same as Senate version.

No equivalent provision.

Same as Senate version.

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implementing the applicable provision. If the legislature does not appropriate money specifically for the purpose of implementing the applicable provision, the agency may, but is not required to, implement the provision using other appropriations available for that purpose.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

ARTICLE 6. PROHIBITION ON CERTAIN BIDS AND
CONTRACTS RELATED TO PERSONS INVOLVED IN
HUMAN TRAFFICKING

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

SECTION 6.01. Subchapter A, Chapter 2155, Government Code, is amended by adding Section 2155.0061 to read as follows:

Sec. 2155.0061. PROHIBITION ON CERTAIN BIDS AND CONTRACTS RELATED TO PERSONS INVOLVED IN HUMAN TRAFFICKING. (a) A state agency may not accept a bid or award a contract, including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been convicted of any offense related to the direct support or promotion of human trafficking. (b) A bid or award subject to the requirements of this section must include the following statement:

No equivalent provision.

Same as Senate version.

No equivalent provision.

Same as Senate version.

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"Under Section 2155.0061, Government Code, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate."

(c) If a state agency determines that an individual or business entity holding a state contract was ineligible to have the bid accepted or contract awarded under this section, the state agency may immediately terminate the contract without further obligation to the vendor.

(d) This section does not create a cause of action to contest a bid or award of a state contract.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

No equivalent provision.

Same as Senate version.

SECTION 6.02. Section 2155.077(a-1), Government Code, is amended to read as follows:

(a-1) The commission shall bar a vendor from participating in state contracts that are subject to this subtitle, including contracts for which purchasing authority is delegated to a state agency, if the vendor has been:

(1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; [or]

(2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by

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		the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; <u>or</u> <u>(3) convicted of any offense related to the direct support or promotion of human trafficking.</u>
		<i>[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]</i>
	Same as Senate version.	SECTION 6.03. Section 2155.0061, Government Code, as added by this article, applies only in relation to a state contract for which the request for bids or proposals or other applicable expressions of interest are made public on or after the effective date of this Act.
		<i>[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]</i>
<i>No equivalent provision.</i>	Same as Senate version.	SECTION 6.04. Section 2155.077, Government Code, as amended by this article, applies only to a contract entered into on or after the effective date of this Act.
		<i>[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]</i>
ARTICLE 7. EFFECTIVE DATE	ARTICLE 5. Same as Senate version.	ARTICLE 7. Same as Senate version.

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SECTION 7.01. *Except as otherwise provided by this Act,*
this Act takes effect September 1, 2019.

HOUSE VERSION (IE)

SECTION 5.01. This Act takes effect September 1, 2019.

CONFERENCE

SECTION 7.01. 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: SB20 by Huffman (Relating to the prevention of, reporting regarding, investigation of, prosecution of, criminal and civil penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses, to treatment, services, and compensation available to victims of those offenses, and to orders of nondisclosure for certain persons who are victims of certain of those offenses.), **Conference Committee Report**

The bill would have an indeterminate fiscal impact to the State due to a lack of data on the amount of fines and fees associated with the creation of new offenses and the cost of the treatment, prevention, and programmatic provisions of the bill.

A state agency is required to implement a provision of this article only if the legislature appropriates money to the agency specifically for the purpose of implementing the applicable provision. If money is not appropriated, the agency may, but is not required to, implement the provisions using other available appropriations for that purpose.

The bill would amend various codes as they relate to prostitution, trafficking, and other related offenses. Under the provisions of the bill, penalties for certain existing prostitution offenses would be modified and a person would commit an offense if the person intends to promote the prostitution of another individual or facilitates another individual to engage in prostitution via an interactive computer service as outlined in the bill. The bill would also add trafficking offenses to the list of offenses for which consecutive sentences can be issued and would permit the Office of the Attorney General to enter into a contract with an institution of higher education for the institution's assistance in the collection and analysis of information related to human trafficking.

Based on information provided by the Comptroller of Public Accounts, there would be an indeterminate fiscal impact to the State from changes made by the bill to fees, fines, and penalties. According to the Texas Department of Criminal Justice and the Board of Pardons and Paroles, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing 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.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: WP, LBO, MW, GDz, SD, CMa, LM, AF, DFR, DA, SPa, JPo, LCO

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

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: SB20 by Huffman (Relating to the prevention of, reporting regarding, investigation of, prosecution of, criminal and civil penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses, to treatment, services, and compensation available to victims of those offenses, and to orders of nondisclosure for certain persons who are victims of certain of those offenses.), **Conference Committee Report**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend various codes as they relate to trafficking, prostitution, and other related offenses. Under the provisions of the bill, penalties for certain existing prostitution offenses would be modified and a person would commit an offense if the person intends to promote the prostitution of another individual or facilitates another individual to engage in prostitution via an interactive computer service as outlined in the bill. A first degree felony is punishable by confinement in prison for life or a term from 5 to 99 years; a second degree felony is punishable by confinement in prison for a term from 2 to 20 years; a third degree felony is punishable by confinement in prison 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 felonies may be subject to an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Creating a criminal offense or expanding the circumstances in which a criminal penalty is applied is expected to result in additional demands on the correctional resources of the counties or of the State due to an increase in the number of individuals placed under supervision in the community, sentenced to terms of confinement in state correctional institutions, or placed under parole supervision. Under the provisions of the bill, online promotion of prostitution and aggravated online promotion of prostitution would be punishable at varying felony levels depending on the circumstances of the offense. Individuals confined for aggravated online promotion of prostitution would not be eligible for intensive supervision parole as outlined in the bill. Individuals who pay to engage in sexual conduct (buyer) and have previously been convicted one time would now commit a state jail felony. In fiscal year 2018, 23 people were arrested, fewer than ten placed under community supervision, and fewer than ten were incarcerated for this offense with one or two previous convictions. Under provisions of this bill, a judge would be required to place an individual who offers or agrees to receive a fee to engage in sexual conduct and is convicted of a first state jail felony (seller) under community supervision. At the end of fiscal year 2018, 67 people were incarcerated for this offense with three previous convictions and with no prior state jail felony prostitution convictions. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Source Agencies:

LBB Staff: WP, LM, SPa