

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 1257 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.

Sen. Jean Huffman, chair

Rep. Jeff Leach, chair

Sen. Carol Alvarado

Rep. Grey Bonnen

Sen. Brandon Creighton

Rep. Nicole Collier

Sen. Pete Flores

Rep. Phil King

On the part of the Senate
Sen. Jane Nelson

On the part of the House
Rep. Joe 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. 1257

A BILL TO BE ENTITLED

AN ACT

relating to the investigation and prosecution of criminal offenses
involving the trafficking of persons.

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

SECTION 1. Article 13.12, Code of Criminal Procedure, is
amended to read as follows:

Art. 13.12. TRAFFICKING OF PERSONS, FALSE IMPRISONMENT,
KIDNAPPING, AND SMUGGLING OF PERSONS. (a) Venue for trafficking
of persons, false imprisonment, kidnapping, and smuggling of
persons is in:

(1) the county in which the offense was committed; or

(2) any county through, into, or out of which the
person trafficked, falsely imprisoned, kidnapped, or transported
may have been taken.

(b) If a defendant commits an offense under Chapter 20A,
Penal Code, that is part of a criminal episode, as defined by
Section 3.01, Penal Code, all of the offenses arising out of the
same criminal episode may be prosecuted in any county that has venue
over an offense constituting part of that criminal episode.

SECTION 2. Chapter 20A, Penal Code, is amended by adding
Section 20A.05 to read as follows:

Sec. 20A.05. FORWARDING OF CASE INFORMATION ON COMPLETION
OF INVESTIGATION BY CERTAIN STATE AGENCIES. On completion of an
investigation of an offense under this chapter that is conducted by

1 a state agency other than the office of the attorney general, the
2 state agency shall forward copies of each offense report prepared
3 in the investigation and all other case information to:

4 (1) the appropriate local county or district attorney;
5 and

6 (2) the attorney general.

7 SECTION 3. Title 5, Penal Code, is amended by adding Chapter
8 20B to read as follows:

9 CHAPTER 20B. CONCURRENT JURISDICTION IN CASES INVOLVING

10 TRAFFICKING OF PERSONS

11 Sec. 20B.01. DEFINITION. In this chapter, "criminal
12 episode" has the meaning assigned by Section 3.01.

13 Sec. 20B.02. PROSECUTION BY ATTORNEY GENERAL IN
14 MULTIJURISDICTIONAL CASES AUTHORIZED. (a) The attorney general
15 may prosecute an offense under Chapter 20A if the offense or any
16 element of the offense:

17 (1) occurs in more than one county in this state; or

18 (2) occurs in a county in this state as well as in
19 another state or country.

20 (b) The attorney general may prosecute any other offense
21 that occurs in this state and arises out of the same criminal
22 episode as an offense described by Subsection (a).

23 (c) The attorney general may appear before a grand jury in
24 connection with an offense the attorney general is authorized to
25 prosecute under this section.

26 (d) The authority to prosecute prescribed by this section
27 does not affect the authority derived from other law to prosecute

1 the same offenses.

2 Sec. 20B.03. SINGLE JURISDICTIONAL CASE: CONCURRENT
3 JURISDICTION FOLLOWING LOCAL PROSECUTOR'S RIGHT OF FIRST REFUSAL.

4 (a) This section does not apply to an offense described by Section
5 20B.02(a).

6 (b) Not later than the 30th day after the date a local county
7 or district attorney becomes aware of conduct that may constitute
8 an offense under Chapter 20A, the local county or district attorney
9 shall notify the attorney general in writing of the conduct. The
10 notice provided under this subsection must describe the conduct
11 that may constitute an offense under Chapter 20A and must describe
12 or otherwise identify each person suspected at that time of having
13 engaged in the conduct.

14 (c) If a local county or district attorney described by
15 Subsection (b) determines that the attorney will not pursue a
16 criminal investigation of the applicable conduct or will not
17 prosecute a criminal charge in relation to that conduct, the local
18 county or district attorney shall notify the attorney general of
19 that determination not later than the 30th day after the date of the
20 determination. On receipt of notice under this subsection, the
21 attorney general may begin a criminal investigation of the
22 applicable conduct and may prosecute:

23 (1) any offense under Chapter 20A relating to the
24 attorney general's investigation of that conduct; and

25 (2) any other offense arising out of the same criminal
26 episode.

27 Sec. 20B.04. EXPIRATION. This chapter expires September 1,

1 2031.

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

11 SECTION 5. This Act takes effect September 1, 2019.

Senate Bill 1257
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Article 13.12, Code of Criminal Procedure, is amended.

SECTION 2. Chapter 20A, Penal Code, is amended.

SECTION 3. Title 5, Penal Code, is amended by adding Chapter 20B as follows:

CHAPTER 20B. CONCURRENT JURISDICTION IN
CASES INVOLVING TRAFFICKING OF PERSONS

Sec. 20B.01. DEFINITION.

Sec. 20B.02. PROSECUTION BY ATTORNEY
GENERAL IN MULTIJURISDICTIONAL CASES
AUTHORIZED.

(a) The attorney general may prosecute an offense under Chapter 20A if the offense or any element of the offense:

- (1) occurs in more than one county in this state; or
- (2) occurs in a county in this state as well as in another state or country.

(b) The attorney general may prosecute any other offense that occurs in this state and arises out of the same criminal episode as an offense described by Subsection (a).

HOUSE VERSION (IE)

SECTION 1. Same as Senate version.

SECTION 2. Same as Senate version.

SECTION 3. Title 5, Penal Code, is amended by adding Chapter 20B as follows:

CHAPTER 20B. CONCURRENT JURISDICTION IN
CASES INVOLVING TRAFFICKING OF PERSONS

Same as Senate version.

Same as Senate version except as follows:

(a) *With the consent of the appropriate local county or district attorney or attorneys,* the attorney general may prosecute an offense under Chapter 20A if the offense or any element of the offense: [FA1(1)]

- (1) occurs in more than one county in this state; or
- (2) occurs in a county in this state as well as in another state or country.

(b) *With the consent of the appropriate local county or district attorney or attorneys,* the attorney general may prosecute any other offense that occurs in this state and arises out of the same criminal episode as an offense described by Subsection (a). [FA1(2)]

CONFERENCE

SECTION 1. Same as Senate version.

SECTION 2. Same as Senate version.

SECTION 3. Title 5, Penal Code, is amended by adding Chapter 20B as follows:

CHAPTER 20B. CONCURRENT JURISDICTION IN
CASES INVOLVING TRAFFICKING OF PERSONS

Same as Senate version.

Same as Senate version.

(a) Same as Senate version.

(b) Same as Senate version.

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(c) The attorney general may appear before a grand jury in connection with an offense the attorney general is authorized to prosecute under this section.

(d) The authority to prosecute prescribed by this section does not affect the authority derived from other law to prosecute the same offenses.

Sec. 20B.03. SINGLE JURISDICTIONAL CASE: CONCURRENT JURISDICTION FOLLOWING LOCAL PROSECUTOR'S RIGHT OF FIRST REFUSAL. (a) This section does not apply to an offense described by Section 20B.02(a)

(b) Not later than the 30th day after the date a local county or district attorney becomes aware of conduct that may constitute an offense under Chapter 20A, the local county or district attorney shall notify the attorney general in writing of the conduct. The notice provided under this subsection must describe the conduct that may constitute an offense under Chapter 20A and must describe or otherwise identify each person suspected at that time of having engaged in the conduct.

(c) If a local county or district attorney described by Subsection (b) determines that the attorney will not pursue a criminal investigation of the applicable conduct or will not prosecute a criminal charge in relation to that conduct, the local county or district attorney shall notify the attorney general of that determination not later than the 30th day after the date of the determination. On receipt of notice under this

HOUSE VERSION (IE)

(c) Same as Senate version.

No equivalent provision. (d) [Deleted by FA1(3)]

No equivalent provision. Sec. 20B.03. [Deleted by FA1(4)]

CONFERENCE

(c) Same as Senate version.

(d) Same as Senate version.

Sec. 20B.03. Same as Senate version.

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SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

subsection, the attorney general may begin a criminal investigation of the applicable conduct and may prosecute:
(1) any offense under Chapter 20A relating to the attorney general's investigation of that conduct; and
(2) any other offense arising out of the same criminal episode.

No equivalent provision.

Sec. 20B.04. EXPIRATION. This chapter expires September 1, 2031.

Sec. 20B.04. Same as House version.

SECTION 4. Saving provision.

SECTION 4. Same as Senate version.

SECTION 4. Same as Senate version.

SECTION 5. Effective date.

SECTION 5. Same as Senate version.

SECTION 5. Same as Senate 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: SB1257 by Huffman (Relating to the investigation and prosecution of criminal offenses involving the trafficking of persons.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

Based on analysis by the Office of the Attorney General and the Office of Court Administration, it is assumed that the provisions of the bill relating to investigation and prosecution of human trafficking cases could be absorbed using existing resources.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

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

LBB Staff: WP, LBO, AKi, NV, JMO, CMa, AF