

## **BILL ANALYSIS**

C.S.H.B. 1005  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Human trafficking is among the world's fastest-growing criminal enterprises. It is a form of modern day slavery that profits from the exploitation of our most vulnerable populations. At any given time in Texas, there are roughly a quarter million victims of labor trafficking and tens of thousands of victims of youth and minor sex trafficking. Great strides have been made over the last several years in Texas to put an end to all forms of human trafficking, including campaigns that help the public identify trafficking victims, increased training for certain professions to be able to identify victims, and increasing penalties for certain trafficking offenses, but there is still more work that can be done. C.S.H.B. 1005 seeks to further combat human trafficking in Texas and provide law enforcement with critical contact information they need to identify traffickers by imposing additional bond requirements for defendants charged with trafficking and certain prostitution offenses.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1005 amends the Code of Criminal Procedure to require a bail bond for a defendant charged with any of the following offenses to include the address, identification number, and state of issuance as shown on a valid driver's license or identification card for the defendant and any surety, including any agent executing the bond on behalf of a corporation acting as surety:

- trafficking of persons or continuous trafficking of persons;
- prostitution, promotion of prostitution, or online promotion of prostitution;
- aggravated promotion of prostitution or aggravated online promotion of prostitution; or
- compelling prostitution.

C.S.H.B. 1005 requires a magistrate to require as a condition of release on bond that a defendant charged with any such offense, excluding prostitution, committed against a person 18 years of age or older may not do the following:

- communicate directly or indirectly with the victim; or
- go to or near the victim's residence, place of employment, or business or, if applicable, a school, day-care facility, or similar facility where the victim's dependent is in attendance.

The bill requires the magistrate to describe specifically the prohibited locations and the minimum distances, if any, that the defendant must maintain from the locations. The bill requires

the magistrate, at a hearing limited to determining whether the defendant violated any such bond condition, to revoke the defendant's bond and order that the defendant be immediately returned to custody on finding by a preponderance of the evidence that the violation occurred. The revocation of the defendant's bond discharges any sureties on the bond from any future liability on the bond once the defendant is placed in custody. A discharge from any future liability on the bond does not discharge any surety from liability for previous forfeitures on the bond. The bill establishes that these bond release provisions do not apply with respect to a defendant charged with certain sexual offenses committed against a child younger than 18 years of age.

C.S.H.B. 1005 raises the age at which a victim is considered a child for purposes of mandatory bond conditions for a defendant barring direct communication with and certain proximity to the victim from younger than 14 years of age to younger than 18 years of age. The bill includes trafficking offenses and all public indecency offenses among the offenses that trigger those bond conditions.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1005 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision not included in the original establishing that the bill's mandatory bond conditions for a defendant charged with certain trafficking or prostitution related offenses do not apply with respect to a defendant charged with certain sexual offenses committed against a child younger than 18 years of age.

The substitute accordingly includes a specification not included in the original that the charged offense that triggers the bill's requirement for a magistrate to impose certain conditions for release on bond is committed against a person 18 years of age or older.