

BILL ANALYSIS

H.B. 3521
By: Hunter
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the current statutory definition of coercion with respect to human trafficking only applies to adult sex trafficking, despite the fact that coercion is an element of the crime for adult or child labor trafficking. Concerns have been raised that this current definition hinders the ability for prosecutors to prove coercion as an element of certain trafficking offenses. H.B. 3521 seeks to address this issue by redefining coercion with respect to trafficking offenses to include the performance or provision of labor or services.

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

H.B. 3521 amends the Penal Code to revise the definition of coercion for purposes of a trafficking of persons offense by establishing that coercion includes the following with respect to those offenses:

- destroying, concealing, confiscating, or withholding from a trafficked person, or threatening to destroy, conceal, confiscate, or withhold from a trafficked person, the person's actual or purported government records or identifying information or documents;
- causing a trafficked person, without the person's consent, to become intoxicated to a degree that impairs the person's ability to appraise the nature of or resist engaging in any conduct, including performing or providing labor or services; or
- withholding alcohol or a controlled substance to a degree that impairs the ability of a trafficked person with a chemical dependency to appraise the nature of or resist engaging in any conduct, including performing or providing labor or services.

H.B. 3521 repeals Section 20A.02(a-1), Penal Code.

EFFECTIVE DATE

September 1, 2021.