

BILL ANALYSIS

C.S.H.B. 465
By: Shaheen
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been reported that there are almost 80,000 minor and youth trafficking victims each year in Texas and that procurers, commonly known as "pimps," who sell minors into sex trafficking often are involved in other violent criminal activities and have prior criminal records. Additionally, these procurer-driven sex trafficking cases reportedly make up the majority of domestic cases and have the highest rates of victims who are minors. C.S.H.B. 465 seeks to address this egregious crime cycle by making certain inmates serving sentences for trafficking offenses involving child victims ineligible for release on parole.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 465 amends the Government Code to make an inmate serving a sentence for a continuous trafficking of persons offense that is based partly or wholly on conduct constituting trafficking of persons involving a child victim ineligible for release on parole. The bill makes an inmate serving a sentence for a trafficking of persons offense involving a child victim ineligible for release on parole unless the judgment in the case contains an affirmative finding specified by the bill, in which case the inmate is ineligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event less than two calendar years.

C.S.H.B. 465 amends the Code of Criminal Procedure to require a judge in the trial of a trafficking of persons offense involving a child victim for which the defendant enters a plea of guilty to make an affirmative finding of fact, on the motion of the state's attorney, that the state's attorney, the defendant's attorney, and the defendant have entered into a written agreement that the defendant will become eligible for release on parole as specified by the bill, provided that such an agreement has been made. The bill requires the judge to enter the affirmative finding in the judgment of the case.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 465 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 requirements for a judge to make an affirmative finding of fact regarding an agreement on parole eligibility for certain trafficking defendants and to enter the affirmative finding in the judgment of the case.

The substitute includes an exception to the ineligibility of release on parole for inmates serving a sentence for a trafficking offense involving a child victim for cases in which the judgment contains the affirmative finding and instead makes those inmates ineligible for release on parole until the time specified by the bill.