

BILL ANALYSIS

S.B. 1831
By: Taylor
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It is estimated that around 79,000 Texas children and youth have become victims of sex trafficking. Experts and professional advocates have indicated that school campuses are hot spots for this crime. In fact, a 2018 survey of trafficking survivors found that 55 percent of the respondents were in school when they were trafficked. Case studies have also shown that traffickers use highly organized systems to recruit and schedule meetings during school hours and on school premises. These systems are supported by technological advances and social media platforms that increase access to students by those who would exploit them.

The Texas Education Agency, the U.S. Department of Health and Human Services, and notable studies from Texas universities have discussed the prevalence of these patterns and have called for proactive measures that prevent trafficking at the school level, including relevant training for educators and staff. However, more can be done to protect young Texans. S.B. 1831 addresses the vulnerability of students to trafficking and other organized criminal activity by enhancing penalties for trafficking of persons, online solicitation of a minor, and certain prostitution offenses occurring within school hours or occurring on and around school premises and premises in which school functions are taking place. The bill also requires the posting of certain warning signs near schools.

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 rulemaking authority is expressly granted to the Texas Education Agency in SECTION 2 of this bill.

ANALYSIS

S.B. 1831 amends the Penal Code to enhance the penalty for the offense of trafficking of persons from a second degree felony to a first degree felony punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in one of the following locations:

- on the premises of or within 1,000 feet of the premises of a public or private primary or secondary school; or
- on premises or within 1,000 feet of premises where an official school function or an event sponsored or sanctioned by the University Interscholastic League (UIL) was taking place.

S.B. 1831 increases the punishment for the offense of prostitution involving knowingly offering or agreeing to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another to the punishment prescribed for the next highest category of offense if it is shown on the trial of the offense that the actor committed the offense in one of the following locations:

- on the premises of or within 1,000 feet of the premises of a public or private primary or secondary school; or
- on premises or within 1,000 feet of premises where an official school function or an event sponsored or sanctioned by the UIL was taking place.

S.B. 1831 increases the punishment for the offense of online solicitation of a minor to the punishment prescribed for the next higher category of offense if the following are shown on the trial of the offense:

- the actor committed the offense during regular public or private primary or secondary school hours; and
- the actor knew or reasonably should have known that the minor was enrolled in a public or private primary or secondary school at the time of the offense.

S.B. 1831 amends the Education Code to require each public or private primary or secondary school to post warning signs at the following locations regarding the enhanced penalties established by the bill for trafficking of persons:

- parallel to and along the exterior boundaries of the school's premises;
- at each roadway or other way of access to the premises;
- for premises not fenced, at least every five hundred feet along the exterior boundaries of the premises;
- at each entrance to the premises; and
- at conspicuous places reasonably likely to be viewed by all persons entering the premises.

S.B. 1831 requires the Texas Education Agency (TEA), in consultation with the human trafficking prevention task force, to adopt rules regarding the placement, installation, design, size, wording, and maintenance procedures for the warning signs. The bill sets out the minimum required contents and size of the sign. The bill requires TEA to provide each applicable school without charge the number of warning signs required to comply with the bill's provisions and rules adopted under those provisions but authorizes TEA to take the following actions if TEA is unable to meet that requirement:

- provide to a school fewer signs than the number necessary for compliance; and
- prioritize distribution of signs to schools based on reports of criminal activity in areas near a school.

Implementation of a provision of this bill by TEA is mandatory only if a specific appropriation is made for that purpose.

EFFECTIVE DATE

September 1, 2021.