

SUBJECT: Increasing penalties for trafficking, prostitution around school premises

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Dutton, Allen, Allison, K. Bell, Bernal, Buckley, M. González, Huberty, K. King, Talarico, VanDeaver

0 nays

2 absent — Lozano, Meza

SENATE VOTE: On final passage, April 27 — 31-0

WITNESSES: No public hearing.

BACKGROUND: Penal Code sec. 20A.02 establishes the offense of human trafficking as a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) and specifies circumstances under which an offense is a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000).

Penal Code sec. 43.02(b) establishes that a person commits an offense of prostitution if the person knowingly offers or agrees to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another. An offense is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000), except that it can be a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) if the actor has previously been convicted of the offense, or a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) if the person with whom the actor agrees to engage in sexual conduct is younger than 18, represented to the actor as being younger than 18, or believed by the actor to be younger than 18.

Penal Code sec. 33.021 establishes the offense of online solicitation of a minor as a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000), except that the offense is a second-degree felony if

the minor is younger than 14 years old or is an individual whom the actor believes to be younger than 14 years old at the time of the commission of the offense.

DIGEST:

SB 1831, designated as the No Trafficking Zone Act, would increase penalties for human trafficking, certain prostitution offenses, and online solicitation of a minor if an offense occurred in certain areas around schools and school events. The bill would require schools to post warning signs in specified locations about the increased penalties.

Human trafficking. The bill would make an offense of human trafficking a first-degree felony punishable by life in prison or for a term of 25 to 99 years if it was shown that the offense was committed in a location that was:

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

Prostitution. SB 1831 would increase the punishment for an 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 next highest category of offense if the individual committed the offense in a location that was:

- 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 was taking place or an event sponsored or sanctioned by the UIL was taking place.

Online solicitation of a minor. The bill would increase punishment for an offense of online solicitation of a minor to the punishment prescribed

for the next higher category of offense if:

- the individual committed the offense during regular public or private primary or secondary school hours; and
- 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.

Signage. SB 1831 would require each public or private primary or secondary school to post warning signs of increased penalties for human trafficking at the following locations:

- 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 500 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.

The Texas Education Agency (TEA), in consultation with the Texas Human Trafficking Prevention Task Force, would have to adopt rules regarding the placement, installation, design, size, wording, and maintenance of the warning signs. The rules would have to require that each sign include certain information, be written in English and Spanish, and be at least 8.5 by 11 inches in size.

TEA would have to provide the signs to schools without charge or could provide fewer signs than required to comply and prioritize distribution to schools based on reports of criminal activity in nearby areas. The agency would be required to provide the signs only if the Legislature appropriated money for that purpose, although it could use other appropriations available for that purpose.

The bill would take effect September 1, 2021, and would apply only to an

offense committed on or after that date.

**SUPPORTERS
SAY:**

SB 1831 would protect vulnerable schoolchildren from human traffickers by creating no-trafficking zones around school premises and locations where extracurricular activities were taking place. The designated no-trafficking zones around schools would be similar to drug-free zones, where offenders who commit certain offenses of trafficking, prostitution, and online solicitation of a minor face increased punishment.

Texas has made strides in attacking human trafficking involving minors and in supporting the victims of such trafficking, and the bill would continue this progress by increasing the punishment for individuals who use email, texting, or social media to contact students on school premises purposes of engaging in sexual conduct. Those who engage in trafficking with child victims should face severe punishment, and the bill would require an offender convicted of trafficking in a no-trafficking zone to be sentenced to no less than 25 years in prison.

The bill's requirement for posting signs warning of no-trafficking zones would create an uncomfortable environment for potential traffickers and signal that others are watching their activities. It also could raise awareness among students, teachers, and parents that trafficking and online solicitation of minors does occur around schools and school-related events.

**CRITICS
SAY:**

SB 1831, while well intentioned, would be unlikely to serve as a deterrent as too many criminals do not fear being caught and prosecuted. The placing of signs designating an elementary school as a no-trafficking zone could be confusing to young children and raise questions among parents about whether human trafficking incidents had occurred on or near campus.

**OTHER
CRITICS
SAY:**

SB 1831 should go further and designate motels and hotels near schools where traffickers take their child victims as no-trafficking zones. Posting signs at those facilities would discourage illegal activities and possibly protect the owners from civil litigation filed by young trafficking victims.

