

SUBJECT:	Expanding the offenses of human trafficking and compelling prostitution
COMMITTEE:	Criminal Jurisprudence — committee substitute recommended
VOTE:	8 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales 0 nays 1 absent — Schatzline
WITNESSES:	<p>For — Lindy Borchardt, Phil Sorrells (<i>Registered, but did not testify</i>: Justin Wood, Children’s Advocacy Centers of Texas; Jennifer Szimanski, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Ray Hunt, HPOU; Carlos Ortiz, San Antonio Police Officers’ Association; Buddy Mills, Sheriffs’ Association of Texas; Matt Dowling, Texas Medical Association; John Wilkerson, Texas Municipal Police Association; Jennifer Allmon, The Texas Catholic Conference of Bishops; Jose Escribano, Travis County Constable pct3; David Kohler; Thomas Parkinson)</p> <p>Against — (<i>Registered, but did not testify</i>: Susan Stewart)</p> <p>On — (<i>Registered, but did not testify</i>: Josh Reno, Office of the Attorney General)</p>
BACKGROUND:	Concerns have been raised that current law relating to trafficking and compelling prostitution does not afford sufficient protections to people with disabilities, who may be more vulnerable to those offenses.
DIGEST:	<p>CSHB 1004 would expand the conduct constituting an offense of trafficking of persons. The bill would specify that a person committed an offense if the person knowingly:</p> <ul style="list-style-type: none">• trafficked a person with a disability with the intent that the person engage in forced labor or services or received a benefit from a

- venture involving such activity;
- trafficked a person with a disability and caused the person to engage in, or become the victim of prohibited conduct related to prostitution or other certain sexual conduct or received a benefit from participating in venture that involved such activity; or
- engaged in sexual conduct with a person with a disability who was trafficked and caused the person to engage in or become the victim of that conduct.

Such conduct would constitute a first-degree felony regardless of whether the actor knew the person was disabled at the time of the offense.

The bill would eliminate the statute of limitations period for sexual trafficking of a person with a disability. For offenses related to trafficking a person with a disability for purposes of forced labor or services, the bill would extend the statute of limitations from three years to 10 years from the date the offense was discovered.

“Person with a disability” would mean a person who by reason of physical or mental disease, defect, or injury was substantially unable to protect the person’s self from harm or to provide food, shelter, or medical care for the person’s self.

CSHB 1004 also would expand the conduct constituting the offense of compelling prostitution. A person would commit the offense if the actor knowingly caused a person with a disability to commit prostitution, regardless of whether the actor knew the person was disabled at the time of the offense. The bill would establish that there would be no statute of limitations for the offense of compelling prostitution by a person with a disability.

A person would be required to bring a personal injury suit within 30 years of the injury if the cause of action arose from compelling prostitution by a person with a disability or sexual trafficking of a person with a disability, as provided by the bill.

The bill would establish that the duty to register under the sex offender registration program would end when the person died if the person had a reportable conviction or adjudication of sexual trafficking of a person with a disability or compelling of prostitution by a person with a disability.

CSHB 1004 would take effect September 1, 2023, and would apply only to an offense committed on or after that date. To the extent of any conflict, this bill would prevail over another bill of the 88th Legislature relating to nonsubstantive additions to and corrections in enacted codes.