

**SUBJECT:** Including sex trafficking of disabled individuals as a first degree felony

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline

0 nays

**WITNESSES:** For — (*Registered, but did not testify*: Jason Sabo, Children at Risk; Jennifer Szimanski, Combined Law Enforcement Associations of Texas; Andy Kahan, Crime Stoppers Houston; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; James Parnell, Dallas Police Association; Jessica Anderson, Houston Police Department; Ray Hunt, Houston Police Officers Union; Lindsay Lanagan, Legacy Community Health; Lindy Borchardt and Phil Sorrells, Tarrant County Criminal District Attorney; Carlos Ortiz, SAPOA; Ashley Brooks, Texas Association Against Sexual Assault; Jenny Andrews, Texas Catholic Conference of Bishops; John Wilkerson, Texas Municipal Police Association; Ashley Ford, The Arc of Texas; Thomas Parkinson; Leticia Ybarra)

Against — None

**BACKGROUND:** Under Penal Code sec. 22.021(b), a "disabled individual" is defined as a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.

**DIGEST:** HB 279 would apply the offense for conduct constituting child sex trafficking to the same conduct towards an individual with disabilities and makes conforming changes. The conduct would be a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000) regardless of whether the actor knew that the victim was disabled at the time of the offense. For a personal injury arising from the

sex trafficking of a disabled individual, a person would be required to bring suit not later than 30 years after the day of the incident.

The changes made in HB 279 would apply only to an offense committed on or after the effective date of the bill. The bill would take effect September 1, 2023.

**SUPPORTERS  
SAY:**

HB 279 would help prosecutors bring justice to sex traffickers who take advantage of individuals with disabilities. People with disabilities are often targeted by traffickers due to their unique vulnerabilities. Individuals with disabilities often have a reduced ability to assess situations and make safe decisions, which may put them at a higher risk of being trafficked. Stronger protections have been granted to children for being similarly at-risk of being trafficked; the bill would extend the same protection for individuals with a disability.

Currently, it can be difficult for prosecutors to bring traffickers of individuals with disabilities to justice because prosecutors typically must prove the existence of force, fraud, or coercion to convict an offender. Force, fraud, and coercion for disabled individuals may look different than what is preconceived of by a court. Proving the existence of force, fraud, or coercion often must involve the cooperation of a survivor, but the trauma and lasting psychological effects of coercion that often result from sex trafficking can make it more difficult for these individuals to participate. By aligning requirements for these offenses with trafficking cases involving child victims, the bill would eliminate the requirement for prosecutors to prove the presence of force, fraud, or coercion in cases involving disabled individuals.

**CRITICS  
SAY:**

No concerns identified.