

BILL ANALYSIS

Senate Research Center

H.B. 59
By: Wise (Van de Putte)
Criminal Justice
5/22/2003
Engrossed

DIGEST AND PURPOSE

H.B. 59 provides that an aggravated kidnapping of a person younger than 17 years of age is a felony of the second degree. This bill provides a punishment for the offense of kidnapping and the offense of trafficking in persons.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 20.03(c), Penal Code, to provide that an offense under this section is a felony of the third degree, except that an offense under this section is a felony of the second degree if the actor exposed the person abducted to a risk of serious bodily injury, or the person abducted was younger than 17 years of age at the time of the commission of the offense.

SECTION 2. Amends Section 20.04(a), Penal Code, to provide that a person commits an offense if:

- (1) the person intentionally or knowingly abducts another person with the intent to:
 - (A) hold the person abducted for ransom or reward or to coerce a third person to perform some act;
 - (B) use the person abducted as a shield or hostage;
 - (C) facilitate the commission of a felony or the flight after the attempt or commission of a felony;
 - (D) inflict bodily injury on the person abducted or violate or abuse the person abducted sexually;
 - (E) terrorize the person abducted or a third person;
 - (F) interfere with the performance of any governmental or political function; or
 - (G) hold the person abducted in a condition of involuntary servitude; or
- (2) the person intentionally or knowingly abducts another person who is:
 - (A) younger than 18 years of age; or
 - (B) incompetent.

SECTION 3. Amends Chapter 20, Penal Code, by adding Section 20.06, as follows:

Sec. 20.06. TRAFFICKING OF PERSONS. (a) Defines "forced labor or services" and "traffic."

(b)(1) Provides that a person commits an offense if the person knowingly traffics another person with the intent that the trafficked person engage in:

- (A) forced labor or services; or
- (B) conduct that constitutes an offense under Chapter 43.

(2) Provides that, except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. Provides that an offense under this section is a felony of the first degree if:

- (A) the offense is committed under Subsection (b)(1) and the person who is trafficked is younger than 14 years of age at the time of the offense; or
- (B) the commission of the offense results in the death of the person who is trafficked.

(3) Provides that if conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

SECTION 4. Amends Section 71.02(a) (relating to a criminal combination), Penal Code, to include any offense under Section 20.06 and to strike the text “Penal Code” from Subdivisions (8)-(10) and (12).

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2003.