

BILL ANALYSIS

Senate Research Center

S.B. 1831
By: Taylor
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 hotspots 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. This access has made it easier to buy and sell the most vulnerable among us: our children.

Texas is taking an active role in combatting trafficking in all forms across the state. The Texas Education Agency, the United States Department of Health and Human Services, and notable studies from Texas universities have discussed the prevalence of students trafficked on school campuses and have called for proactive measures that prevent trafficking at the school level. This includes training for educators and staff on recognition, reporting, and resources available to students at risk of being exploited. However, more can be done to protect young Texans and we must remain vigilant.

S.B. 1831, named the "No Trafficking Zone Act," addresses the vulnerability of students by increasing penalties for offenses occurring on and around school premises and premises in which school functions are taking place. Specifically, under this statute, offenders contacting, arranging meetings, or picking up students within this designated "No Trafficking Zone" would be charged with a first degree felony. This would include the practice of using technology and social media to arrange pick-ups during school hours. "No Trafficking Zones" would be established on school grounds, at school functions, school sponsored events, and within 600 feet of these areas. Finally, S.B. 1831 provides for the posting of signs that provide information necessary to report suspicious activity in these spaces which, in turn, will reduce the impact that traffickers and their strategic partners have on our children's learning environment.

As proposed, S.B. 1831 amends current law relating to the increase of penalties for those who engage in the crime of solicitation or trafficking on school premises.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 6 (Section 20A.05, Penal Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 33.021, Penal Code, by adding Subsection (f-1), as follows:

(f-1) Provides that the punishment for an offense under Section 33.021 (Online Solicitation of a Minor) is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that:

(1) the actor committed the offense during regular public or private primary or secondary school hours; and

(2) 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.

SECTION 2. Amends Section 43.01, Penal Code, to define "premises" and "school" and to make nonsubstantive changes.

SECTION 3. Amends Section 43.02, Penal Code, by adding Subsection (c-2), as follows:

(c-2) Provides that the punishment prescribed for an offense under Subsection (b) (relating to the provision that a person commits an offense if offering or agreeing to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another) is increased to the punishment prescribed for the next highest category of offense if it is shown beyond a reasonable doubt on the trial of the offense that the actor committed the offense in a location:

(1) on the premises of a school;

(2) within 600 feet of the premises of a school;

(3) on the premises or within 600 feet of the premises where:

(A) an official school function was taking place; or

(B) an event sponsored or sanctioned by the University Interscholastic League (UIL) was taking place.

SECTION 4. Amends Section 20A.02, Penal Code, as follows:

(b) Provides that except as otherwise provided by this subsection, an offense under Section 20A.02 (Trafficking of Persons) is a felony of the second degree. Provides that an offense under Section 20A.02 is a felony of the first degree if:

(1) makes no changes to this subsection;

(2) the commission of the offense occurs:

(A) on the premises of a school;

(B) within 600 feet of the premises of a school;

(C) on the premises or within 600 feet of the premises where:

(i) an official school function was taking place; or

(ii) an event sponsored or sanctioned by the UIL was taking place;

(3) the commission of the offense results in the death of the person who is trafficked; or

(4) the commission of the offense results in the death of an unborn child of the person who is trafficked.

SECTION 5. Amends Section 20A.01, Penal Code, to define for purposes of Chapter 20A (Trafficking of Persons) "commission," "executive commissioner," "school," and "premises" and to make nonsubstantive changes.

SECTION 6. Amends Chapter 20A, Penal Code, by adding Sections 20A.05, as follows:

Sec. 20A.05. POSTING NOTICE OF NO TRAFFICKING ZONES. (a) Requires a school, as defined by Chapter 20A, to post "No Trafficking" notices on the premises of the school in the following locations:

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

(b) Requires that each "No Trafficking" notice posted on the premises of a school:

- (1) include a description of the provisions of Subsection 20A.02(b)(2), Penal Code, including the penalties for violating Subsection 20A.02, Penal Code;
- (2) include the name and address of the person under whose authority the notice is posted;
- (3) be written in English and Spanish; and
- (4) be at least 8-1/2 by 11 inches in size.

(c) Requires the executive commissioner of the Health and Human Services Commission by rule to determine and prescribe the requirements regarding the placement, installation, design, size, wording, and maintenance procedures for the "No Trafficking" notices.

(d) Requires the Health and Human Services Commission to provide without charge to schools the number of "No Trafficking" notices required to comply with this section and rules adopted under this section.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2021.