

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1283
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Criminal Justice
4/27/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 20A.01, Penal Code, defines "forced labor and services" pertaining to victims of human trafficking. However, the definitions surrounding "forced labor and services" do not fully describe many victims of human trafficking and the ways in which they are threatened and coerced into rendering services. In many trafficking cases, the victims are forced to perform a labor or service as a result of threats to their family or to destroy their citizenship documents. The current definition fails to include threat of legal action, threats to others, and other ways that a person may be forced to render labor or services.

C.S.S.B. 1283 enhances the legal definition of human trafficking in Texas. C.S.S.B. 1283 also requires the attorney general and the Health and Human Services Commission to prepare reports concerning the offense of trafficking persons, and issue those reports not later than September 1, 2008.

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 20A.01, Penal Code, to redefine "forced labor or services" and "traffic."

SECTION 2. Amends Sections 20A.02(a) and (b), Penal Code, as follows:

(a) Provides that a person commits an offense if the person knowingly traffics another person with the intent or knowledge that the trafficked person will engage in forced labor or services or intentionally or knowingly benefits from participating in a venture that involves an activity of forced labor or services, including by receiving labor or services that the person knows are forced. Deletes existing text providing that a person commits an offense if the person engages in conduct constituting an offense under Chapter 43 (Public Indecency).

(b) Provides that an offense under this section (Trafficking of Persons) is a second degree felony, except that an offense under this section is a first degree felony under certain circumstances, including if the applicable conduct constitutes an offense under Section 43.02 (Prostitution), rather than an offense committed under Subsection (a)(2), and the person is younger than 18, rather than 14, years of age at the time of the offense.

SECTION 3. (a) Requires the attorney general, not later than September 1, 2008, and in consultation with the Health and Human Services Commission, to prepare and issue a report containing certain information.

(b) Requires the Health and Human Services Commission, not later than September 1, 2008, and in consultation with the attorney general, to prepare and issue a report containing certain information.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.