

SUBJECT: Creating a crime for operating stash house, revising contraband definition

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Collier, Zedler, K. Bell, J. González, P. King, Moody, Murr, Pacheco

0 nays

1 absent — Hunter

WITNESSES: For — Joseph Scaramucci; (*Registered, but did not testify:* Ann Hettinger, Concerned Women for America; Frederick Frazier, Dallas Police Association, FOP 716, State FOP; John Clark, Operation Texas Shield)

Against — None

BACKGROUND: Some have noted that Texas law lacks a specific crime for operating a stash house used to conceal illegal activity and that creating such an offense could help in the prosecution of cases of human trafficking and related offenses.

DIGEST: CSHB 2613 would create a criminal offense for operating a stash house. It would be an offense for a person to knowingly:

- use or permit another to use any real estate, building, room, tent, vehicle, boat, or other property owned by the person or under the person's control to commit human smuggling, continuous human smuggling, human trafficking, continuous human trafficking, aggravated promotion of prostitution, or to compel prostitution; or
- rent or lease property to another, intending it be used for one of the above offenses.

Offenses would be class A misdemeanors (up to one year in jail and/or a maximum fine of \$4,000). If conduct that constituted operating a stash house also constituted an offense under another law, prosecutions could

occur under the new offense, the other law, or both.

The bill also would expand the definition of contraband that would be subject to seizure and forfeiture to apply not only to property used to commit human trafficking but also to property intended to be used to commit human trafficking.

The bill would make several other changes to the definition of contraband, generally expanding the definition as applied to operating a stash house, aggravated promotion of prostitution, compelling prostitution, human smuggling, and continuous human smuggling. The bill also would make changes to the laws dealing with contraband that could be seized and forfeited in relation to these crimes, and would expand the contraband definition as it applied to property used to facilitate or intended to be used to facilitate felonies so that it included all offenses in Penal Code ch. 43, which covers public indecency crimes.

The bill would establish requirements for using contraband forfeited from the crimes of human smuggling, continuous human smuggling, operating a stash house, aggravated promotion of prostitution, compelling prostitution, and human trafficking. Contraband related to these crimes that went to a prosecutor or a law enforcement agency would have to be used for direct victim services or for a contract with a local nonprofit organization to provide direct services to crime victims.

The bill would take effect September 1, 2019, and would apply to offenses committed on or after that date.