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H.B. No. 59

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offense of aggravated kidnapping, the punishment
3 for the offense of kidnapping, and the definition of and punishment
4 for the offense of trafficking in persons.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 20.03(c), Penal Code, is amended to read
7 as follows:

13 SECTION 2. Section 20.04(a), Penal Code, is amended to read
14 as follows:

15 (a) A person commits an offense if:

24 (D) [4] inflict bodily injury on the person

1 abducted [him] or violate or abuse the person abducted [him]
2 sexually;

3 (E) [-(5)] terrorize the person abducted [him] or
4 a third person; [or]

5 (F) [-(6)] interfere with the performance of any
6 governmental or political function; or

7 (G) hold the person abducted in a condition of
8 involuntary servitude; or

9 (2) the person intentionally or knowingly abducts
10 another person who is:

11 (A) younger than 18 years of age; or

12 (B) incompetent.

13 SECTION 3. Chapter 20, Penal Code, is amended by adding
14 Section 20.06 to read as follows:

15 Sec. 20.06. TRAFFICKING OF PERSONS. (a) In this section:

16 (1) "Forced labor or services" means labor or services
17 that are performed or provided by another person and obtained
18 through an actor's:

19 (A) threatening to cause bodily injury to
20 another;

21 (B) restraining another in a manner described by
22 Section 20.01(1); or

23 (C) withholding from another the person's:

24 (i) government records;

25 (ii) identifying information; or

26 (iii) personal property.

27 (2) "Traffic" means to transport another person or to

1 entice, recruit, harbor, provide, or otherwise obtain another
2 person for transport by deception, coercion, or force.

3 (b)(1) A person commits an offense if the person knowingly
4 traffics another person with the intent that the trafficked person
5 engage in:

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

9 (2) Except as otherwise provided by this subsection,
10 an offense under this section is a felony of the second degree. An
11 offense under this section is a felony of the first degree if:

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

17 (3) If conduct constituting an offense under this
18 section also constitutes an offense under another section of this
19 code, the actor may be prosecuted under either section or under both
20 sections.

21 SECTION 4. Section 71.02(a), Penal Code, is amended to read
22 as follows:

23 (a) A person commits an offense if, with the intent to
24 establish, maintain, or participate in a combination or in the
25 profits of a combination or as a member of a criminal street gang,
26 he commits or conspires to commit one or more of the following:

27 (1) murder, capital murder, arson, aggravated

1 robbery, robbery, burglary, theft, aggravated kidnapping,
2 kidnapping, aggravated assault, aggravated sexual assault, sexual
3 assault, forgery, deadly conduct, assault punishable as a Class A
4 misdemeanor, burglary of a motor vehicle, or unauthorized use of a
5 motor vehicle;

6 (2) any gambling offense punishable as a Class A
7 misdemeanor;

8 (3) promotion of prostitution, aggravated promotion
9 of prostitution, or compelling prostitution;

10 (4) unlawful manufacture, transportation, repair, or
11 sale of firearms or prohibited weapons;

12 (5) unlawful manufacture, delivery, dispensation, or
13 distribution of a controlled substance or dangerous drug, or
14 unlawful possession of a controlled substance or dangerous drug
15 through forgery, fraud, misrepresentation, or deception;

16 (6) any unlawful wholesale promotion or possession of
17 any obscene material or obscene device with the intent to wholesale
18 promote the same;

19 (7) any offense under Subchapter B, Chapter 43,
20 depicting or involving conduct by or directed toward a child
21 younger than 18 years of age;

22 (8) any felony offense under Chapter 32 [~~, Penal Code~~];

23 (9) any offense under Chapter 36 [~~, Penal Code~~];

24 (10) any offense under Chapter 34 [~~, Penal Code~~]; [~~or~~]

25 (11) any offense under Section 37.11(a); or

26 (12) any offense under Section 20.06 [~~, Penal Code~~].

27 SECTION 5. (a) The change in law made by this Act applies

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1 only to an offense committed on or after the effective date of this
2 Act. For purposes of this section, an offense was committed before
3 the effective date of this Act if any element of the offense was
4 committed before that date.

5 (b) An offense committed before the effective date of this
6 Act is covered by the law in effect when the offense was committed,
7 and the former law is continued in effect for that purpose.

8 SECTION 6. This Act takes effect September 1, 2003.