

By: Wise, Riddle, West, Morrison,  
Van Arsdale, et al.

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:

8 (c) An offense under this section is a felony of the third  
9 degree, except that an offense under this section is a felony of the  
10 second degree if the actor exposed the person abducted to a risk of  
11 serious bodily injury, or the person abducted was younger than 17  
12 years of age at the time of the commission of the offense.

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

15 (a) A person commits an offense if:

16 (1) the person [~~he~~] intentionally or knowingly abducts  
17 another person with the intent to:

18 (A) [~~(1)~~] hold the person abducted [~~him~~] for  
19 ransom or reward or to coerce a third person to perform some act;

20 (B) [~~(2)~~] use the person abducted [~~him~~] as a  
21 shield or hostage;

22 (C) [~~(3)~~] facilitate the commission of a felony  
23 or the flight after the attempt or commission of a felony;

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

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.