

1-1 By: Wise, et al. (Senate Sponsor - Van de Putte) H.B. No. 59  
1-2 (In the Senate - Received from the House May 12, 2003;  
1-3 May 13, 2003, read first time and referred to Committee on Criminal  
1-4 Justice; May 24, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
1-6 May 24, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 59 By: Van de Putte

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the offense of aggravated kidnapping, the punishment  
1-11 for the offense of kidnapping, and the definition of and punishment  
1-12 for the offense of trafficking in persons.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 20.03(c), Penal Code, is amended to read  
1-15 as follows:

1-16 (c) An offense under this section is a felony of the third  
1-17 degree, except that an offense under this section is a felony of the  
1-18 second degree if the actor exposed the person abducted to a risk of  
1-19 serious bodily injury.

1-20 SECTION 2. Section 20.04(a), Penal Code, is amended to read  
1-21 as follows:

1-22 (a) A person commits an offense if:

1-23 (1) the person ~~he~~ intentionally or knowingly abducts  
1-24 another person with the intent to:

1-25 (A) ~~[(1)]~~ hold the person abducted ~~him~~ for  
1-26 ransom or reward or to coerce a third person to perform some act;

1-27 (B) ~~[(2)]~~ use the person abducted ~~him~~ as a  
1-28 shield or hostage;

1-29 (C) ~~[(3)]~~ facilitate the commission of a felony  
1-30 or the flight after the attempt or commission of a felony;

1-31 (D) ~~[(4)]~~ inflict bodily injury on the person  
1-32 abducted ~~him~~ or violate or abuse the person abducted ~~him~~  
1-33 sexually;

1-34 (E) ~~[(5)]~~ terrorize the person abducted ~~him~~ or  
1-35 a third person; ~~or~~

1-36 (F) ~~[(6)]~~ interfere with the performance of any  
1-37 governmental or political function; or

1-38 (G) hold the person abducted in a condition of  
1-39 involuntary servitude; or

1-40 (2) the person intentionally or knowingly abducts  
1-41 another person who is:

1-42 (A) younger than 18 years of age; or

1-43 (B) incompetent.

1-44 SECTION 3. Chapter 20, Penal Code, is amended by adding  
1-45 Section 20.06 to read as follows:

1-46 Sec. 20.06. TRAFFICKING OF PERSONS. (a) In this section:

1-47 (1) "Forced labor or services" means labor or services  
1-48 that are performed or provided by another person and obtained  
1-49 through an actor's:

1-50 (A) threatening to cause bodily injury to  
1-51 another;

1-52 (B) restraining another in a manner described by  
1-53 Section 20.01(1); or

1-54 (C) withholding from another the person's:

1-55 (i) government records;

1-56 (ii) identifying information; or

1-57 (iii) personal property.

1-58 (2) "Traffic" means to transport another person or to  
1-59 entice, recruit, harbor, provide, or otherwise obtain another  
1-60 person for transport by deception, coercion, or force.

1-61 (b)(1) A person commits an offense if the person knowingly  
1-62 trafficks another person with the intent that the trafficked person  
1-63 engage in:

- (A) forced labor or services; or
- (B) conduct that constitutes an offense under

Chapter 43.

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

(A) the offense is committed under Subsection (b)(1) and the person who is trafficked is younger than 14 years of age at the time of the offense; or

(B) the commission of the offense results in the death of the person who is trafficked.

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

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

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

(1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

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

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

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