

1-1 By: Thompson of Harris, Lopez, Collier H.B. No. 3800
1-2 (Senate Sponsor - Huffman)
1-3 (In the Senate - Received from the House May 13, 2019;
1-4 May 14, 2019, read first time and referred to Committee on Criminal
1-5 Justice; May 17, 2019, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-7 May 17, 2019, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	<u>Whitmire</u>	X		
1-11	<u>Huffman</u>		X	
1-12	<u>Buckingham</u>	X		
1-13	<u>Flores</u>	X		
1-14	<u>Hughes</u>	X		
1-15	<u>Miles</u>	X		
1-16	<u>Perry</u>	X		

1-17 COMMITTEE SUBSTITUTE FOR H.B. No. 3800 By: Whitmire

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to the investigation and prosecution of criminal offenses
1-21 involving the trafficking of persons.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 2, Code of Criminal Procedure, is
1-24 amended by adding Article 2.305 to read as follows:

1-25 Art. 2.305. REPORT REQUIRED CONCERNING HUMAN TRAFFICKING
1-26 CASES. (a) This article applies only to:

1-27 (1) a municipal police department, sheriff's
1-28 department, constable's office, county attorney's office, district
1-29 attorney's office, and criminal district attorney's office, as
1-30 applicable, in a county with a population of more than 50,000; and
1-31 (2) the Department of Public Safety.

1-32 (b) An entity described by Subsection (a) that investigates
1-33 the alleged commission of an offense under Chapter 20A, Penal Code,
1-34 or the alleged commission of an offense under Chapter 43, Penal
1-35 Code, which may involve human trafficking, shall submit to the
1-36 attorney general the following information:

1-37 (1) the offense being investigated, including a brief
1-38 description of the alleged prohibited conduct;

1-39 (2) regarding each person suspected of committing the
1-40 offense and each victim of the offense:

1-41 (A) the person's:

1-42 (i) age;

1-43 (ii) gender; and

1-44 (iii) race or ethnicity, as defined by

1-45 Article 2.132; and

1-46 (B) the case number associated with the offense
1-47 and the person suspected of committing the offense;

1-48 (3) the date, time, and location of the alleged
1-49 offense;

1-50 (4) the type of human trafficking involved, including:

1-51 (A) forced labor or services, as defined by
1-52 Section 20A.01, Penal Code;

1-53 (B) causing the victim by force, fraud, or
1-54 coercion to engage in prohibited conduct involving one or more
1-55 sexual activities, including conduct described by Section
1-56 20A.02(a)(3), Penal Code; or

1-57 (C) causing a child victim by any means to engage
1-58 in, or become the victim of, prohibited conduct involving one or
1-59 more sexual activities, including conduct described by Section
1-60 20A.02(a)(7), Penal Code;

2-1 (5) if available, information regarding any victims'
2-2 service organization or program to which the victim was referred as
2-3 part of the investigation; and

2-4 (6) the disposition of the investigation, regardless
2-5 of the manner of disposition.

2-6 (c) An attorney representing the state who prosecutes the
2-7 alleged commission of an offense under Chapter 20A, Penal Code, or
2-8 the alleged commission of an offense under Chapter 43, Penal Code,
2-9 which may involve human trafficking, shall submit to the attorney
2-10 general the following information:

2-11 (1) the offense being prosecuted, including a brief
2-12 description of the alleged prohibited conduct;

2-13 (2) any other charged offense that is part of the same
2-14 criminal episode out of which the offense described by Subdivision
2-15 (1) arose;

2-16 (3) the information described by Subsections (b)(2),
2-17 (3), (4), and (5); and

2-18 (4) the disposition of the prosecution, regardless of
2-19 the manner of disposition.

2-20 (d) The attorney general shall enter into a contract with a
2-21 public or private institution of higher education for the
2-22 institution's assistance in the collection and analysis of
2-23 information received under this article.

2-24 (e) In consultation with the entities described by
2-25 Subsection (a), the attorney general shall adopt rules to
2-26 administer this article, including rules prescribing:

2-27 (1) the form and manner of submission of a report
2-28 required by Subsection (b) or (c); and

2-29 (2) additional information to include in a report
2-30 required by Subsection (b) or (c).

2-31 SECTION 2. Article 13.12, Code of Criminal Procedure, is
2-32 amended to read as follows:

2-33 Art. 13.12. TRAFFICKING OF PERSONS, FALSE IMPRISONMENT,
2-34 KIDNAPPING, AND SMUGGLING OF PERSONS. (a) Venue for trafficking
2-35 of persons, false imprisonment, kidnapping, and smuggling of
2-36 persons is in:

2-37 (1) the county in which the offense was committed; or
2-38 (2) any county through, into, or out of which the

2-39 person trafficked, falsely imprisoned, kidnapped, or transported
2-40 may have been taken.

2-41 (b) If a defendant commits an offense under Chapter 20A,
2-42 Penal Code, that is part of a criminal episode, as defined by
2-43 Section 3.01, Penal Code, all of the offenses arising out of the
2-44 same criminal episode may be prosecuted in any county that has venue
2-45 over an offense constituting part of that criminal episode.

2-46 SECTION 3. Chapter 20A, Penal Code, is amended by adding
2-47 Section 20A.05 to read as follows:

2-48 Sec. 20A.05. FORWARDING OF CASE INFORMATION ON COMPLETION
2-49 OF INVESTIGATION BY CERTAIN STATE AGENCIES. On completion of an
2-50 investigation of an offense under this chapter that is conducted by
2-51 a state agency other than the office of the attorney general, the
2-52 state agency shall forward copies of each offense report prepared
2-53 in the investigation and all other case information to:

2-54 (1) the appropriate local county or district attorney;
2-55 and

2-56 (2) the attorney general.

2-57 SECTION 4. Title 5, Penal Code, is amended by adding Chapter
2-58 20B to read as follows:

2-59 CHAPTER 20B. CONCURRENT JURISDICTION IN CASES INVOLVING
2-60 TRAFFICKING OF PERSONS

2-61 Sec. 20B.01. DEFINITION. In this chapter, "criminal
2-62 episode" has the meaning assigned by Section 3.01.

2-63 Sec. 20B.02. PROSECUTION BY ATTORNEY GENERAL IN
2-64 MULTIJURISDICTIONAL CASES AUTHORIZED. (a) The attorney general
2-65 may prosecute an offense under Chapter 20A if the offense or any
2-66 element of the offense:

2-67 (1) occurs in more than one county in this state; or

2-68 (2) occurs in a county in this state as well as in
2-69 another state or country.

3-1 (b) The attorney general may prosecute any other offense
3-2 that occurs in this state and arises out of the same criminal
3-3 episode as an offense described by Subsection (a).

3-4 (c) The attorney general may appear before a grand jury in
3-5 connection with an offense the attorney general is authorized to
3-6 prosecute under this section.

3-7 (d) The authority to prosecute prescribed by this section
3-8 does not affect the authority derived from other law to prosecute
3-9 the same offenses.

3-10 Sec. 20B.03. SINGLE JURISDICTIONAL CASE: CONCURRENT
3-11 JURISDICTION FOLLOWING LOCAL PROSECUTOR'S RIGHT OF FIRST REFUSAL.

3-12 (a) This section does not apply to an offense described by Section
3-13 20B.02(a).

3-14 (b) Not later than the 30th day after the date a local county
3-15 or district attorney becomes aware of conduct that may constitute
3-16 an offense under Chapter 20A, the local county or district attorney
3-17 shall notify the attorney general in writing of the conduct. The
3-18 notice provided under this subsection must describe the conduct
3-19 that may constitute an offense under Chapter 20A and must describe
3-20 or otherwise identify each person suspected at that time of having
3-21 engaged in the conduct.

3-22 (c) If a local county or district attorney described by
3-23 Subsection (b) determines that the attorney will not pursue a
3-24 criminal investigation of the applicable conduct or will not
3-25 prosecute a criminal charge in relation to that conduct, the local
3-26 county or district attorney shall notify the attorney general of
3-27 that determination not later than the 30th day after the date of the
3-28 determination. On receipt of notice under this subsection, the
3-29 attorney general may begin a criminal investigation of the
3-30 applicable conduct and may prosecute:

3-31 (1) any offense under Chapter 20A relating to the
3-32 attorney general's investigation of that conduct; and

3-33 (2) any other offense arising out of the same criminal
3-34 episode.

3-35 Sec. 20B.04. EXPIRATION. This chapter expires September 1,
3-36 2031.

3-37 SECTION 5. Notwithstanding Article 2.305, Code of Criminal
3-38 Procedure, as added by this Act:

3-39 (1) the Department of Public Safety of the State of
3-40 Texas is not required to comply with that article until August 1,
3-41 2020; and

3-42 (2) an entity described by Subsection (a) of that
3-43 article, other than the Department of Public Safety of the State of
3-44 Texas:

3-45 (A) if located in a county with a population of
3-46 more than 500,000, is not required to comply with that article until
3-47 August 1, 2020; and

3-48 (B) if located in a county with a population of
3-49 500,000 or less, is not required to comply with that article until
3-50 August 1, 2021.

3-51 SECTION 6. Article 13.12, Code of Criminal Procedure, as
3-52 amended by this Act, and Section 20A.05 and Chapter 20B, Penal Code,
3-53 as added by this Act, apply only to the investigation and
3-54 prosecution of an offense committed on or after the effective date
3-55 of this Act. The investigation and prosecution of an offense
3-56 committed before the effective date of this Act is governed by the
3-57 law in effect on the date the offense was committed, and the former
3-58 law is continued in effect for that purpose. For purposes of this
3-59 section, an offense was committed before the effective date of this
3-60 Act if any element of the offense occurred before that date.

3-61 SECTION 7. This Act takes effect September 1, 2019.

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