

# LEGISLATIVE RECOMMENDATIONS

## 87th Regular Session

PROPOSAL	STATUTE	BACKGROUND
<b>STATUTORY CLEAN-UP</b>		
<b>Extend the Definition of "Coercion" To Apply to Adult Labor Trafficking and Child Labor Trafficking</b>	Repeal Texas Penal Code § 20A.02(a-1) and amend Texas Penal Code § 20A.01 to include a definition of "coercion" applicable to the entire statute.	Adult sex trafficking, adult labor trafficking, and child labor trafficking all require force, fraud, or coercion. This proposed change would extend the existing definition of "coercion" to conduct related to adult sex trafficking, adult labor trafficking, and child labor trafficking.
<b>Remove Intercounty Requirement for Civil Cause of Action</b>	Amend Texas Civil Practice and Remedies Code § 140A.002 by removing intercounty requirement.	To prove a civil cause of action for human trafficking, the current statute requires the offense or an element of the offense to have occurred or been facilitated in more than one county. Often many human trafficking incidents occur within a single county. This proposed change would remove the unnecessary and impractical burden for civil actions.
<b>Clarify Available Remedies for Civil Causes of Actions</b>	Amend Texas Civil Practice and Remedies Code § 140A.102(b)(1)-(8) by changing "or" to "and."	The list of remedies under Texas Civil Practice and Remedies Code § 140A.102(b)(1)-(8) includes an "or" between subsections 102(b)(7) and 102(b)(8) instead of an "and." This proposed change would clarify available remedies for human trafficking civil actions.
<b>Clarify Common and Public Nuisance Provisions</b>	Amend various provisions of Texas Civil Practice and Remedies Code Chapter 125 that relate to massage establishments.	Texas Civil Practice and Remedies Code Chapter 125 contains duplicative and conflicting versions of subsections relating to massage establishments. The proposed changes will remove duplication and conflicts in the statute.
<b>Prevent Reckless Tolerance of Trafficking</b>	Amend Texas Civil Practice and Remedies Code § 140A.104(d) by adding conduct of "a person," to include individuals who enter into a contract for a performance of work or provision of service.	Currently, an enterprise may not be held liable unless the finder of fact finds that a director or high managerial agent performed, authorized, requested, commanded, participated in, ratified, or recklessly tolerated the unlawful conduct of the agent. This proposed change would include conduct of agents and individuals who enter into a work contract for the enterprise.
<b>INCREASING INVESTIGATIVE AND PROSECUTORIAL TOOLS</b>		
<b>Add Drink Solicitation as Investigative Tool</b>	Amend Texas Alcoholic Beverage Code §§ 11.44(b), 11.46(c), 61.42(c) by adding "drink solicitation" to the offenses listed that would deny a license or permit at that location or to a person for a certain period.	The criminal activity known as drink solicitation is the practice by a retail employee or agent of engaging a customer to purchase alcohol for consumption. This practice is routinely used as a gateway for prostitution, often in concert with human trafficking. This proposed change would include drink solicitation as conduct that makes a location ineligible for a license or permit.
<b>Redefine Prostitution to Reduce Demand</b>	Add a new section, Texas Penal Code § 43.021 to distinguish the offense of purchasing sex from the offense of selling sex and to increase the penalty for purchasing sex to a state jail felony.	Currently, a person who purchases sex and a person who sells sex are guilty of the same offense, prostitution. Yet, the crime of buying sex differs in important ways from the crime of selling sex, including the circumstances and vulnerabilities of the people who are committing the offenses. The current punishment range for buying sex does not curb demand, and as long as there is demand, there will be supply. The proposed change will add a new section, Texas Penal Code § 43.021, to separate out the act of buying sex from the act of selling sex - effectively redefining "prostitution" - and adding "solicitation of prostitution," and making the penalty for first time sex-buying a state jail felony.
<b>VICTIM PROTECTIONS</b>		
<b>Increase Residential Treatment and Emergency Center Protections</b>	Texas Penal Code § 30.05(b)(2); Chapter 42 of the Texas Human Resources Code; Texas Health and Safety Code § 481.134; Texas Code of Criminal Procedure § 42A.453.	In Texas, traffickers are targeting residential child-care or treatment facilities (RTCs) to solicit vulnerable young children into prostitution. Because pimps are free to approach vulnerable youths without impediment, traffickers have been successful in luring/recruiting these children in RTC parking lots. The proposal will require all providers/owners of RTCs and emergency facilities to post "no trespassing" notices along the exterior boundaries of the property and designate RTCs as child safety zones and gang- and drug-free zones.
<b>Protect Victim Testimony</b>	Expand existing exceptions for evidence in criminal actions in Texas Code of Criminal Procedure § 38.37 to include all human trafficking and sexual assault victims.	Acknowledging the unique dynamic between the victim and the trafficker, and the potential to tamper with the witness, we need to present a victim-centered and trauma-informed approach to victim testimony. Chapter 38 lacks the ability to put into evidence outcry statements of all human trafficking and sexual assault victims. This proposed change would lessen the burden on human trafficking victims at trial, avoiding retraumatizing the victim, while still protecting the rights of the defendant.
<b>Prohibit SOB's from Employing Individuals Under Age 21 or Allowing Individuals Under Age 18 on the Premises</b>	Amend Texas Labor Code § 51.016 and Texas Penal Code § 43.251 to increase and verify the minimum age of employment in sexually oriented businesses from 18 to 21 with a criminal penalty for offending businesses. Amend the Alcoholic Beverage Code and Business & Commerce Code to prohibit sexually oriented businesses from allowing individuals under 18 on the premises. Amend Texas Civil Practice and Remedies Code § 125.0015 to include this activity in the list of common nuisances.	Sexually oriented businesses are a high-risk location for potential trafficking and exploitation. These businesses are primarily regulated at the local level, but additional protections for youth could be enacted statewide. The proposed change would raise the age of employment in sexually oriented businesses from 18 to 21, prohibit sexually oriented businesses from allowing minors on the premises, and hold offending businesses accountable. This change would provide mechanisms to help prevent exploitation in sexually oriented businesses statewide.