

By: Hall

S.B. No. 446

A BILL TO BE ENTITLED

AN ACT

relating to increased penalties for the offense of trafficking of persons that involves a child victim or the death of any victim.

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

SECTION 1. Section 19.03(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person commits murder as defined under Section 19.02(b)(1) and:

(1) the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman;

(2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction or retaliation, trafficking of persons, or terroristic threat under Section 22.07(a)(1), (3), (4), (5), or (6);

(3) the person commits the murder for remuneration or the promise of remuneration or employs another to commit the murder for remuneration or the promise of remuneration;

(4) the person commits the murder while escaping or attempting to escape from a penal institution;

(5) the person, while incarcerated in a penal institution, murders another:

(A) who is employed in the operation of the penal

1 institution; or

2 (B) with the intent to establish, maintain, or
3 participate in a combination or in the profits of a combination;

4 (6) the person:

5 (A) while incarcerated for an offense under this
6 section or Section 19.02, murders another; or

7 (B) while serving a sentence of life imprisonment
8 or a term of 99 years for an offense under Section 20.04, 22.021, or
9 29.03, murders another;

10 (7) the person murders more than one person:

11 (A) during the same criminal transaction; or

12 (B) during different criminal transactions but
13 the murders are committed pursuant to the same scheme or course of
14 conduct;

15 (8) the person murders an individual under 10 years of
16 age; or

17 (9) the person murders another person in retaliation
18 for or on account of the service or status of the other person as a
19 judge or justice of the supreme court, the court of criminal
20 appeals, a court of appeals, a district court, a criminal district
21 court, a constitutional county court, a statutory county court, a
22 justice court, or a municipal court.

23 SECTION 2. Section 20A.02, Penal Code, is amended by
24 amending Subsection (b) and adding Subsections (b-1) and (b-2) to
25 read as follows:

26 (b) An ~~[Except as otherwise provided by this subsection, an]~~
27 offense under Subsection (a)(1), (2), (3), or (4) ~~[this section]~~ is

1 a felony of the second degree.

2 (b-1) An offense under ~~[this section is a felony of the~~
3 ~~first degree if:~~

4 ~~[(1) the applicable conduct constitutes an offense~~
5 ~~under]~~ Subsection (a)(5), (6), (7), or (8) is a felony of the first
6 degree punishable by imprisonment in the Texas Department of
7 Criminal Justice for life or for any term of not more than 99 years
8 or less than 25 years, regardless of whether the actor knows the age
9 of the child at the time the actor commits the offense.

10 (b-2) Notwithstanding Subsection (b) or (b-1), an offense
11 under this section is a felony of the first degree punishable by
12 imprisonment in the Texas Department of Criminal Justice for life
13 without parole if ~~[, or~~

14 ~~[(2)]~~ the commission of the offense results in the
15 death of the person who is trafficked.

16 SECTION 3. Section 2(a), Article 38.37, Code of Criminal
17 Procedure, is amended to read as follows:

18 (a) Subsection (b) applies only to the trial of a defendant
19 for:

20 (1) an offense under any of the following provisions
21 of the Penal Code:

22 (A) Section 20A.02(a)(7) or (8) ~~[20A.02, if~~
23 ~~punishable as a felony of the first degree under Section~~
24 ~~20A.02(b)(1)]~~ (Sex Trafficking of a Child);

25 (B) Section 21.02 (Continuous Sexual Abuse of
26 Young Child or Children);

27 (C) Section 21.11 (Indecency With a Child);

(D) Section 22.011(a)(2) (Sexual Assault of a Child);

(E) Sections 22.021(a)(1)(B) and (2) (Aggravated Sexual Assault of a Child);

(F) Section 33.021 (Online Solicitation of a Minor);

(G) Section 43.25 (Sexual Performance by a Child); or

(H) Section 43.26 (Possession or Promotion of Child Pornography) [~~Penal Code~~]; or

(2) an attempt or conspiracy to commit an offense described by Subdivision (1).

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. This Act takes effect September 1, 2015.