

BILL ANALYSIS

Senate Research Center

S.B. 20
By: Huffman et al.
State Affairs
6/18/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 20 codifies all 14 recommendations from the Texas Human Trafficking Prevention Task Force, a statutorily created group administratively attached to the OAG. The task force includes the representatives or designees from 27 state or local agencies including the Office of the Governor, OAG, the state's health and human services agencies, the Department of Public Safety of the State of Texas, the Texas Workforce Commission, the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, the Texas Education Agency, the Texas Alcohol; Beverage Commission, and nongovernmental associations and agencies affected by or combatting human trafficking. The biennial report, which was issued in December 2018, contained the following 14 recommendations:

1. Expand Texas Department of Licensing and Regulation (TDLR) authority to conduct more comprehensive background checks under the massage therapy program.
2. Require posting of human trafficking awareness signs in licensed massage establishments and schools.
3. Require additional reporting by massage therapy schools to identify fraudulent schools and students.
4. Remove the five-year "sit out" period for massage therapy licensees.
5. Provide TDLR with authority to act in instances of sexual violations by massage therapy licensees.
6. Provide enforcement provisions in the massage therapy statute similar to other TDLR programs.
7. Provide rape shield law protections for human trafficking and child sexual abuse victims.
8. Include adult sex trafficking and adult sex crimes in the list of offenses where evidence of uncharged crimes is allowable.
9. Provide tools to pursue state charges against online traffickers.
10. Include continuous human trafficking as a stackable offense.
11. Make definition of "coercion" found in Section 20A.02(a-1), Penal Code, applicable to adult and child labor trafficking.
12. Create a new process to protect commercial lessees from operating in the vicinity of human trafficking.
13. Enhance the nondisclosure process under Chapter 411 of the Government Code for victims of human trafficking.

14. Amend prostitution and related statutes to provide increased penalties for buyers and mandatory community supervision provisions for sellers. (Original Author's/Sponsor's Statement of Intent)

S.B. 20 amends current law relating to the prevention of, reporting regarding, investigating of, criminal and civil penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses, to treatment, services, and compensation available to victims of those offenses, and to orders of nondisclosure for certain persons who are victims of certain of those offenses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas attorney general in SECTION 2.04 (Section 402.035, Government Code) of this bill.

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 5.01 (50.0005, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the governor in SECTION 5.02 of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. TRAFFICKING OF PERSONS AND CONTINUOUS TRAFFICKING OF PERSONS

SECTION 1.01. Amends Section 3.03(b), Penal Code, as follows:

(b) Authorizes the sentences, if the accused is found guilty of more than one offense arising out of the same criminal episode, to run concurrently or consecutively if each sentence is for a conviction of certain offenses, including an offense under Section 20A.02 (Trafficking of Persons), 20A.03 (Continuous Trafficking of Persons), or 43.05 (Compelling Prostitution), rather than under Sections 20A.02 or 43.05, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section, rather than both sections, or for which a plea agreement was reached in a case in which the accused was charged with more than one offense, regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section, rather than both sections.

SECTION 1.02. Repealer: Section 402.035(h) (relating to the expiration of this section on September 1, 2019), Government Code, as amended by Chapter 762 (S.B. 2039), Acts of the 85th Legislature, Regular Session 2017.

Repealer: Section 20A.02(a-1) (relating to trafficking another person with the intent that the trafficked person engage in forced labor or services), Penal Code.

SECTION 1.03. Makes application of this article prospective. Provides that, for the 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.

ARTICLE 2. PENALTIES FOR PROSTITUTION

SECTION 2.01. Amends Subchapter K, Chapter 42A, Code of Criminal Procedure, by adding Article 42A.515, as follows:

Art. 42A.515. COMMUNITY SUPERVISION FOR CERTAIN PROSTITUTION OFFENSES. (a) Requires the judge, except as provided by Subsection (e), on a defendant's conviction of a Class B misdemeanor under Section 43.02(a) (relating to providing that a person commits an offense if the person knowingly offers or agrees to

receive a fee from another to engage in sexual conduct), Penal Code, to suspend imposition of the sentence and place the defendant on community supervision.

(b) Requires the judge, except as provided by Subsection (e), on a defendant's conviction of a state jail felony under Section 43.02(c)(2) (relating to providing that a certain offense that is otherwise a Class B misdemeanor is a state jail felony if the actor has previously been convicted three or more times of an offense under Subsection (a)), Penal Code, that is punished under Section 12.35(a) (relating to providing the term of confinement for an individual adjudged guilty of a state jail felony), Penal Code, to suspend the imposition of the sentence and place the defendant on community supervision. Provides that this section does not apply to a defendant who has previously been convicted of any other state jail felony under Section 43.02(c)(2), Penal Code, that is punished under Section 12.35 (State Jail Felony Punishment), Penal Code.

(c) Requires a judge who places a defendant on community supervision under Subsection (a) or (b) to require as a condition of community supervision that the defendant participate in a commercially sexually exploited persons court program established under Chapter 126 (Commercially Sexually Exploited Persons Court Program), Government Code, if a program has been established for the county or municipality where the defendant resides. Provides that Sections 126.002(b) (relating to a defendant being eligible to participate in a commercially sexually exploited persons court program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program) and (c) (relating to a requirement that the court in which the criminal case is pending allow an eligible defendant to choose whether to participate in the commercially sexually exploited persons court program or otherwise proceed through the criminal justice system), Government Code, do not apply with respect to a defendant required to participate in the court program under this subsection.

(d) Authorizes a judge who requires a defendant to participate in a commercially sexually exploited persons court program under Subsection (c) to suspend in whole or in part the imposition of the program fee described by Section 126.006 (Fees), Government Code.

(e) Requires the judge, in any case in which the jury assesses punishment, to follow the recommendations of the jury in suspending the imposition of a sentence or ordering a sentence to be executed. Requires the judge, if a jury assessing punishment does not recommend community supervision, to order the sentence to be executed in whole.

(f) Authorizes the judge to suspend in whole or in part the imposition of any fine imposed on conviction.

SECTION 2.02. Amends Article 42A.551(d), Code of Criminal Procedure, as follows:

(d) Authorizes the judge, on the conviction of a state jail felony punished under Section 12.35(a), Penal Code, other than a state jail felony listed in Subsection (a) or to which Article 42A.515 applies, subject to Subsection (e) (relating to procedures in a case in which the jury assesses punishment), to suspend the imposition of the sentence and place the defendant on community supervision or order the sentence to be executed in whole or in part, with a period of community supervision to begin immediately on release of the defendant from confinement.

SECTION 2.03. Amends Article 62.001(5), Code of Criminal Procedure, to redefine "reportable conviction or adjudication" to make a conforming change.

SECTION 2.04. Amends Section 402.035, Government Code, by amending Subsection (d) and adding Subsection (f-3), as follows:

(d) Makes a conforming change to this subsection.

(f-3) Authorizes the Texas attorney general (attorney general) to enter into a contract with an institution of higher education or private or independent institution of higher education, as those terms are defined by Section 61.003 (Definitions), Education Code, for the institution's assistance in the collection and analysis of information received under this section (Human Trafficking Prevention Task Force). Authorizes the attorney general to adopt rules to administer the submission and collection of information under this section.

SECTION 2.05. Amends Section 43.02(c-1), Penal Code, as follows:

(c-1) Redesignates existing Subdivision (2) as Subdivision (1) and Subdivision (3) as Subdivision (2). Provides that an offense under Subsection (b) (relating to providing that a person commits an offense if the person knowingly offers or agrees to pay a fee to another to engage in sexual conduct) is a Class A, rather than a Class B, misdemeanor, except that the offense is a state jail felony if the actor has previously been convicted of an offense under Subsection (b), rather than has previously been convicted three or more times of an offense under Subsection (b), and a felony of the second degree in certain circumstances. Deletes existing text providing that the offense is a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (b).

SECTION 2.06. Makes application of this article prospective, except as provided by Subsection (b) of this section. Provides that, 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.

(b) Provides that Subsection (a) of this section does not apply to Section 402.035(f-3), Government Code, as added by this article.

ARTICLE 3. ONLINE PROMOTION OF PROSTITUTION

SECTION 3.01. Amends Section 43.01, Penal Code, by amending Subdivisions (1) and (1-a) and adding Subdivisions (1-b), (1-c), (1-d), and (1-e) to define "access software provider," "deviate sexual intercourse," "information content provider," "interactive computer service," and "Internet."

SECTION 3.02. Amends Subchapter A, Chapter 43, Penal Code, by adding Sections 43.031 and 43.041, as follows:

Sec. 43.031. ONLINE PROMOTION OF PROSTITUTION. (a) Provides that a person commits an offense if the person owns, manages, or operates an interactive computer service or information content provider, or operates as an information content provider, with the intent to promote the prostitution of another person or facilitate another person to engage in prostitution.

(b) Provides that an offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has been previously convicted of an offense under this section or Section 43.041 or engages in conduct described by Subsection (a) involving a person younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the person at the time of the offense.

Sec. 43.041. AGGRAVATED ONLINE PROMOTION OF PROSTITUTION. (a) Provides that a person commits an offense if the person owns, manages, or operates an interactive computer service or information content provider, or operates as an information content provider, with the intent to promote the prostitution of five or more persons or facilitate five or more persons to engage in prostitution.

(b) Provides that an offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the actor has been previously convicted of an offense under this section or engages in conduct described by Subsection (a) involving two or more persons younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the persons at the time of the offense.

SECTION 3.03. Amends Section 98A.001, Civil Practice and Remedies Code, by adding Subdivisions (1-a) and (4-a) to define "aggravated online promotion of prostitution" to mean conduct that constitutes an offense under Section 43.041, Penal Code and "online promotion of prostitution" to mean conduct that constitutes an offense under Section 43.031, Penal Code.

SECTION 3.04. Amends Section 98A.002(a), Civil Practice and Remedies Code, to provide that a defendant is liable to a victim of compelled prostitution, as provided by this chapter (Liability For Compelled Prostitution and Certain Promotion of Prostitution), for damages arising from the compelled prostitution if the defendant takes certain actions, including knowingly or intentionally engaging in promotion of prostitution, online promotion of prostitution, aggravated promotion of prostitution, or aggravated online promotion of prostitution that results in compelling prostitution with respect to the victim.

SECTION 3.05. Amends Article 18A.101, Code of Criminal Procedure, as follows:

Art. 18A.101. OFFENSES FOR WHICH INTERCEPTION ORDER MAY BE ISSUED. Authorizes a judge of competent jurisdiction to issue an interception order only if the prosecutor applying for the order shows probable cause to believe that the interception will provide evidence of the commission of certain crimes, including an offense under Section 43.041, Penal Code. Makes nonsubstantive changes.

SECTION 3.06. Amends Article 56.32(a)(14), Code of Criminal Procedure, to redefine "trafficking of persons" to make conforming changes.

SECTION 3.07. Amends Article 56.81(7), Code of Criminal Procedure, to redefine "trafficking of persons" to make conforming changes.

SECTION 3.08. Amends Section 411.042(b), Government Code, as follows:

(b) Requires the bureau of identification and records of the Department of Public Safety of the State of Texas (DPS) to collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of certain offenses, including offenses under Sections 43.031, 43.04, and 43.041, Penal Code.

SECTION 3.09. Amends Section 499.027(b), Government Code, to provide that an inmate is ineligible under this subchapter (Population Management) to be considered for release to intensive supervision parole if the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense listed in Section 43.041, Penal Code, among other offenses.

SECTION 3.10. Amends Section 169.002(b), Health and Safety Code, to provide that a defendant is eligible to participate in a first offender prostitution prevention program established under this chapter (First Offender Prostitution Prevention Program) only if the court in which the criminal case is pending finds that the defendant has not been previously convicted of certain offenses, including an offense under Section 43.031 or 43.041, Penal Code.

SECTION 3.11. Amends Section 20A.02(a), Penal Code, as follows:

(a) Provides that a person commits an offense if the person knowingly:

(1)–(2) makes no changes to these subdivisions;

(3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by Section 43.031 or Section 43.041, among other offenses;

(4)–(6) makes no changes to these subdivisions;

(7) traffics a child and by any means causes the trafficked child to engage in, or become the victim of conduct prohibited by certain sections, including Section 45.031 or Section 43.041; or

(8) makes no changes to this subdivision.

ARTICLE 4. ORDERS OF NONDISCLOSURE FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION

SECTION 4.01. Amends Section 411.0728, Government Code, as follows:

Sec. 411.0728. New heading: PROCEDURE FOR CERTAIN VICTIMS OF
TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION. (a) Provides that
this section applies only to a person:

(1) who is convicted of or placed on deferred adjudication community supervision, rather than a person who is placed on community supervision under Chapter 42A (Community Supervision), Code of Criminal Procedure, after conviction, for an offense under certain sections of the Health and Safety Code or Penal Code. Deletes existing text including among those sections Section 43.03(a)(2) (relating to soliciting another to engage in sexual conduct with another person for compensation), Penal Code, if the offense is punishable as a Class A misdemeanor; and

(2) who, if requested by the applicable law enforcement agency or prosecuting attorney to provide assistance in the investigation or prosecution of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, or a federal offense containing elements that are substantially similar to the elements of an offense under any of those sections:

(A) provided assistance in the investigation or prosecution of the offense; or

(B) did not provide assistance in the investigation or prosecution of the offense due to the person's age or physical or mental disability resulting from being a victim of an offense described by this subdivision. Deletes existing text relating to a conviction set aside under Article 42A.701 (Reduction or Termination of Community Supervision Period), Code of Criminal Procedure.

(b) Authorizes a person described by Subsection (a) who satisfies the requirements of Section 411.074(b) (relating to certain persons prohibited from being granted an order of nondisclosure of criminal history record information), rather than Section 411.074 (Required Conditions For Receiving an Order of Nondisclosure), notwithstanding any other provision of this subchapter or Subchapter F (Criminal History Record Information), to petition the court that convicted the person or placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section on the grounds that the person committed the offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, rather than solely as a victim of trafficking of persons.

(b-1) Requires a petition under Subsection (b) to:

(1) be in writing;

(2) allege specific facts that, if proved, would establish that the petitioner committed the offense described by Subsection (a)(1) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code; and

(3) assert that if the person has previously submitted a petition for an order of nondisclosure under this section, the person has not committed an offense described by Subsection (a)(1) on or after the date on which the person's first petition under this section was submitted, rather than assert that the person seeking an order of nondisclosure under this section has not previously received an order of nondisclosure under this section.

(b-2) Requires the clerk of the court, on the filing of the petition under Subsection (b), to promptly serve a copy of the petition and any supporting document on the appropriate office of the attorney representing the state. Requires any response to the petition by the attorney representing the state to be filed not later than the 20th business day after the date of service under this subsection.

(b-3) Authorizes a person convicted of or placed on deferred adjudication community supervision for more than one offense described by Subsection (a)(1) that the person committed solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, to file a petition for an order of nondisclosure of criminal history record information under this section with respect to each offense, and authorizes the person to request consolidation of those petitions, in a district court in the county where the person was most recently convicted or placed on deferred adjudication community supervision as described by this subsection. Requires the court, on receipt of a request for consolidation, to consolidate the petitions and exercise jurisdiction over the petitions, regardless of the county in which the offenses described by Subsection (a)(1) occurred. Requires the clerk of the court, in addition to the clerk's duties under Subsection (b-2), for each offense that is the subject of a consolidated petition and that occurred in a county other than the county in which the court consolidating the petitions is located, to promptly serve a copy of the consolidated petition and any supporting document related to the applicable offense on the appropriate office of the attorney representing the state on behalf of the other county. Authorizes each attorney representing the state who receives a copy of a consolidated petition under this subsection to file a response to the petition in accordance with Subsection (b-2).

(b-4) Authorizes a district court that consolidates petitions under Subsection (b-3) to allow an attorney representing the state who receives a petition involving an offense that was committed outside the county in which the court is located to appear at any hearing regarding the consolidated petition by telephone or video conference call.

(c) Requires the court having jurisdiction over the petition, after notice to the state and an opportunity for a hearing, rather than after notice to the state, an opportunity for a hearing, a determination by the court that the person has not previously received an order of nondisclosure under this section, and a determination by the court that the person committed the offense solely as a victim of trafficking of persons and that issuance of the order is in the best interest of justice, to issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense if the court determines that:

(1) the person committed the offense described by Subsection (a)(1) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code;

(2) if applicable, the person did not commit another offense described by Subsection (a)(1) on or after the date on which the person's first petition for an order of nondisclosure under this section was submitted; and

(3) issuance of the order is in the best interest of justice. Deletes existing text relating to placement on community supervision.

(c-1) Authorizes the court, in determining whether a person committed an offense described by Subsection (a)(1) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, to consider any order of nondisclosure previously granted to the person under this section.

(d) Authorizes a person to petition the applicable court, rather than the court that placed the person on community supervision, for an order of nondisclosure of criminal history information under this section only on or after the first anniversary of the date the person:

(1) completed the sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed; or

(2) received a dismissal and discharge under Article 42A.111 (Dismissal and Discharge), Code of Criminal Procedure, if the person was placed on deferred adjudication community supervision. Deletes existing text authorizing a person to petition for an order of non-disclosure only after the person's conviction is set aside as described by Subsection (a).

SECTION 4.02. Amends Article 56.021, Code of Criminal Procedure, by adding Subsection (e), as follows:

(e) Provides that a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, is entitled to be informed that the victim is authorized to petition for an order of nondisclosure of criminal history record information under Section 411.0728, Government Code, if the victim:

(1) has been convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1) of that section; and

(2) committed that offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

SECTION 4.03. Amends Section 126.004, Government Code, by adding Subsection (d) to require a program established under this chapter to provide each program participant with information related to an order of nondisclosure of criminal history record information under Section 411.0728.

ARTICLE 5. SEX TRAFFICKING PREVENTION AND VICTIM TREATMENT PROGRAMS

SECTION 5.01. Amends Subtitle B, Title 2, Health and Safety Code, by adding Chapter 50, as follows:

CHAPTER 50. SEX TRAFFICKING PREVENTION AND VICTIM TREATMENT PROGRAMS

SUBCHAPTER A. TREATMENT PROGRAM FOR VICTIMS OF CHILD SEX TRAFFICKING

Sec. 50.0001. Defines "child sex trafficking" and "program" for purposes of this subchapter.

Sec. 50.0002. ESTABLISHMENT; PURPOSE. Requires the Health and Human Services Commission (HHSC), in collaboration with the institution designated under Section 50.0003, to establish a program to improve the quality and accessibility of care for victims of child sex trafficking in this state.

Sec. 50.0003. DESIGNATION OF INSTITUTION; OPERATION OF PROGRAM. (a) Requires HHSC to designate a health-related institution of higher education to operate the program.

(b) Requires the designated institution to improve the quality and accessibility of care for victims of child sex trafficking by:

(1) dedicating a unit at the institution to provide or contract for inpatient care for victims of child sex trafficking;

(2) dedicating a unit at the institution to provide or contract for outpatient care for victims of child sex trafficking;

(3) creating opportunities for research and workforce expansion related to treatment of victims of child sex trafficking; and

(4) assisting other health-related institutions of higher education in this state to establish similar programs.

(c) Requires HHSC to solicit and review applications from health-related institutions of higher education before designating an institution under this section.

Sec. 50.0004. FUNDING. Authorizes the designated institution, in addition to money appropriated by the legislature, to accept gifts, grants, and donations from any public or private person for the purpose of carrying out the program.

Sec. 50.0005. RULES. Requires the executive commissioner of HHSC (executive commissioner) to adopt rules necessary to implement this subchapter.

SUBCHAPTER B. MATCHING GRANT PROGRAM FOR MUNICIPAL SEX TRAFFICKING PREVENTION PROGRAMS

Sec. 50.0051. ESTABLISHMENT OF MATCHING GRANT PROGRAM. (a) Requires HHSC to establish a matching grant program to award to a municipality a grant in an amount equal to the amount committed by the municipality for the development of a sex trafficking prevention needs assessment. Requires a municipality that is awarded a grant to develop the needs assessment in collaboration with a local institution of higher education and on completion submit a copy of the needs assessment to HHSC.

(b) Requires a sex trafficking prevention needs assessment developed under Subsection (a) to outline:

(1) the prevalence of sex trafficking crimes in the municipality;

(2) strategies for reducing the number of sex trafficking crimes in the municipality; and

(3) the municipality's need for additional funding for sex trafficking prevention programs and initiatives.

Sec. 50.0052. APPLICATION. (a) Authorizes a municipality to apply to HHSC in the form and manner prescribed by HHSC for a matching grant under this subchapter. Requires an applicant, to qualify for a grant, to:

(1) develop a media campaign and appoint a municipal employee to oversee the program; and

(2) provide proof that the applicant is able to obtain or secure municipal money in an amount at least equal to the amount of the awarded grant.

(b) Requires HHSC to review applications for a matching grant submitted under this section and award matching grants to each municipality that demonstrates in the application the most effective strategies for reducing the number of sex trafficking crimes in the municipality and the greatest need for state funding.

(c) Authorizes HHSC to provide a grant under Subsection (b) only in accordance with a contract between HHSC and the municipality. Requires the contract to include provisions under which HHSC is granted sufficient control to ensure the public purpose of sex trafficking prevention is accomplished and the state receives the return benefit.

Sec. 50.0053. FUNDING. Authorizes HHSC, in addition to money appropriated by the legislature, to solicit and accept gifts, grants, or donations from any source to administer and finance the matching grant program established under this subchapter.

SUBCHAPTER C. SEX TRAFFICKING PREVENTION GRANT PROGRAM FOR LOCAL LAW ENFORCEMENT

Sec. 50.0101. ESTABLISHMENT OF GRANT PROGRAM. (a) Requires the Office of the Governor (governor's office), in collaboration with the Child Sex Trafficking Prevention Unit established under Section 772.0062 (Child Sex Trafficking Prevention Unit), Government Code, to establish and administer a grant program to train local law enforcement officers to recognize signs of sex trafficking.

(b) Authorizes the governor's office to establish eligibility criteria for a grant applicant.

(c) Requires a grant awarded under this section to include provisions under which the governor's office is provided sufficient control to ensure the public purpose of sex trafficking prevention is accomplished and the state receives the return benefit.

Sec. 50.0102. FUNDING. Authorizes the governor's office, in addition to money appropriated by the legislature, to solicit and accept gifts, grants, or donations from any source to administer and finance the grant program established under this subchapter.

SECTION 5.02. Requires that, as soon as practicable after the effective date of this Act:

(1) the executive commissioner adopt rules as necessary to implement Subchapters A and B, Chapter 50, Health and Safety Code, as added by this article; and

(2) the governor adopt rules as necessary to implement Subchapter C, Chapter 50, Health and Safety Code, as added by this article.

SECTION 5.03. Requires a state agency to implement a provision of this article only if the legislature appropriates money to the agency specifically for the purpose of implementing the applicable provision. Authorizes, but does not require, the agency, if the legislature does not appropriate money specifically for the purpose of implementing the applicable provision, to implement the provision using other appropriations available for that purpose.

ARTICLE 6. PROHIBITION ON CERTAIN BIDS AND CONTRACTS RELATED TO PERSONS INVOLVED IN HUMAN TRAFFICKING

SECTION 6.01. Amends Subchapter A, Chapter 2155, Government Code, by adding Section 2155.0061 as follows:

Sec. 2155.0061. PROHIBITION ON CERTAIN BIDS AND CONTRACTS RELATED TO PERSONS INVOLVED IN HUMAN TRAFFICKING. (a) Prohibits a state agency from accepting a bid or awarding a contract, including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been convicted of any offense related to the direct support or promotion of human trafficking.

(b) Requires a bid or award subject to the requirements of this section to include the following statement:

"Under Section 2155.0061, Government Code, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate."

(c) Authorizes a state agency, if the state agency determines that an individual or business entity holding a state contract was ineligible to have the bid accepted or contract awarded under this section, to immediately terminate the contract without further obligation to the vendor.

(d) Provides that this section does not create a cause of action to contest a bid or award of a state contract.

SECTION 6.02. Amends Section 2155.077(a-1), Government Code, as follows:

(a-1) Requires the Texas Facilities Commission to bar a vendor from participating in state contracts that are subject to this subtitle (State Purchasing and General Services), including contracts for which purchasing authority is delegated to a state agency, if the vendor fits certain criteria, including if the vendor has been convicted of any offense related to the direct support or promotion of human trafficking. Makes nonsubstantive changes.

SECTION 6.03. Makes application of Section 2155.0061, Government Code as added by this article, prospective.

SECTION 6.04. Makes application of Section 2155.077, Government Code, as amended by this article, prospective.

ARTICLE 7. EFFECTIVE DATE

SECTION 7.01. Effective date: September 1, 2019.