

## **BILL ANALYSIS**

Senate Research Center  
87R17926 LHC-F

C.S.S.B. 1831  
By: Taylor  
Criminal Justice  
4/21/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It is estimated that around 79,000 Texas children and youth have become victims of sex trafficking. Experts and professional advocates have indicated that school campuses are hotspots for this crime. In fact, a 2018 survey of trafficking survivors found that 55 percent of the respondents were in school when they were trafficked.

Case studies have also shown that traffickers use highly organized systems to recruit and schedule meetings during school hours and on school premises. These systems are supported by technological advances and social media platforms that increase access to students by those who would exploit them. This access has made it easier to buy and sell the most vulnerable among us: our children.

Texas is taking an active role in combating trafficking in all forms across the state. The Texas Education Agency, the United States Department of Health and Human Services, and notable studies from Texas universities have discussed the prevalence of students trafficked on school campuses and have called for proactive measures that prevent trafficking at the school level. This includes training for educators and staff on recognition, reporting, and resources available to students at risk of being exploited. However, more can be done to protect young Texans and we must remain vigilant.

S.B. 1831, named the "No Trafficking Zone Act," addresses the vulnerability of students by increasing penalties for offenses occurring on and around school premises and premises in which school functions are taking place. Specifically, under this statute, offenders contacting, arranging meetings, or picking up students within this designated "no trafficking zone" would be charged with a first degree felony. This would include the practice of using technology and social media to arrange pick-ups during school hours. "No trafficking zones" would be established on school grounds, at school functions, school sponsored events, and within 600 feet of these areas. Finally, S.B. 1831 provides for the posting of signs that provide information necessary to report suspicious activity in these spaces which, in turn, will reduce the impact that traffickers and their strategic partners have on our children's learning environment.

There will be a committee substitute that: (1) names S.B. 1831 the "No Trafficking Zone Act"; changes "600 feet" to "1,000 feet"; and (3) includes language to minimize a possible fiscal note.

C.S.S.B. 1831 amends current law relating to the punishment for trafficking of persons, online solicitation of a minor, and prostitution and warning signs regarding certain penalties for trafficking of persons, and increases criminal penalties.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to Texas Education Agency in SECTION 2 (Section 37.086, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Authorizes this Act to be cited as the No Trafficking Zone Act.

SECTION 2. Amends Subchapter C, Chapter 37, Education Code, by adding Section 37.086, as follows:

Sec. 37.086. REQUIRED POSTING OF WARNING SIGNS OF INCREASED TRAFFICKING PENALTIES. (a) Defines "premises" and "school" for this section.

(b) Requires each school to post warning signs of the increased penalties for trafficking of persons under Section 20A.02(b-1)(2), Penal Code, at the following locations:

- (1) parallel to and along the exterior boundaries of the school's premises;
- (2) at each roadway or other way of access to the premises;
- (3) for premises not fenced, at least every five hundred feet along the exterior boundaries of the premises;
- (4) at each entrance to the premises; and
- (5) at conspicuous places reasonably likely to be viewed by all persons entering the premises.

(c) Requires the Texas Education Agency (TEA), in consultation with the human trafficking prevention task force created under Section 402.035 (Human Trafficking Prevention Task Force), Government Code, to adopt rules regarding the placement, installation, design, size, wording, and maintenance procedures for the warning signs required under this section. Requires that the rules require that each warning sign:

- (1) include a description of the provisions of Section 20A.02(b-1), Penal Code, including the penalties for violating that section;
- (2) be written in English and Spanish; and
- (3) be at least 8-1/2 by 11 inches in size.

(d) Requires TEA to provide each school without charge the number of warning signs required to comply with this section and rules adopted under this section. Authorizes TEA, if TEA is unable to provide each school with the number of signs necessary to comply with Subsection (b), to:

- (1) provide to a school fewer signs than the number necessary to comply with that section; and
- (2) prioritize distribution of signs to schools based on reports of criminal activity in the areas near that school.

SECTION 3. Amends Section 20A.01, Penal Code, by adding Subdivisions (2-a) and (2-b), to define "premises" and "school" for purposes of Chapter 20A (Trafficking of Persons).

SECTION 4. Amends Section 20A.02, Penal Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Provides that except as otherwise provided by this subsection and Subsection (b-1), rather than except as provided by this subsection, an offense under Section 20A.02 (Trafficking of Persons) is a felony of the second degree.

(b-1) Provides that an offense under Section 20A.02 is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a

term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in a location that was:

(1) on the premises of or within 1,000 feet of the premises of a school; or

(2) on premises or within 1,000 feet of premises where:

(A) an official school function was taking place; or

(B) an event sponsored or sanctioned by the University Interscholastic League (UIL) was taking place.

SECTION 5. Amends Section 33.021, Penal Code, by adding Subsection (f-1), as follows:

(f-1) Provides that the punishment for an offense under Section 33.021 (Online Solicitation of a Minor) is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that:

(1) the actor committed the offense during regular public or private primary or secondary school hours; and

(2) the actor knew or reasonably should have known that the minor was enrolled in a public or private primary or secondary school at the time of the offense.

SECTION 6. Amends Section 43.01, Penal Code, by adding Subdivisions (1-f) and (2-a), to define "premises" and "school" for purposes of Subchapter A (Prostitution).

SECTION 7. Amends Section 43.02, Penal Code, by adding Subsection (c-2), as follows:

(c-2) Provides that the punishment prescribed for an offense under Subsection (b) (relating to the provision that a person commits an offense if offering or agreeing to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another) is increased to the punishment prescribed for the next highest category of offense if it is shown on the trial of the offense that the actor committed the offense in a location that was:

(1) on the premises of or within 1,000 feet of the premises of a school; or

(2) on premises or within 1,000 feet of premises where:

(A) an official school function was taking place; or

(B) an event sponsored or sanctioned by the UIL was taking place.

SECTION 8. Provides that TEA is required to implement the change in law made by Section 37.086(d), Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. Provides that if the legislature does not appropriate money specifically for that purpose, TEA is authorized, but is not required, to implement the change in law made by Section 37.086(d), Education Code, as added by this Act, using other appropriations available for that purpose.

SECTION 9. Makes application of this Act prospective.

SECTION 10. Effective date: September 1, 2021.