

BILL ANALYSIS

Senate Research Center
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S.B. 1562
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Human trafficking is a pervasive issue in Texas and we should properly equip law enforcement to prevent such offenses. While tools exist to address human trafficking offenses after they have occurred, pre-harm remedies would allow law enforcement to prevent further victimization in instances where there is evidence of enticement or coercion.

Child grooming often refers to an act of deliberately establishing a connection with a child in an attempt to subject them to sexual abuse or human trafficking. The federal government considers child grooming, known officially as coercion and enticement, to be an offense where an actor knowingly persuades, induces, entices, or coerces a child to engage in prostitution or criminal sexual activity, or attempts to do so, with the use of mail, Internet, or any means of interstate or foreign commerce. The penalty for such an offense against a child ranges from 10 years to life in prison.

By making child grooming a state offense, local authorities will be able to address these heinous offenses and combat human trafficking. This recommendation is a part of the Attorney General's Human Trafficking Prevention Task Force's report and strategic plan.

S.B. 1562 authorizes law enforcement to arrest human traffickers for child grooming activities. Specifically, the bill creates an offense for knowingly and intentionally acting or attempting to coerce, entice, induce or persuade a child to engage in conduct that would constitute a sexual or trafficking related offense or be a party to such an offense. The penalty for this offense is a third degree felony, but becomes a second degree felony if the offender was previously convicted of certain offenses.

S.B. 1562 provides an affirmative defense to prosecutions for minors who engage in such conduct with another child who is no more than three years younger or older, so long as the conduct occurred solely between the two actors.

As proposed, S.B. 1562 amends current law relating to creating the criminal offense of child grooming.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 15, Penal Code, by adding Section 15.032, as follows:

Sec. 15.032. CHILD GROOMING. (a) Provides that a person commits an offense if, with the intent that an offense under Chapter 43 (Public Indecency) or an offense involving sexual activity, the occurrence of which would subject the actor to criminal liability under Chapter 20A (Trafficking of Persons), 21 (Sexual Offenses), or 22 (Assaultive Offenses), be committed, the person knowingly persuades, induces, entices, or coerces, or attempts to persuade, induce, entice, or coerce, a child younger than 18 years of age to engage in

specific conduct that, under the circumstances surrounding the actor's conduct as the actor believes them to be, would:

- (1) constitute an offense under Chapter 43 or an offense involving sexual activity the occurrence of which would subject the actor to criminal liability under Chapter 20A, 21, or 22; or

- (2) make the child a party to the commission of an offense described by Subdivision (1).

(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 previously been convicted of an offense under:

- (1) Chapter 20A, if the offense involved conduct described by Section 20A.02(a)(7) (relating to providing that a person commits an offense if the person knowingly traffics a child and by any means causes the trafficked child to engage in certain prohibited conduct) or (8) (relating to providing that a person commits an offense if the person knowingly receives a benefit from participating in a venture that involves a certain activity or engages in sexual conduct with a trafficked child);

- (2) Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual);

- (3) Section 21.11 (Indecency With a Child);

- (4) Section 22.011 (Sexual Assault), if the victim of the offense was a child under 18 years of age; or

- (5) Section 22.021 (Aggravated Sexual Assault), if the victim of the offense was a child under 18 years of age.

(c) Provides that it is an affirmative defense to prosecution under this section that the actor is under the age of 18 and:

- (1) the actor engaged in conduct described by Subsection (a) with respect to another child under the age of 18:

- (A) who is not more than three years older or younger than the actor and with whom the actor had a dating relationship at the time of the offense; or

- (B) who was the spouse of the actor at the time of the offense; and

- (2) the conduct occurred only between the actor and the other child described by Subdivision (1).

(d) Provides that the actor is authorized to be prosecuted under either section but not both sections if conduct constituting an offense under this section also constitutes an offense under another section of this code.

SECTION 2. Effective date: September 1, 2023.