

BILL ANALYSIS

H.B. 1218
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that the incarceration of certain individuals who are convicted of prostitution offenses, including victims of sexual exploitation who often have a history of mental illness or substance abuse, leads to costly recidivism related to policing, prosecution, and incarceration. The parties contend that rehabilitation, not incarceration, of these individuals will more effectively reduce the recurrence of prostitution. H.B. 1218 seeks to reduce recidivism of prostitution offenders by providing for a delay in certain related criminal proceedings and encouraging participation in prostitution diversion programs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1218 amends the Penal Code to increase from one or two to three, four, or five the number of previous convictions for a prostitution offense in which the actor engaged in prostitution in return for receipt of a fee that enhances the penalty for such an offense from a Class B misdemeanor to a Class A misdemeanor. The bill increases from three or more to six or more the number of previous convictions for such an offense that enhances the penalty for the offense from a Class B misdemeanor to a state jail felony.

H.B. 1218 amends the Code of Criminal Procedure to authorize a court, at any time before trial commences for a prostitution offense and on the request of a defendant and with the consent of the attorney representing the state, to defer proceedings without entering an adjudication of guilt and to permit the defendant to participate in a commercially sexually exploited persons court program or in a first offender prostitution prevention program, as applicable, if the defendant is otherwise eligible to participate in the applicable program. The bill authorizes the court to dismiss the proceedings against the defendant and discharge the defendant if the defendant successfully completes the applicable program.

H.B. 1218 amends the Government Code to include access to information, counseling, and services relating to commercial sexual exploitation and trafficking of persons among the essential characteristics of a commercially sexually exploited persons court program and to include among the requirements for such a program the provision of that information, counseling, and services to each program participant.

H.B. 1218 amends the Health and Safety Code to include access to information, counseling, and services relating to commercial sexual exploitation and trafficking of persons among the essential characteristics of a first offender prostitution prevention program and to include among the requirements for such a program the provision of that information, counseling, and services to each program participant.

EFFECTIVE DATE

September 1, 2017.