

BILL ANALYSIS

C.S.H.B. 2758
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

While helpful for reforming many nonviolent offenders, it has been suggested that participation in judge-ordered community supervision programs and deferred adjudication is problematic for individuals who exploit sex trafficking victims, since these individuals too often continue their criminal enterprises while subject to such programs. C.S.H.B. 2758 seeks to address this issue by making defendants guilty of certain human trafficking and promotion of prostitution offenses ineligible to receive judge-ordered or jury-recommended community supervision for a first offense and ineligible to receive deferred adjudication for a second offense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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

C.S.H.B. 2758 amends the Code of Criminal Procedure to include continuous trafficking of persons, promotion of prostitution, and aggravated promotion of prostitution among the offenses that render a defendant adjudged guilty or convicted of such an offense ineligible for judge-ordered or jury-recommended community supervision. The bill makes a defendant charged with such an offense, trafficking of persons, or compelling prostitution, regardless of the victim's age, ineligible for deferred adjudication community supervision if the defendant has previously been placed on community supervision for any of those offenses or for sexual assault, aggravated sexual assault, indecency with a child, or certain felony offenses that subject a defendant to child safety zones.

C.S.H.B. 2758 amends the Health and Safety Code to make conforming changes.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2758 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute makes a defendant's ineligibility for deferred adjudication community supervision under the bill's provisions contingent on the defendant having been previously placed on community supervision for one of certain specified offenses. The substitute makes that ineligibility applicable to a defendant charged with the offense regardless of the victim's age.