

BILL ANALYSIS

C.S.H.B. 3206
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that criminal penalties for people being prostituted are not effective in reducing rates of recidivism and may only serve to further criminalize young, vulnerable individuals who may have been coerced into engaging in prostitution. In addition, it is reported that many prostituted individuals are unable to access services that could assist them in escaping sex exploitation. C.S.H.B. 3206 seeks to address these concerns by prohibiting the prosecution a of person who is younger than 18 years of age for offering or agreeing to have sex for a fee, removing and decreasing certain penalty enhancements for the offense, and creating the commercial sexual exploitation victim fund.

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

C.S.H.B. 3206 amends the Code of Criminal Procedure to establish the commercial sexual exploitation victim fund as a dedicated account in the general revenue fund. The bill requires a person convicted of or placed on community supervision, including deferred adjudication community supervision for the offense of trafficking of persons, continuous trafficking of persons, or prostitution that involves knowingly offering or agreeing to pay a fee to another person for the purpose of engaging in sexual conduct to pay a court cost of \$500 on conviction of the offense. The bill sets out provisions relating to the collection, recording, deposit, and conveyance to the comptroller of public accounts, as applicable, of the court cost funds. The bill requires the comptroller to deposit funds received under the bill's provisions to the credit of the commercial sexual exploitation victim fund. The bill limits the appropriation of money from the fund to the criminal justice division of the governor's office for purposes of enabling the division to provide funds for services and programs directed toward victims of trafficking of persons or compelling prostitution. The bill makes funds collected under these provisions subject to audit by the comptroller.

C.S.H.B. 3206 amends the Penal Code to prohibit the prosecution of a person for the offense of prostitution that involves knowingly offering or agreeing to receive a fee to engage in sexual conduct if the person was younger than 18 years of age at the time of the commission of the offense. The bill removes the penalty enhancement for a second or third conviction of the offense and decreases the penalty enhancement for four or more convictions of the offense from a state jail felony to a Class A misdemeanor.

C.S.H.B. 3206 amends the Government Code to make conforming changes.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3206 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 includes a person convicted of or placed on community supervision for the offense of trafficking of persons or continuous trafficking of persons among the persons required to pay a court cost of \$500 on conviction of the offense.

The substitute does not include a provision prohibiting the referral of a child to a juvenile court for certain conduct constituting the offense of prostitution or establishing that such conduct is not delinquent conduct or conduct indicating a need for supervision.

The substitute does not include a provision decreasing the penalty for the first, second, and third conviction for the prostitution offense that involves knowingly offering or agreeing to receive a fee to engage in sexual conduct. The substitute instead removes the penalty enhancement for a second and third conviction of the offense.