

BILL ANALYSIS

C.S.S.B. 1803
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the eligibility for various types of community supervision of defendants charged with particularly heinous crimes related to sex trafficking, such as aggravated promotion of prostitution and continuous trafficking of persons. C.S.S.B. 1803 seeks to address this issue by making certain offenders ineligible for such release.

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.S.B. 1803 amends the Code of Criminal Procedure to include among the offenses for which a judge is prohibited from ordering community supervision and for which a person is ineligible for jury-recommended community supervision the following offenses:

- continuous trafficking of persons;
- aggravated promotion of prostitution; and
- any indecency with a child conduct.

The bill authorizes a judge to place a defendant on community supervision with respect to the commission of an aggravated promotion of prostitution or compelling prostitution offense if the judge makes a finding that the defendant committed the offense solely as a victim of one of the following offenses:

- trafficking of persons or continuous trafficking of persons;
- promotion of prostitution or aggravated promotion of prostitution; or
- compelling prostitution.

C.S.S.B. 1803 makes a defendant charged with trafficking of persons or continuous trafficking of persons, or with aggravated promotion of prostitution or compelling prostitution, regardless of the victim's age, ineligible for deferred adjudication community supervision.

C.S.S.B. 1803 requires the Texas Department of Criminal Justice (TDCJ) to implement a provision of the bill only if the legislature appropriates money specifically for that purpose. If the

legislature does not appropriate money specifically for that purpose, TDCJ may, but is not required to, implement a provision of the bill using other appropriations available for that purpose.

C.S.S.B. 1803 amends the Health and Safety Code to make conforming changes.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1803 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a provision authorizing a judge to place a defendant on community supervision with respect to the commission of an aggravated promotion of prostitution or compelling prostitution offense if the judge makes a finding that the defendant committed the offense solely as a victim of certain offenses.

The substitute includes a provision making a defendant charged with aggravated promotion of prostitution or compelling prostitution, regardless of the victim's age, ineligible for deferred adjudication community supervision.