

- SUBJECT:** Authorizing first offender prostitution prevention program
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 7 ayes — Herrero, Carter, Burnam, Canales, Hughes, Leach, Moody
0 nays
2 absent — Schaefer, Toth
- WITNESSES:** For — Caitlin Dunklee, Texas Criminal Justice Coalition; Marc Levin Texas Public Policy Foundation Center for Effective Justice; (*Registered, but did not testify*: Donald Baker, City of Austin Police Department; Yannis Banks, Texas NAACP; Jorge Renaud, Texas Criminal Justice Coalition; Kandice Sanaie, Texas Association of Business)

Against — None
- BACKGROUND:** Penal Code sec. 43.02 makes prostitution a crime. It is an offense to knowingly:
- offer to engage, agree to engage, or engage in sex for a fee; or
 - solicit another in a public place to engage in sex for hire.
- Deferred adjudication is a form of probation under which a judge postpones the determination of guilt while the defendant serves probation. It can result in the defendant being discharged and dismissed upon successful completion of that probation.
- Health and Safety Code, sec. 169.002(a) authorizes counties and cities to establish first-offender prostitution solicitation prevention programs for persons charged under the crime of prostitution with soliciting another in a public place to engage in sex if the person offered or agreed to hire another for sex.
- DIGEST:** CSHB 2863 would expand the current authorization for counties and cities to establish first-offender prostitution solicitation prevention programs to include programs to provide separate and appropriate counseling, services, and classroom instruction for defendants charged with prostitution

offenses under Penal Code, sec. 43.02.

A defendant would be considered to have been previously convicted of prostitution if the defendant was found guilty or entered a plea of guilty or no contest in return for deferred adjudication, regardless of whether the sentence was imposed or whether it was probated and the defendant was subsequently discharged from community supervision.

The bill would take effect September 1, 2013, and would apply to offenses committed on or after that date.