

- SUBJECT:** Prohibiting probation for certain trafficking and prostitution offenses
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 9 ayes — White, Allen, Bailes, Bowers, Dean, Morales, Neave, Sherman, Stephenson
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Traci Berry, Goodwill Central Texas; Kathleen Mitchell, Just Liberty; Lori Henning, Texas Association of Goodwills; Kathryn Freeman, Texas Baptist Christian Life Commission; Michael Barba, Texas Catholic Conference of Bishops; Charlie Malouff, Texas Inmate Families Association)
- Against — None
- On — Robert Kepple, Texas District and County Attorneys Association (*Registered, but did not testify:* Joseph Schmider, Department of State Health Services)
- BACKGROUND:** Under Code of Criminal Procedure art. 42A.054(a), defendants who plead guilty or no contest to certain offenses are not eligible for judge-ordered community supervision (probation). Art. 42A.056 makes certain defendants ineligible for probation recommended by juries.
- Art. 42A.102(b)(2)(B) prohibits judges from granting deferred adjudication to defendants charged with certain second offenses and who were previously placed on probation for specified offenses.
- Some suggest that not including certain offenses involving human trafficking and prostitution with similar offenses that are ineligible for probation could allow individuals involved with these crimes to return to the community and continue trafficking.
- DIGEST:** CSHB 2758 would prohibit probation for defendants convicted of

continuous human trafficking, promotion of prostitution, and aggravated promotion of prostitution. It also would prohibit judges from granting deferred adjudication to defendants charged with second offenses for human trafficking, continuous human trafficking, promotion of prostitution, aggravated promotion of prostitution, and compelling prostitution, as well as to those who previously had been on placed on probation for these or certain other offenses.

The bill would take effect September 1, 2019, and would apply only to offenses committed on or after that date.