

Prohibiting the prosecution of children for prostitution

HB 1771 by Thierry (Huffman)

Digest

HB 1771 would have prohibited individuals younger than 17 years old from being prosecuted for prostitution related to selling sex. These offenses could not have been considered delinquent conduct or conduct indicating a need for supervision, and children could not have been arrested or referred to juvenile courts for such conduct.

Law enforcement officers taking possession of a child suspected of prostitution would have been required to use their best efforts to deliver the child to the child's parent or another individual entitled to take possession of the child. If the parent or other individual were not immediately available, officers would have been required to contact local service providers or care coordinators to have the child assigned to a caseworker. Caseworkers would have had to create services to fit the child's immediate and long-term rehabilitation and treatment needs. If local service providers or care coordinators were not available, officers would have had to transfer the child to the Department of Family and Protective Services.

Governor's reason for veto

"Although House Bill 1771 is a well-intentioned tool to protect victims of human trafficking, it has unintended consequences. The bill takes away options that law enforcement and prosecutors can use to separate victims from their traffickers, and it may provide a perverse incentive for traffickers to use underage prostitutes, knowing they cannot be arrested for engaging in prostitution. Efforts to reduce trafficking are to be commended, and I have signed numerous laws this session cracking down on it. I look forward to working with the author on ways to separate victims from their traffickers, both physically and economically."

Response

Rep. Shawn Thierry, the bill's author, said: "A child is not a prostitute, period, end of sentence. Children who are involved in sex trafficking are in fact, and in law, rape victims being preyed upon by perverse adult predators and pedophiles. In every circumstance, the Texas Legislature has a duty to protect, not criminally punish, victims of rape. My bill, HB 1771, codified a uniform, best-practices approach where law enforcement, local, and state agencies would have worked in tandem to protect child sex trafficking victims, without criminalization.

"There is no logical, moral, or ethical basis to continue arresting and prosecuting children who are victims of sexual exploitation and sexual assault. It is well beyond the time for the state of Texas to end the archaic labeling of children as prostitutes under Texas law. We must recognize sex trafficking of minors as another egregious form of child abuse."

Sen. Joan Huffman, the Senate sponsor, had no comment on the veto.

Notes

[HB 1771](#) was digested in Part Two of the May 9 *Daily Floor Report*.