

BILL ANALYSIS

S.B. 1802
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

While many efforts have been made recently in Texas to combat human trafficking, it has been suggested that more could be done to ensure that our communities remain safe and that vulnerable individuals remain protected. S.B. 1802 seeks to address that suggestion by increasing penalties and revising definitions for certain crimes relating to trafficking and prostitution.

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

S.B. 1802 amends the Penal Code to increase the penalty for promotion of prostitution from a state jail felony to a third degree felony. The bill increases the penalty enhancement for a subsequent conviction of the offense to a second degree felony and increases the penalty enhancement for the offense involving a person younger than 18 years of age engaging in prostitution to a first degree felony. The bill increases the penalty for aggravated promotion of prostitution from a second degree felony to a first degree felony. The bill expands the conduct of compelling prostitution to include knowingly causing another by coercion to commit prostitution. The bill increases from a second degree felony to a first degree felony the penalty for conduct constituting compelling prostitution in which the actor causes another by force, threat, coercion, or fraud to commit prostitution. The bill revises the definition of "coercion" for purposes of trafficking of persons and compelling prostitution to include the following:

- destroying, concealing, confiscating, or withholding from an applicable person, or threatening to destroy, conceal, confiscate, or withhold from an applicable person, the person's actual or purported government records or identifying information or documents;
- causing an applicable person, without the person's consent, to become intoxicated to a degree that impairs the person's ability to appraise the nature of the prohibited conduct or to resist engaging in that conduct; or
- withholding alcohol or a controlled substance to a degree that impairs the ability of an applicable person with a chemical dependency to appraise the nature of the prohibited conduct or to resist engaging in that conduct.

S.B. 1802 amends the Code of Criminal Procedure to include aggravated promotion of prostitution among the offenses of which conviction or an adjudication is considered a reportable conviction or adjudication for purposes of the sex offender registration program.

EFFECTIVE DATE

September 1, 2019.