

## **BILL ANALYSIS**

C.S.H.B. 2794  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Human traffickers routinely coerce, intimidate, manipulate, and threaten their victims to remain quiet in order to conceal the abuse and protect the traffickers. Acknowledging the unique dynamic between the victim and the trafficker, there is an overwhelming potential for the trafficker to tamper with witnesses in human trafficking cases. Stakeholders have indicated there is a need to lessen the burden on human trafficking victims at trial to avoid traumatizing the victim but while still protecting the rights of the defendant. C.S.H.B. 2794 seeks to present a victim-centered and trauma-informed approach to victim testimony in human trafficking cases by codifying a Texas Human Trafficking Prevention Task Force recommendation to protect this testimony.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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.H.B. 2794 amends the Code of Criminal Procedure to authorize the state, subject to the Texas Rules of Evidence or other applicable law, to offer testimony or other evidence of all relevant facts and circumstances that would assist the trier of fact in the course of a prosecution of any of the following offenses in determining whether an actor committed, or attempted or conspired to commit, any of the offenses:

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

The bill prohibits the presentation of character evidence that would otherwise be inadmissible under the Texas Rules of Evidence or other applicable law, including the reputation or opinion evidence of a victim's past sexual behavior or evidence of specific instances of a victim's past sexual behavior.

### **EFFECTIVE DATE**

September 1, 2021.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2794 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original's provisions applied to a proceeding in the prosecution of sexual assault and aggravated sexual assault, whereas the substitute does not apply to those proceedings.

The original authorized each party to offer testimony on certain issues, whereas the substitute restricts that authorization to the state.

The substitute includes a specification absent from the original that the reputation or opinion evidence of a victim's past sexual behavior or evidence of specific instances of a victim's past sexual behavior may not be presented under the bill's provisions.