

BILL ANALYSIS

Senate Research Center
88R495 MCF-D

S.B. 436
By: Middleton
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It is estimated that trafficked organs account for up to 10 percent of organ transplants performed around the world. Profits are conservatively estimated to be between \$840 million and \$1.7 billion annually. This is a highly profitable industry that presents a dangerous incentive to traffickers. Individuals have reported being misled, coerced, or otherwise forced into selling their organs. Strong criminal penalties have shown to effectively deter crime. We have a duty to protect our communities from dangerous human organ traffickers.

Furthermore, Class A misdemeanors are less-destructive crimes in nature. Examples of Class A misdemeanors in Texas include criminal trespass, perjury, online impersonation, and violating a protective order. These crimes pale in comparison to the detrimental impact of human organ trafficking.

S.B. 436 increases the criminal penalty for purchasing or selling human organs from a Class A misdemeanor to a state jail felony.

As proposed, S.B. 436 amends current law relating to the punishment for the offense of purchasing or selling human organs and increases a criminal penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 48.02(d), Penal Code, as follows:

(d) Provides that an offense under Section 48.02 (Prohibition of the Purchase and Sale of Human Organs) is a state jail felony, rather than providing that a violation of that section is a Class A misdemeanor.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.