

By: González of Dallas

H.B. No. 2783

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of prostitution and to a fine imposed on conviction of certain trafficking of persons and prostitution offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0187 to read as follows:

Art. 102.0187. FINES: COMMERCIAL SEXUAL EXPLOITATION VICTIM FUND. (a) The commercial sexual exploitation victim fund is a dedicated account in the general revenue fund.

(b) A person convicted of an offense under Section 20A.02, 20A.03, or 43.02(b), Penal Code, shall pay \$500 as a fine on conviction of the offense.

(c) For purposes of this article, a person is considered to have been convicted if:

(1) a sentence is imposed on the person; or

(2) the person receives community supervision, including deferred adjudication community supervision.

(d) Fines imposed under this article are collected in the same manner as other fines or costs. An officer collecting the fines shall keep separate records of the funds collected as fines under this article and shall deposit the funds in the county treasury.

1 (e) The custodian of a county treasury shall:

2 (1) keep records of the amount of funds on deposit
3 collected under this article; and

4 (2) send to the comptroller before the last day of the
5 first month following each calendar quarter the funds collected
6 under this article during the preceding quarter.

7 (f) If no funds due as fines under this article are
8 deposited in a county treasury in a calendar quarter, the custodian
9 of the treasury shall file the report required for the quarter in
10 the regular manner and must state that no funds were collected.

11 (g) The comptroller shall deposit the funds received under
12 this article to the credit of a dedicated account in the general
13 revenue fund to be known as the commercial sexual exploitation
14 victim fund. The legislature may appropriate money from the
15 account only to the criminal justice division of the governor's
16 office to enable that division to provide funds for services and
17 programs directed toward victims of conduct that constitutes an
18 offense under Section 20A.02 or 43.05, Penal Code, including:

19 (1) diversion programs for victims who have been
20 charged with an offense;

21 (2) housing;

22 (3) vocational services;

23 (4) counseling;

24 (5) substance abuse recovery services;

25 (6) mental health services; and

26 (7) prostitution prevention programs.

27 (h) Funds collected under this article are subject to audit

1 by the comptroller.

2 SECTION 2. Section 43.02, Penal Code, is amended by adding
3 Subsection (b-1) and amending Subsection (c) to read as follows:

4 (b-1) A person may not be prosecuted for an offense under
5 Subsection (a) that the person committed when younger than 18 years
6 of age.

7 (c) An offense under Subsection (a) is a Class B
8 misdemeanor, except that the offense is [+

9 ~~[(1) a Class A misdemeanor if the actor has previously~~
10 ~~been convicted one or two times of an offense under Subsection (a),~~
11 ~~or~~

12 ~~[(2)] a Class A misdemeanor [state jail felony]~~ if the
13 actor has previously been convicted three or more times of an
14 offense under Subsection (a).

15 SECTION 3. (a) Article 102.0187, Code of Criminal
16 Procedure, as added by this Act, applies only to a fine on
17 conviction for an offense committed on or after the effective date
18 of this Act. An offense committed before the effective date of this
19 Act is governed by the law in effect on the date the offense was
20 committed, and the former law is continued in effect for that
21 purpose.

22 (b) Section 43.02, Penal Code, as amended by this Act,
23 applies only to an offense committed on or after the effective date
24 of this Act. An offense committed before the effective date of this
25 Act is governed by the law in effect on the date the offense was
26 committed, and the former law is continued in effect for that
27 purpose.

1 (c) For the purposes of this section, an offense was
2 committed before the effective date of this Act if any element of
3 the offense occurred before that date.

4 SECTION 4. This Act takes effect September 1, 2021.