

By: Thompson of Harris, Collier,
A. Johnson of Harris

H.B. No. 2794

Substitute the following for H.B. No. 2794:

By: Collier

C.S.H.B. No. 2794

A BILL TO BE ENTITLED

AN ACT

relating to evidence in prosecutions of trafficking or certain prostitution-related offenses.

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

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.372 to read as follows:

Art. 38.372. EVIDENCE IN PROSECUTION OF TRAFFICKING OR PROSTITUTION-RELATED OFFENSE. (a) This article applies to a proceeding in the prosecution of a defendant for an offense, or for an attempt or conspiracy to commit an offense, under any of the following provisions of the Penal Code:

(1) Chapter 20A (Trafficking of Persons);

(2) Section 43.03 (Promotion of Prostitution);

(3) Section 43.031 (Online Promotion of Prostitution);

(4) Section 43.04 (Aggravated Promotion of Prostitution);

(5) Section 43.041 (Aggravated Online Promotion of Prostitution); or

(6) Section 43.05 (Compelling Prostitution).

(b) In the prosecution of an offense described by Subsection (a), subject to the Texas Rules of Evidence or other applicable law, the state may offer testimony or other evidence of all relevant facts and circumstances that would assist the trier of fact in

1 determining whether the actor committed the offense described by
2 Subsection (a), including testimony or evidence regarding the
3 nature of the relationship between the actor and the alleged
4 victim.

5 (c) This article does not permit the presentation of
6 character evidence that would otherwise be inadmissible under the
7 Texas Rules of Evidence or other applicable law, including:

8 (1) reputation or opinion evidence of a victim's past
9 sexual behavior; or

10 (2) evidence of specific instances of a victim's past
11 sexual behavior.

12 SECTION 2. The change in law made by this Act applies only
13 to a criminal proceeding that commences on or after the effective
14 date of this Act. A criminal proceeding that commences before the
15 effective date of this Act is governed by the law in effect when the
16 proceeding commenced, and the former law is continued in effect for
17 that purpose.

18 SECTION 3. This Act takes effect September 1, 2021.