

By: Parker, Blanco

S.B. No. 1278

A BILL TO BE ENTITLED

AN ACT

relating to an affirmative defense to prosecution for victims of trafficking of persons or compelling prostitution.

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

SECTION 1. Chapter 8, Penal Code, is amended by adding Section 8.09 to read as follows:

Sec. 8.09. VICTIM OF TRAFFICKING OR COMPELLING PROSTITUTION. (a) It is an affirmative defense to prosecution that the actor was a victim of an offense under Section 20A.02 or 43.05 who engaged in the conduct charged because the person who had committed the offense of which the actor was a victim:

(1) coerced the actor;

(2) caused the actor to act under duress; or

(3) threatened the actor or a member of the actor's family or household with imminent death or serious bodily injury.

(b) Subsection (a) does not apply if:

(1) the coercion, duress, or threat would not cause a reasonable person to engage in the conduct charged; or

(2) the actor was merely provided an opportunity to engage in the conduct.

(c) Information relevant to the identification of a defendant's status as a victim of an offense described by Subsection (a) may be offered to establish an affirmative defense under this section.

1 SECTION 2. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 governed by the law in effect on the date the offense was committed,
5 and the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense occurred
8 before that date.

9 SECTION 3. This Act takes effect September 1, 2025.