

1-1 By: Parker S.B. No. 1278  
1-2 (In the Senate - Filed February 14, 2025; February 28, 2025,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 May 5, 2025, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; May 5, 2025, sent  
1-6 to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Flores	X			
1-10	Parker	X			
1-11	Hagenbuch	X			
1-12	Hinojosa of Hidalgo	X			
1-13	Huffman	X			
1-14	King	X			
1-15	Miles	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1278 By: Flores

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to an affirmative defense to prosecution for victims of  
1-20 trafficking of persons or compelling prostitution.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 8, Penal Code, is amended by adding  
1-23 Section 8.09 to read as follows:

1-24 Sec. 8.09. VICTIM OF TRAFFICKING OR COMPELLING  
1-25 PROSTITUTION. (a) It is an affirmative defense to prosecution that  
1-26 the actor was a victim of an offense under Section 20A.02 or 43.05  
1-27 who engaged in the conduct charged because the person who had  
1-28 committed the offense of which the actor was a victim:

1-29 (1) coerced the actor;  
1-30 (2) caused the actor to act under duress; or  
1-31 (3) threatened the actor or a member of the actor's  
1-32 family or household with imminent death or serious bodily injury.

1-33 (b) Subsection (a) does not apply if:

1-34 (1) the coercion, duress, or threat would not cause a  
1-35 reasonable person to engage in the conduct charged; or

1-36 (2) the actor was merely provided an opportunity to  
1-37 engage in the conduct.

1-38 (c) Information relevant to the identification of a  
1-39 defendant's status as a victim of an offense described by  
1-40 Subsection (a) may be offered to establish an affirmative defense  
1-41 under this section.

1-42 SECTION 2. The change in law made by this Act applies only  
1-43 to an offense committed on or after the effective date of this Act.  
1-44 An offense committed before the effective date of this Act is  
1-45 governed by the law in effect on the date the offense was committed,  
1-46 and the former law is continued in effect for that purpose. For  
1-47 purposes of this section, an offense was committed before the  
1-48 effective date of this Act if any element of the offense occurred  
1-49 before that date.

1-50 SECTION 3. This Act takes effect September 1, 2025.

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