

By: Wise

H.B. No. 67

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of offenses related to prostitution.

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

SECTION 1. Section 43.01(4), Penal Code, is amended to read as follows:

(4) "Sexual conduct" means sexual contact, actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse [~~includes deviate sexual intercourse, sexual contact, and sexual intercourse~~].

SECTION 2. Sections 43.02(a) and (b), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person [~~he~~] knowingly:

(1) offers to engage, agrees to engage, or engages in sexual conduct for a benefit [~~fee~~]; or

(2) solicits another in a public place to engage with the actor [~~him~~] in sexual conduct for hire.

(b) An offense is established under Subsection (a)(1) whether the actor is to receive or pay a benefit [~~fee~~]. An offense is established under Subsection (a)(2) whether the actor solicits a person to hire the actor [~~him~~] or offers to hire the person solicited.

1 SECTION 3. Section 43.03, Penal Code, is amended to read as  
2 follows:

3 Sec. 43.03. PROMOTION OF PROSTITUTION. (a) A person  
4 commits an offense if, acting other than as a prostitute receiving a  
5 benefit [compensation] for personally rendered prostitution  
6 services, the person [he or she] knowingly:

7 (1) receives money or another benefit [other property]  
8 pursuant to an agreement to participate in the proceeds of  
9 prostitution; or

10 (2) solicits another to engage in sexual conduct with  
11 another person for a benefit [compensation].

12 (b) An offense under this section is a Class A misdemeanor  
13 unless the prostitute is a person younger than 18 years, in which  
14 event the offense is a felony of the third degree.

15 SECTION 4. Section 43.05(a), Penal Code, is amended to read  
16 as follows:

17 (a) A person commits an offense if the person [he]  
18 knowingly:

19 (1) causes another by force, threat, or fraud to  
20 commit prostitution; or

21 (2) causes by any means a person younger than 18 [17]  
22 years to commit prostitution.

23 SECTION 5. Subchapter A, Chapter 43, Penal Code, is amended  
24 by adding Section 43.051 to read as follows:

25 Sec. 43.051. PARENTAL RESPONSIBILITY. (a) A parent or  
26 legal guardian or custodian of a minor younger than 18 years commits  
27 an offense if the person knowingly permits the minor to commit

1 prostitution.

2 (b) An offense under this section is a felony of the third  
3 degree.

4 SECTION 6. The changes in law made by Sections 1-4 of  
5 this Act apply only to an offense committed on or after the  
6 effective date of this Act. An offense committed before the  
7 effective date of this Act is covered by the law in effect when the  
8 offense was committed, and the former law is continued in effect for  
9 that purpose. For purposes of this section, an offense was  
10 committed before the effective date of this Act if any element of  
11 the offense occurred before that date.

12 SECTION 7. This Act takes effect September 1, 2003.