

By: Menendez, Riddle, Hupp, Dukes, Vo

H.B. No. 692

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment for and certain civil consequences of
3 committing the offense of prostitution.

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

5 SECTION 1. Section 43.02(c), Penal Code, is amended to read
6 as follows:

7 (c) An offense under this section is a Class B misdemeanor,
8 except that the offense is:

9 (1) a Class A misdemeanor if ~~[unless]~~ the actor has
10 previously been convicted one or two times of an offense under this
11 section;

12 (2) a state jail felony if ~~[, in which event it is a~~
13 ~~Class A misdemeanor. If]~~ the actor has previously been convicted
14 three or more times of an offense under this section; or

15 (3) a felony of the third degree if the person who is
16 to receive the fee from the actor or who is solicited to be hired by
17 the actor was at the time of the offense younger than 17 years of age
18 ~~[, the offense is a state jail felony].~~

19 SECTION 2. Article 62.01(5), Code of Criminal Procedure, is
20 amended to read as follows:

21 (5) "Reportable conviction or adjudication" means a
22 conviction or adjudication, regardless of the pendency of an
23 appeal, that is:

24 (A) a conviction for a violation of Section 21.11

1 (Indecency with a child), 22.011 (Sexual assault), 22.021
2 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),
3 Penal Code;

4 (B) a conviction for a violation of Section 43.05
5 (Compelling prostitution), 43.25 (Sexual performance by a child),
6 or 43.26 (Possession or promotion of child pornography), Penal
7 Code;

8 (B-1) a conviction for a violation of Section
9 43.02 (Prostitution), Penal Code, if the offense is punishable
10 under Subsection (c)(3) of that section;

11 (C) a conviction for a violation of Section
12 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant
13 committed the offense with intent to violate or abuse the victim
14 sexually;

15 (D) a conviction for a violation of Section 30.02
16 (Burglary), Penal Code, if the offense is punishable under
17 Subsection (d) of that section and the defendant committed the
18 offense with intent to commit a felony listed in Paragraph (A) or
19 (C);

20 (E) a conviction for a violation of Section 20.02
21 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated
22 kidnapping), Penal Code, if the judgment in the case contains an
23 affirmative finding under Article 42.015;

24 (F) the second conviction for a violation of
25 Section 21.08 (Indecent exposure), Penal Code;

26 (G) a conviction for an attempt, conspiracy, or
27 solicitation, as defined by Chapter 15, Penal Code, to commit an

1 offense listed in Paragraph (A), (B), (C), (D), or (E);

2 (H) an adjudication of delinquent conduct:

3 (i) based on a violation of one of the
4 offenses listed in Paragraph (A), (B), (B-1), (C), (D), or (G) or,
5 if the order in the hearing contains an affirmative finding that the
6 victim or intended victim was younger than 17 years of age, one of
7 the offenses listed in Paragraph (E); or

8 (ii) for which two violations of the
9 offense listed in Paragraph (F) are shown;

10 (I) a deferred adjudication for an offense listed
11 in:

12 (i) Paragraph (A), (B), (B-1), (C), (D), or
13 (G); or

14 (ii) Paragraph (E) if the papers in the case
15 contain an affirmative finding that the victim or intended victim
16 was younger than 17 years of age;

17 (J) a conviction under the laws of another state,
18 federal law, the laws of a foreign country, or the Uniform Code of
19 Military Justice for an offense containing elements that are
20 substantially similar to the elements of an offense listed under
21 Paragraph (A), (B), (B-1), (C), (D), (E), or (G);

22 (K) an adjudication of delinquent conduct under
23 the laws of another state, federal law, or the laws of a foreign
24 country based on a violation of an offense containing elements that
25 are substantially similar to the elements of an offense listed
26 under Paragraph (A), (B), (B-1), (C), (D), (E), or (G);

27 (L) the second conviction under the laws of

1 another state, federal law, the laws of a foreign country, or the
2 Uniform Code of Military Justice for an offense containing elements
3 that are substantially similar to the elements of the offense of
4 indecent exposure; or

5 (M) the second adjudication of delinquent
6 conduct under the laws of another state, federal law, or the laws of
7 a foreign country based on a violation of an offense containing
8 elements that are substantially similar to the elements of the
9 offense of indecent exposure.

10 SECTION 3. The change in law made by this Act applies only
11 to the punishment for an offense committed on or after the effective
12 date of this Act. The punishment for an offense committed before
13 the effective date of this Act is governed by the law in effect on
14 the date that the offense was committed, and the former law is
15 continued in effect for that purpose. For purposes of this section,
16 an offense is committed before the effective date of this Act if any
17 element of the offense occurs before the effective date.

18 SECTION 4. This Act takes effect September 1, 2005.