

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 4, 2007**

**TO:** Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB202** by Menendez (Relating to the punishment for and certain civil consequences of committing the offense of prostitution.), **As Introduced**

The probable impact of implementing the provisions of this bill cannot be determined due to the unavailability of reliable data or information related to the number of times in prostitution cases the person to receive the fee or solicited to be hired was younger than 17 at the time of the offense.

The bill would amend the Penal Code and the Code of Criminal Procedure by increasing the penalty for the offense of prostitution under certain circumstances. The bill provides that the offense of prostitution would be a third degree felony if the person who was to receive the fee from the actor or who was solicited to be hired by the actor was, at the time of the offense, younger than 17 years of age. The bill further provides that a person convicted of this new third degree felony prostitution or the offense of online solicitation of a minor would have to register as a sex offender.

Under current statute the offense of prostitution is a Class B misdemeanor. However if the defendant has been previously convicted one or more times of the offense of prostitution, then the new offense would be a Class A misdemeanor. Finally, if the defendant has been previously convicted three or more times of the offense of prostitution, then the new offense would be a state jail felony.

For fiscal year 2006 there were 503 state jail admissions for the offense of prostitution. There were also 101 felony community supervision placements and 673 misdemeanor community supervision placements for the offense of prostitution. Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or, longer terms of confinement in county jails or prison. A check of Texas Department of Criminal Justice records, Department of Public Safety records, Office of Court Administration records, and Jail Standards Commission records did not reveal any information that would help in an accurate assumption regarding the number of times the person who receives the fee or is solicited to be hired is younger than 17 at the time of the offense, therefore the probable impact of implementing the provisions of the bill cannot be determined.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, ES, GG, LM