

## **BILL ANALYSIS**

C.S.H.B. 36  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, the penalty for a prostitution offense is a Class B misdemeanor which is enhanced to a Class A misdemeanor if the actor has been previously convicted one or two times for prostitution. C.S.H.B. 36 seeks to further enhance the penalty for certain conduct constituting a prostitution offense involving a person younger than 17 years of age and to enhance the penalties for promotion of prostitution and aggravated promotion under certain circumstances.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 36 amends the Penal Code to enhance from a Class B misdemeanor to a third degree felony the penalty for the offense of prostitution if the actor is the person who is to pay the fee or who solicits another for hire and the person who is to receive the fee or who is solicited to be hired is younger than 17 years of age at the time of the offense. The bill enhances the penalty for a subsequent conviction of promotion of prostitution from a Class A misdemeanor to a state jail felony. The bill enhances the penalty for the offense of promotion of prostitution from a Class A misdemeanor to a third degree felony if the person who provides prostitution services from which the actor receives money or other property is younger than 17 years of age at the time of the offense or the actor solicits another to engage in sexual conduct with a person who is younger than 17 years of age. The bill enhances from a third degree felony to a second degree felony the penalty for the offense of aggravated promotion of prostitution if any prostitute that is part of the actor's prostitution enterprise is younger than 17 years of age at the time of the offense.

C.S.H.B. 36 amends the Code of Criminal Procedure to add to the definition of "reportable conviction or adjudication," for purposes of the sex offender registration program, a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on a violation of Texas prostitution law punishable as a third degree felony, Texas promotion of prostitution law punishable as a third degree felony, Texas aggravated promotion of prostitution law punishable as a second degree felony, and a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of a third degree felony prostitution offense, third degree felony promotion of prostitution offense, or second degree felony aggravated promotion of prostitution offense, but not if the violation results in a deferred adjudication.

C.S.H.B. 36 makes nonsubstantive and conforming changes.

## **EFFECTIVE DATE**

September 1, 2011.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 36 contains provisions not included in the original enhancing the penalty for the offense of promotion of prostitution from a Class A misdemeanor to a state jail felony if the actor has been previously convicted of such an offense, and to a third degree felony if the person who provides prostitution services from which the actor receives money or other property is younger than 17 years of age at the time of the offense or if the actor solicits another to engage in sexual conduct with a person who is younger than 17 years of age. The substitute contains a provision not included in the original enhancing from a third degree felony to a second degree felony the offense of aggravated promotion of prostitution if any prostitute that is part of the actor's prostitution enterprise is younger than 17 years of age at the time of the offense.

C.S.H.B. 36 differs from the original by adding to the definition of "reportable conviction or adjudication," for purposes of the sex offender registration program, a conviction or adjudication for or based on a violation of Texas prostitution law punishable as a third degree felony, Texas promotion of prostitution law punishable as a third degree felony, Texas aggravated promotion of prostitution law punishable as a second degree felony, and a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of those offenses unless the violation results in a deferred adjudication, whereas the original adds only a conviction or adjudication for or based on a violation of Texas prostitution law punishable as a third degree felony and a violation of the laws of the previously described jurisdictions for or based on the violation of an offense containing elements that are substantially similar to the elements of the Texas third degree felony prostitution offense unless the violation results in a deferred adjudication.

C.S.H.B. 36 differs from the original in nonsubstantive ways.