

## **BILL ANALYSIS**

H.B. 3473  
By: Gallego  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Legislature has recognized the vulnerability and fragility of children who are susceptible to exploitation by adults and has passed laws relating to these issues. However, interested parties report that a Texas court made a finding that a 13-year-old child had engaged in delinquent conduct constituting an offense of prostitution on the grounds that offenses in the Penal Code are incorporated into the Family Code. The parties further note that the Supreme Court of Texas reversed the finding based on the court's opinion that transforming a child victim of adult sexual exploitation into a juvenile offender was not the legislature's intent.

H.B. 3473 seeks to clarify through statute that a child under the age of 14 who was forced to commit conduct constituting prostitution has a defense to prosecution for the offense.

### **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**

H.B. 3473 amends the Penal Code to establish a defense to prosecution for the offense of prostitution if the actor engaged in the conduct that constitutes prostitution was a child younger than 14 years old and was forced to commit the conduct by a person who is 18 years of age or older. The bill makes this exception applicable to any other proceeding under Texas law.

### **EFFECTIVE DATE**

September 1, 2011.