

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 13, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB36 by Menendez (Relating to the punishment for and certain civil consequences of committing the offense of prostitution.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code and the Code of Criminal Procedure as it relates to the punishment for and certain civil consequences of committing the offense of prostitution. Under the provisions of the bill, prostitution would be enhanced to a Class A Misdemeanor for one or two previous convictions; a state jail felony for three or more previous convictions; or a third degree felony if the actor is the person who is to pay the fee or who solicits, and the person who is to receive the fee or who is solicited is younger than 17 years of age. At present, prostitution is punishable at the misdemeanor and felony level with the punishment dependent on the number of previous convictions; the punishment does not take into account the age of the person solicited. The bill would make the promotion of prostitution, currently punishable as a Class A Misdemeanor, a state jail felony for a previous conviction, or a third degree felony if the person who provides prostitution services or who the actor solicits is younger than 17 years of age. The bill would make the aggravated promotion of prostitution, currently punishable as a third degree felony, a second degree felony if it involves a prostitute who is younger than 17 years of age.

The bill would also add a prostitution or promotion of prostitution offense enhanced to a third degree felony, or an aggravated promotion of prostitution offense enhanced to a second degree felony where the offense involves a person who is younger than 17 years of age, to the list of offenses for which sex offender registration is required. The bill would take effect on September 1, 2011 and apply to offenses committed on or after that date.

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 jail, state jail or prison. However, in the case of this bill, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

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

Source Agencies:

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