

Amend HB 32 (committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 169.002(a), Health and Safety Code, is amended to read as follows:

(a) The commissioners court of a county or governing body of a municipality may establish a first offender prostitution prevention program for defendants charged with an offense under Section 43.02 [~~43.02(a)(2)~~], Penal Code [~~, in which the defendant offered or agreed to hire a person to engage in sexual conduct~~].

SECTION _____. Chapter 169, Health and Safety Code, is amended by adding Section 169.0035 to read as follows:

Sec. 169.0035. SEPARATE AND APPROPRIATE COUNSELING, SERVICES, AND CLASSROOM INSTRUCTION. A commissioners court of a county or governing body of a municipality that establishes a first offender prostitution prevention program under this chapter must provide separate and appropriate counseling, services, and classroom instruction under Section 169.003 for defendants charged under Section 43.02(a)(1), Penal Code, and defendants charged under Section 43.02(a)(2), Penal Code.

SECTION _____. Section 43.02, Penal Code, is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) A person commits an offense if the person [~~he~~] knowingly:

(1) offers to engage, agrees to engage, or engages in sexual conduct for a fee; or

(2) solicits another in a public place to engage with the person [~~him~~] in sexual conduct for hire.

(b) An offense is established under Subsection (a)(1) whether the actor is to receive or pay a fee. An offense is established under Subsection (a)(2) whether the actor solicits a person to hire the actor [~~him~~] or offers to hire the person solicited.

(e) A conviction may be used for purposes of enhancement under this section or enhancement under Subchapter D, Chapter 12, but not under both this section and Subchapter D, Chapter 12. For

purposes of enhancement of penalties under this section or Subchapter D, Chapter 12, a defendant is previously convicted of an offense under this section if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.