

BILL ANALYSIS

H.B. 32
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the penalty for a prostitution offense is a Class B misdemeanor and is enhanced to higher grade penalties for previous prostitution convictions or if the person solicited in the offense is younger than 18 years of age. However, statutes governing other offenses involving conduct related to prostitution do not contain penalty enhancements. H.B. 32 seeks to address these discrepancies by providing penalty enhancements for subsequent convictions of promotion of prostitution and for promotion of prostitution and aggravated promotion of prostitution involving a person younger than 17 years of age.

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. 32 amends the Penal Code to enhance 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 promotion of prostitution 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 bill enhances the penalty for aggravated promotion of prostitution from a third degree felony to a second degree felony 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.

H.B. 32 amends the Code of Criminal Procedure to redefine "reportable conviction or adjudication," for purposes of registration requirements under the sex offender registration program, to include a conviction for or an adjudication for or based on the following offenses: prostitution involving the solicitation of a person younger than 18 years of age; promotion of prostitution if the person who provides prostitution services from which the actor receives money or other property is younger than 17 years of age or if the actor solicits another to engage in sexual conduct with a person who is younger than 17 years of age; aggravated promotion of prostitution if any prostitute that is part of the actor's prostitution enterprise is younger than 17 years of age; and a violation of another state's laws, 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 one of those offenses, but not if the violation results in a deferred adjudication.

EFFECTIVE DATE

September 1, 2013.