

BILL ANALYSIS

S.B. 94
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Internet has facilitated the criminal enterprise of sex trafficking through, for instance, online postings on websites where adult advertisements are published. Concerned parties note that these websites and other publications are profiting from the posting of individuals soliciting sexual acts and are facilitating the occurrence of compelled prostitution. These parties suggest that there should be a legal mechanism for a victim of sex trafficking to seek a civil remedy from the person who compelled the person into prostitution or from a purchaser of an advertisement that the purchaser knows or reasonably should have known was a promotion of prostitution. S.B. 94 seeks to provide this mechanism.

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

S.B. 94 amends the Civil Practice and Remedies Code to make a defendant liable to a victim of compelled prostitution for damages arising from the compelled prostitution if the defendant engages in compelling prostitution with respect to the victim, knowingly or intentionally engages in promotion of prostitution or aggravated promotion of prostitution that results in compelling prostitution with respect to the victim, or purchases an advertisement that the defendant knows or reasonably should know constitutes promotion of prostitution or aggravated promotion of prostitution and the publication of which results in compelling prostitution with respect to the victim.

S.B. 94 establishes that it is not a defense to liability that the defendant is related to the victim by affinity or consanguinity, has been in a consensual sexual relationship with the victim, has resided with the victim in a household, or has paid or otherwise compensated the victim for prostitution. The bill establishes that it is not a defense to liability that the victim voluntarily engaged in prostitution before or after the compelled prostitution occurred or did not attempt to escape, flee, or otherwise terminate contact with the defendant at the time the compelled prostitution allegedly occurred.

S.B. 94 requires a claimant who prevails in a liability suit to be awarded court costs, reasonable attorney's fees, and actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown. The bill authorizes the prevailing claimant to also recover exemplary damages. The bill establishes that the cause of action is cumulative of any other remedy provided by common law or statute, except that the bill prohibits a person from recovering damages in a suit under the bill's provisions in which the cause of action is based on a transaction or occurrence that is the basis for a suit for damages arising from the trafficking of persons. The bill makes a person who engages in conduct described by the bill's provisions and who is found liable under those provisions or other law for any amount of damages arising from that conduct jointly and severally liable with any other defendant for the entire amount of

damages arising from that conduct. The bill requires its provisions to be liberally construed and applied to promote its underlying purpose.

EFFECTIVE DATE

September 1, 2013.