

## **BILL ANALYSIS**

Senate Research Center  
83R23784 MAW-D

C.S.S.B. 1712  
By: Rodríguez  
Criminal Justice  
5/8/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, Texas is the only state in the country that punishes prostitution with a felony conviction. In 2012, there were an estimated 350 individuals incarcerated in the Texas Department of Criminal Justice for prostitution. There are lifelong collateral consequences for people with felony convictions, which include limited access to employment, housing, medical and mental health care, along with access to federal and state benefits. Additionally, taxpayers pay between \$15,000 and \$18,000 per year to house these individuals in state jail or prisons.

C.S.S.B. 1712 amends current law relating to the punishment for the offense of prostitution.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 43.02(c), Penal Code, as follows:

(c) Provides that an offense under this section (Prostitution) is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the defendant, rather than actor, has previously been convicted one or two times of an offense under this section;

(2) for a defendant who received or was to receive a fee:

(A) a Class A misdemeanor with a minimum term of confinement of 90 days if the defendant has previously been convicted three or more times but fewer than eight times of an offense under this section; or

(B) a state jail felony if the defendant has previously been convicted eight or more times of an offense under this section; or

(3) for a defendant who paid or was to pay a fee:

(A) a state jail felony if the defendant, rather than actor, has been previously been convicted three or more times of an offense under this section;

(B) a felony of the third degree if the person with respect to whom the fee was paid or to be paid, rather than if the person solicited, is 14 years of age or older and younger than 18 years of age; or

(C) a felony of the second degree if the person with respect to whom the fee was paid or to be paid, rather if the person solicited, is younger than 14 years of age.

Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.