

By: Thompson of Harris

H.B. No. 90

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for compelled prostitution and certain promotion of prostitution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 98A to read as follows:

CHAPTER 98A. LIABILITY FOR COMPELLED PROSTITUTION AND CERTAIN PROMOTION OF PROSTITUTION

Sec. 98A.001. DEFINITIONS. In this chapter:

(1) "Advertisement" means any communication that promotes a commercial product or service, including a communication on an Internet website operated for a commercial purpose.

(2) "Aggravated promotion of prostitution" means conduct that constitutes an offense under Section 43.04, Penal Code.

(3) "Compelled prostitution" means prostitution resulting from compelling prostitution.

(4) "Compelling prostitution" means conduct that constitutes an offense under Section 43.05, Penal Code.

(5) "Promotion of prostitution" means conduct that constitutes an offense under Section 43.03, Penal Code.

(6) "Prostitution" means conduct that constitutes an offense under Section 43.02, Penal Code.

(7) "Victim of compelled prostitution" and "victim"

1 mean a person who commits prostitution as a result of another
2 person's compelling prostitution.

3 Sec. 98A.002. LIABILITY. (a) A defendant is liable to a
4 victim of compelled prostitution, as provided by this chapter, for
5 damages arising from the compelled prostitution if the defendant:

6 (1) engages in compelling prostitution with respect to
7 the victim;

8 (2) knowingly or intentionally engages in promotion of
9 prostitution or aggravated promotion of prostitution that results
10 in compelling prostitution with respect to the victim; or

11 (3) publishes an advertisement that the defendant
12 knows or reasonably should know constitutes promotion of
13 prostitution or aggravated promotion of prostitution, and the
14 publication of the advertisement results in compelling
15 prostitution with respect to the victim.

16 (b) It is not a defense to liability under this chapter
17 that:

18 (1) the defendant:

19 (A) has been acquitted or has not been prosecuted
20 or convicted under Subchapter A, Chapter 43, Penal Code, or has
21 been convicted of a different offense or of a different type or
22 class of offense for the conduct that is alleged to give rise to
23 liability under this chapter;

24 (B) is related to the victim by affinity or
25 consanguinity, has been in a consensual sexual relationship with
26 the victim, or has resided with the victim in a household; or

27 (C) has paid or otherwise compensated the victim

1 for prostitution; or

2 (2) the victim:

3 (A) voluntarily engaged in prostitution before
4 or after the compelled prostitution occurred; or

5 (B) did not attempt to escape, flee, or otherwise
6 terminate contact with the defendant at the time the compelled
7 prostitution allegedly occurred.

8 Sec. 98A.003. DAMAGES. (a) A claimant who prevails in a
9 suit under this chapter shall be awarded:

10 (1) actual damages, including damages for mental
11 anguish even if an injury other than mental anguish is not shown;

12 (2) court costs; and

13 (3) reasonable attorney's fees.

14 (b) In addition to an award under Subsection (a), a claimant
15 who prevails in a suit under this chapter may recover exemplary
16 damages.

17 Sec. 98A.004. CAUSE OF ACTION CUMULATIVE. The cause of
18 action created by this chapter is cumulative of any other remedy
19 provided by common law or statute.

20 Sec. 98A.005. JOINT AND SEVERAL LIABILITY. A person who
21 engages in conduct described by Section 98A.002 and is found liable
22 under this chapter or other law for any amount of damages arising
23 from that conduct is jointly and severally liable with any other
24 defendant for the entire amount of damages arising from that
25 conduct.

26 Sec. 98A.006. LIBERAL CONSTRUCTION AND APPLICATION. This
27 chapter shall be liberally construed and applied to promote its

1 underlying purpose to protect persons from compelled prostitution
2 and provide adequate remedies to victims of compelled prostitution.

3 SECTION 2. Chapter 98A, Civil Practice and Remedies Code,
4 as added by this Act, applies only to a cause of action that accrues
5 on or after the effective date of this Act. A cause of action that
6 accrues before the effective date of this Act is governed by the law
7 in effect immediately before that date, and that law is continued in
8 effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2013.