

By: Johnson

H.B. No. 2801

Substitute the following for H.B. No. 2801:

By: Herrero

C.S.H.B. No. 2801

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of prostitution.

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

SECTION 1. Section 43.02(c), Penal Code, is amended to read as follows:

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

(1) a Class A misdemeanor if the defendant [~~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 [~~actor~~] has previously been convicted three or more times of an offense under this section;

(B) [~~(3)~~] a felony of the third degree if the

1 person with respect to whom the fee was paid or to be paid  
2 ~~[solicited]~~ is 14 years of age or older and younger than 18 years of  
3 age; or

4 (C) ~~[(4)]~~ a felony of the second degree if the  
5 person with respect to whom the fee was paid or to be paid  
6 ~~[solicited]~~ is younger than 14 years of age.

7 SECTION 2. The change in law made by this Act applies only  
8 to an offense committed on or after the effective date of this Act.  
9 An offense committed before the effective date of this Act is  
10 governed by the law in effect on the date the offense was committed,  
11 and the former law is continued in effect for that purpose. For  
12 purposes of this section, an offense was committed before the  
13 effective date of this Act if any element of the offense occurred  
14 before that date.

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