

By: Johnson

H.B. No. 2801

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of prostitution.

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

SECTION 1. Chapter 32, Code of Criminal Procedure, is amended by adding Article 32.03 to read as follows:

Art. 32.03. DISMISSAL OF CERTAIN PROSTITUTION OFFENSES.

(a) At any time before trial commences for an offense under Section 43.02, Penal Code, a court may, on the request of the defendant and with the consent of the attorney representing the state, defer proceedings without entering an adjudication of guilt and permit the defendant to participate in a pretrial intervention program.

(b) A pretrial intervention program may be offered by a faith-based organization or other nonprofit organization and must:

(1) require the defendant to complete not more than 50 hours of community service; and

(2) include at least 100 hours of instruction, counseling, or treatment concerning sexual abuse, sexually transmitted diseases, mental health, and substance abuse.

(c) Notwithstanding Subsection (b), a first offender prostitution prevention program established under Chapter 169, Health and Safety Code, satisfies the requirements of this article.

(d) If a defendant successfully completes a pretrial intervention program not later than the first anniversary of the date the proceedings were deferred, the court may dismiss the

proceedings against the defendant and discharge the defendant.

SECTION 2. Section 43.02, Penal Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) An offense under Subsection (a)(1) is a Class C misdemeanor, except that the offense is:

(1) a Class B misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (a)(1); or

(2) a Class A misdemeanor if the actor has previously been convicted three or more times of an offense under Subsection (a)(1).

(c-1) An offense under Subsection (a)(2) [this section] is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (a)(2) [this section];

(2) a state jail felony if the actor has previously been convicted three or more times of an offense under Subsection (a)(2) [this section];

(3) a felony of the third degree if the person solicited is 14 years of age or older and younger than 18 years of age; or

(4) a felony of the second degree if the person solicited is younger than 14 years of age.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is
2 governed by the law in effect on the date the offense was committed,
3 and the former law is continued in effect for that purpose. For
4 purposes of this section, an offense was committed before the
5 effective date of this Act if any element of the offense occurred
6 before that date.

7 SECTION 4. This Act takes effect September 1, 2013.