

By: Van de Putte  
(Thompson of Harris)

S.B. No. 94

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) purchases 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) is related to the victim by affinity or  
20 consanguinity, has been in a consensual sexual relationship with  
21 the victim, or has resided with the victim in a household; or

22 (B) has paid or otherwise compensated the victim  
23 for prostitution; or

24 (2) the victim:

25 (A) voluntarily engaged in prostitution before  
26 or after the compelled prostitution occurred; or

27 (B) did not attempt to escape, flee, or otherwise

1 terminate contact with the defendant at the time the compelled  
2 prostitution allegedly occurred.

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

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

7 (2) court costs; and

8 (3) reasonable attorney's fees.

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

12 Sec. 98A.004. CAUSE OF ACTION CUMULATIVE. The cause of  
13 action created by this chapter is cumulative of any other remedy  
14 provided by common law or statute, except that a person may not  
15 recover damages in a suit under this chapter in which the cause of  
16 action is based on a transaction or occurrence that is the basis for  
17 a suit under Chapter 98.

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

24 Sec. 98A.006. LIBERAL CONSTRUCTION AND APPLICATION. This  
25 chapter shall be liberally construed and applied to promote its  
26 underlying purpose to protect persons from compelled prostitution  
27 and provide adequate remedies to victims of compelled prostitution.

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

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