

By: Johnson

H.B. No. 1363

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. 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 prostitution prevention program established under Chapter 169 or 169A, Health and Safety Code, if the defendant is otherwise eligible to participate in the program under the applicable chapter. If the defendant successfully completes the prostitution prevention 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

1 been convicted one or two times of an offense under Subsection
2 (a)(1); or

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

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

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

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

14 (3) a felony of the second degree if the person
15 solicited is younger than 18 years of age, regardless of whether the
16 actor knows the age of the person solicited at the time the actor
17 commits the offense.

18 SECTION 3. The change in law made by this Act applies only
19 to an offense committed on or after the effective date of this Act.
20 An offense committed before the effective date of this Act is
21 governed by the law in effect on the date the offense was committed,
22 and the former law is continued in effect for that purpose. For
23 purposes of this section, an offense was committed before the
24 effective date of this Act if any element of the offense occurred
25 before that date.

26 SECTION 4. This Act takes effect September 1, 2015.