

Amend CSHB 2960 (house committee report) as follows:

(1) Strike page 6, line 23, through page 8, line 6, and substitute the following:

(a) A person commits an offense if [~~, in return for receipt of a fee,~~] the person knowingly offers or agrees to receive a fee from another to engage in sexual conduct [+

~~[(1) offers to engage, agrees to engage, or engages in sexual conduct; or~~

~~[(2) solicits another in a public place to engage with the actor in sexual conduct for hire].~~

(b) A person commits an offense if [~~, based on the payment of a fee by the actor or another person on behalf of the actor,~~] the person knowingly offers or agrees to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another [+

~~[(1) offers to engage, agrees to engage, or engages in sexual conduct; or~~

~~[(2) solicits another in a public place to engage with the actor in sexual conduct for hire].~~

(c) An offense under Subsection (a) 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); or

(2) a state jail felony if the actor has previously been convicted three or more times of an offense under Subsection (a).

(c-1) An offense under Subsection (b) 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 (b);

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

(3) a felony of the second degree if the person with whom the actor agrees to engage in sexual conduct [~~solicited~~] is:

(A) younger than 18 years of age, regardless of

whether the actor knows the age of the person [~~solicited~~] at the time of [~~the actor commits~~] the offense;

(B) represented to the actor as being younger than 18 years of age; or

(C) believed by the actor to be younger than 18 years of age.

(2) Strike page 9, line 21, through page 10, line 13, and substitute the following:

SECTION 10. Section 43.04(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a felony of the second [~~third~~] degree, except that the offense is a felony of the first degree if the prostitution enterprise uses as a prostitute one or more persons younger than 18 years of age, regardless of whether the actor knows the age of the person at the time of [~~the actor commits~~] the offense.