

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 18, 2017**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2552** by Thompson, Senfronia (Relating to measures to address and deter certain criminal or other unlawful activity, including trafficking of persons, sexual offenses, prostitution, and activity that may constitute a public nuisance; increasing criminal penalties; creating a criminal offense.), **As Engrossed**

**No significant fiscal implication to the State is anticipated except for an indeterminate impact associated with amending certain sections of the Penal Code, as described below.**

The bill would amend the Business and Commerce Code to add to the list of false, misleading, or deceptive acts or practices the operation of a massage establishment that is unlicensed, not in compliance with licensing requirements, or in violation of applicable local ordinances.

The bill would amend the Civil Practice and Remedies Code to allow certain arrest records, law enforcement testimony, or lawsuit history to serve as prima facie evidence that the defendant knowingly tolerated prostitution-related activity and did not make a reasonable attempt to abate the activity. The bill would include websites and computer networks connected with certain prohibited activities as common nuisances and would enable individuals, the attorney general, or government bodies to bring suit to declare that a person is operating a web address or computer network that is a common nuisance.

The bill would amend the Education Code to prohibit a person to serve as a member of the board of trustees of a school district if the person has been convicted of certain prostitution related offenses.

The bill would amend the Government Code to require the bureau of identification and records at the Department of Public Safety to compile certain statistics regarding prostitution-related criminal offenses.

The bill would amend the Health and Safety Code to require certain facilities display signs related to human trafficking, following certain criteria.

The bill would amend the Occupations Code relating to notice and continuing education requirements regarding human trafficking for certain licensed occupations and establishments.

The bill would amend the Penal Code to expand the definition of promotion of prostitution.

The bill would amend the Penal Code related to human trafficking and classify an offense that results in the death of an unborn child of the person who is trafficked as a felony of the first

degree.

The bill would amend the Penal Code related to assaults to classify the offense of causing bodily harm against a pregnant person to force that person to have an abortion as a felony of the third degree. Additionally, the bill would amend the Penal Code related to assaults to classify the offenses of threatening or physical contact against a pregnant person to force the person to have an abortion as a Class A misdemeanor.

The bill would amend the Penal Code as it relates to the offenses of unlawful disclosure or promotion of intimate visual material and sexual coercion. Under the provisions of the bill, the punishment for the offense of unlawful disclosure or promotion of intimate visual material would be increased from a Class A misdemeanor to a state jail felony. The bill would also make the offense of sexual coercion punishable by a state jail felony or a third degree felony depending on the circumstances of the offense.

The bill would amend the Property Code to terminate a tenant's right to possession if the tenant is using the property for prostitution related activities or human trafficking.

Except as noted below, this analysis assumes the provisions of the bill addressing felony sanctions for would not result in a significant impact on state correctional agencies.

The probable impact of implementing the bill's provisions which amend the Penal Code relating to assault cannot be determined because data collected at the statewide level do not contain the necessary detail related to the specific circumstances of an assault specified in the bill, information necessary to determine the impact associated with the bill's enhancement provision. To the extent that the number of assaults committed that involve intentional, knowing, or reckless causation of bodily harm against a pregnant person to force that person to have an abortion is significant, costs would increase commensurately. The probable impact of the bill as it relates to human trafficking punishments under the Penal Code also cannot be determined, because data collected at the statewide level do not contain the necessary detail related to the specific circumstances of human trafficking that result in the death of an unborn child.

Based on the analysis of the Department of Public Safety, Office of Court Administration, Office of the Attorney General, Department of State Health Services, Department of Criminal Justice, Health and Human Services Commission, and Department of Licensing and Regulation, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2017.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 405 Department of Public Safety, 452 Department of

Licensing and Regulation, 529 Health and Human Services Commission,  
537 State Health Services, Department of, 696 Department of Criminal  
Justice

**LBB Staff:** UP, AG, JSm, RGU, JAW, AKU, JGA, JQ, LBO