

## **BILL ANALYSIS**

C.S.H.B. 934  
By: Shaheen  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that the penalty for an individual who engages in sexual conduct with a victim of human trafficking inadequately punishes the individual if the individual was unaware that the person or child had been trafficked. C.S.H.B. 934 seeks to deter individuals from engaging in sexual conduct with victims of human trafficking by strengthening laws relating to prostitution and the sexual exploitation of children.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 934 amends the Penal Code to establish that an actor who knowingly offers or agrees to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another commits the following conduct constituting a trafficking of persons offense regardless of whether the actor knows that the person or child has been trafficked in the specified manner:

- engaging in sexual conduct with a person trafficked and caused through force, fraud, or coercion to engage in certain prohibited prostitution-related conduct; and
- engaging in sexual conduct with a child trafficked and by any means caused to engage in, or become the victim of certain prohibited sexual or prostitution-related conduct.

The bill imposes a state jail felony on an actor who, in the course of knowingly offering or agreeing to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another, engages in sexual conduct with a person trafficked and caused through force, fraud, or coercion to engage in certain prohibited prostitution-related conduct, regardless of whether the actor knows that the person has been trafficked.

C.S.H.B. 934 amends the Code of Criminal Procedure to make a conforming change.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 934 may differ from the original in minor or nonsubstantive ways, the following

summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a specification that the conduct constituting a trafficking of persons offense regardless of whether the actor knows that the victim has been trafficked occurs in the course of an actor knowingly offering or agreeing to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another.

The substitute includes a provision imposing a state jail felony penalty for an actor who, in the course of knowingly offering or agreeing to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another, engages in sexual conduct with a person trafficked and caused through force, fraud, or coercion to engage in certain prohibited prostitution-related conduct, regardless of whether the actor knows that the person has been trafficked.