

## **BILL ANALYSIS**

Senate Research Center  
86R23138 ADM-D

H.B. 1771  
By: Thierry et al. (Huffman)  
State Affairs  
5/16/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Relating to a prohibition on prosecuting or referring to juvenile court certain persons for certain conduct constituting the offense of prostitution and to the provision of services to those persons.

H.B. 1771 amends current law relating to a prohibition on prosecuting or referring to juvenile court certain persons for certain conduct constituting the offense of prostitution and to the provision of services to those persons.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Authorizes this Act to be cited as the Child Sex Trafficking Victims Protections and Provisions Act.

SECTION 2. Amends Section 51.03, Family Code, by amending Subsection (b) and adding Subsections (d) and (d-1), as follows:

(b) Provides that conduct indicating a need for supervision is:

(1)–(4) makes no changes to these subdivisions;

(5) notwithstanding Subsection (a)(1) (relating to providing that certain conduct is delinquent conduct), conduct described by Section 43.02(b) (relating to providing that a person commits an offense if 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), rather than by Section 43.02(a) (relating to providing that a person commits an offense if the person knowingly offers or agrees to receive a fee from another to engage in sexual conduct) or (b), Penal Code; or

(6) makes no changes to this subdivision.

(d) Provides that notwithstanding Subsection (a)(1), conduct that violates Section 43.02(a), Penal Code, is not delinquent conduct or conduct indicating a need for supervision. Prohibits a child from being referred to the juvenile court for conduct that violates Section 43.02(a), Penal Code.

(d-1) Prohibits a law enforcement officer taking possession of a child who is suspected of engaging in conduct that violates Section 43.02(a), Penal Code, from arresting the child or referring the child to juvenile court. Requires the officer to use best efforts to deliver the child to the child's parent or to another person entitled to take possession of the child. Requires the officer, if the parent or other person is not immediately available, to:

(1) contact a local service provider or care coordinator who will, in consultation with the child sex trafficking prevention unit established under Section 772.0062 (Child Sex Trafficking Prevention Unit), Government Code, and the governor's

program for victims of child sex trafficking established under Section 772.0063 (Governor's Program For Victims of Child Sex Trafficking), Government Code, facilitate the assignment of a caseworker for the child to create a customized package of services to fit the child's immediate and long-term rehabilitation and treatment needs, including medical, psychiatric, psychological, safety, and housing needs; or

(2) if a local service provider or care coordinator is not available, transfer possession of the child to the Department of Family and Protective Services in accordance with Section 262.104 (Taking Possession of a Child in Emergency Without a Court Order).

SECTION 3. Amends Section 43.02, Penal Code, by adding Subsection (b-1) to prohibit a person from being prosecuted for an offense under Subsection (a) that the person committed when younger than 17 years of age.

SECTION 4. Makes application of this Act prospective. Provides that for purposes of this Section, an offense was committed or conduct occurred before the effective date of this Act if any element of the offense or conduct occurred before that date.

SECTION 5. Effective date: September 1, 2019.