

BILL ANALYSIS

C.S.H.B. 1771
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns about criminalizing children who are victims of sex trafficking. C.S.H.B. 1771 seeks to prevent these children from being prosecuted or referred to juvenile court for certain conduct violating Penal Code provisions governing the offense of prostitution by providing for the provision of services to them instead that fit the child's immediate and long-term rehabilitation and treatment needs.

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. 1771 amends the Penal Code to prohibit a person from being prosecuted for a prostitution offense in which the person knowingly offers or agrees to receive a fee committed when younger than 17 years of age.

C.S.H.B. 1771 amends the Family Code to establish that conduct violating that prostitution offense is not delinquent conduct or conduct indicating a need for supervision for purposes of the juvenile justice code. The bill prohibits a child from being referred to the juvenile court for such conduct and prohibits a law enforcement officer taking possession of a child who is suspected of engaging in such conduct from arresting the child or referring the child to juvenile court. The bill 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. The bill requires the officer, if the parent or other person is not immediately available, to contact a local service provider or care coordinator who will, in consultation with the child sex trafficking prevention unit and the governor's program for victims of child sex trafficking, 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, if a local service provider or care coordinator is not available, to transfer possession of the child to the Department of Family and Protective Services.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1771 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 lowers from younger than 18 years of age to younger than 17 years of age the maximum age at which a person is prohibited from being prosecuted for an applicable prostitution offense and does not include provisions relating to a requirement for such a person to be referred to the Department of Family and Protective Services to receive early youth intervention services as at-risk youth.

The substitute includes a requirement for a law enforcement officer taking possession of a child suspected of such conduct instead to use best efforts to deliver the child to the child's parent or to another person entitled to take possession of the child and provides for the provision of services that fit the child's immediate and long-term rehabilitation and treatment needs if the parent or other person is not immediately available.