

BILL ANALYSIS

C.S.H.B. 2613
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that criminal organizations use stash houses to commit and facilitate illegal activities, such as human trafficking and smuggling, and that it would be much easier for law enforcement to effectively prosecute this criminal activity if there were an offense for such conduct. C.S.H.B. 2613 creates the criminal offense of operation of a stash house and provides for the use of contraband seized in relation to that offense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 2613 amends the Penal Code to create the Class A misdemeanor offense of operation of a stash house for a person who knowingly:

- uses or permits another to use any real estate, building, room, tent, vehicle, boat, or other property owned by or under control of the person to commit an offense or to facilitate the commission of an offense of smuggling of persons, continuous smuggling of persons, trafficking of persons, continuous trafficking of persons, aggravated promotion of prostitution, or compelling prostitution; or
- rents or leases any property to another, intending that the property be used to commit such an offense.

C.S.H.B. 2613 establishes that if conduct that constitutes such an offense also constitutes an offense under another law, the actor may be prosecuted under the bill's provisions, the other law, or both the bill's provisions and the other law.

C.S.H.B. 2613 amends the Code of Criminal Procedure to expand the definition of "contraband," for purposes of statutory contraband forfeiture procedures, to include property that is:

- intended to be used in the commission of any felony offense relating to trafficking of persons, aggravated promotion of prostitution, or compelling prostitution;
- used or intended to be used in the commission of an operation of stash house offense;
- used to facilitate or intended to be used to facilitate the commission of any offense of smuggling of persons, continuous smuggling of persons, or operation of stash house or

any offense relating to trafficking of persons; or

- the proceeds gained from the commission of a misdemeanor operation of stash house offense or property acquired with such proceeds.

C.S.H.B. 2613 requires the gross amount credited from the forfeiture of contraband relating to the commission of such offenses to the special fund of the office of the attorney representing the state or of a law enforcement agency under a local agreement to be:

- used to provide direct victim services by the victim services division or other similar division of the attorney's office or the agency, as applicable; or
- used by the attorney's office or the agency to cover the costs of a contract with a local nonprofit organization to provide direct services to crime victims.

C.S.H.B. 2613 establishes that such an expenditure of money is considered to be for an official purpose of the attorney's office or for a law enforcement purpose, as applicable.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2613 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 aggravated promotion of prostitution and compelling prostitution among the offenses for which engaging in specified conduct for purposes of committing the offense or facilitating the commission of the offense constitutes operation of a stash house.

The substitute includes a provision authorizing prosecution of conduct constituting operation of a stash house under the bill's provisions, under another law if the conduct constitutes an offense under that law, or under both the bill's provisions and that other law.

The substitute includes a provision expanding the definition of "contraband" to include property intended to be used in the commission of aggravated promotion of prostitution or compelling prostitution.

The substitute includes proceeds from the sale of contraband forfeited relating to the commission of aggravated promotion of prostitution or compelling prostitution in the gross amount that is credited to the special fund of the office of the attorney representing the state or of a law enforcement agency from the forfeiture of certain contraband for purposes of providing direct victim services or covering the costs of a contract with a local nonprofit organization to provide direct victim services.