

BILL ANALYSIS

H.B. 4287
By: Zedler
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the eligibility for various types of community supervision of defendants charged with particularly heinous crimes related to sex trafficking, such as aggravated promotion of prostitution, continuous trafficking of persons, and sexual performance by a child. H.B. 4287 seeks to address this issue by making certain offenders ineligible for such release.

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

H.B. 4287 amends the Code of Criminal Procedure to include among the offenses for which a judge is prohibited from ordering community supervision and for which a person is ineligible for jury-recommended community supervision the following offenses:

- continuous trafficking of persons;
- aggravated promotion of prostitution; and
- any indecency with a child conduct.

The bill removes a provision conditioning the ineligibility for jury-recommended community supervision of a defendant convicted of indecency with a child for certain conduct, sexual assault, or aggravated sexual assault on the victim of such an offense being younger than 14 years of age at the time of the offense. The bill makes a defendant charged with the following offenses ineligible for deferred adjudication community supervision:

- trafficking of persons;
- continuous trafficking of persons;
- aggravated promotion of prostitution;
- compelling prostitution; or
- sexual performance by a child.

H.B. 4287 amends the Health and Safety Code to make conforming changes.

EFFECTIVE DATE

September 1, 2019.