By:  González of Dallas H.B. No. 3206

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of prostitution, to juvenile court referrals for conduct constituting prostitution, and to a court cost imposed on conviction of certain prostitution offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.023 to read as follows:

Art. 102.023.  COURT COSTS: COMMERCIAL SEXUAL EXPLOITATION VICTIM FUND. (a) The commercial sexual exploitation victim fund is a dedicated account in the general revenue fund.

(b)  A person convicted of an offense under Section 43.02(b), Penal Code, shall pay as a cost of court $500 on conviction of the offense.

(c)  For purposes of this article, a person is considered to have been convicted if:

(1)  a sentence is imposed on the person; or

(2)  the person receives community supervision, including deferred adjudication community supervision.

(d)  Court costs under this article are collected in the same manner as other fines or costs. An officer collecting the costs shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county treasury.

(e)  The custodian of a county treasury shall:

(1)  keep records of the amount of funds on deposit collected under this article; and

(2)  send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f)  If no funds due as costs under this article are deposited in a county treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(g)  The comptroller shall deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the commercial sexual exploitation victim fund. The legislature may appropriate money from the account only to the criminal justice division of the governor's office to enable that division to provide funds for services and programs directed toward victims of conduct that constitutes an offense under Section 20A.02 or 43.05, Penal Code, including:

(1)  diversion programs for victims who have been charged with an offense;

(2)  housing;

(3)  vocational services;

(4)  counseling;

(5)  substance abuse recovery services;

(6)  mental health services; and

(7)  prostitution prevention programs.

(h)  Funds collected under this article are subject to audit by the comptroller.

SECTION 2.  Subchapter B, Chapter 102, Government Code, is amended by adding Section 102.02111 to read as follows:

Sec. 102.02111.  ADDITIONAL COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay, in addition to all other costs, a court cost on conviction to benefit victims of commercial sexual exploitation in this state (Art. 102.023, Code of Criminal Procedure). . . $500.

SECTION 3.  Section 51.03, Family Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b)  Conduct indicating a need for supervision is:

(1)  subject to Subsection (f), conduct, other than a traffic offense, that violates:

(A)  the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or

(B)  the penal ordinances of any political subdivision of this state;

(2)  the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return;

(3)  conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 485.001, Health and Safety Code;

(4)  an act that violates a school district's previously communicated written standards of student conduct for which the child has been expelled under Section 37.007(c), Education Code;

(5)  notwithstanding Subsection (a)(1), conduct described by Section 43.02(b) [~~43.02(a) or (b)~~], Penal Code; or

(6)  notwithstanding Subsection (a)(1), conduct that violates Section 43.261, Penal Code.

(d)  Notwithstanding Subsection (a)(1), conduct that violates Section 43.02(a), Penal Code, is not delinquent conduct or conduct indicating a need for supervision. A child may not be referred to the juvenile court for conduct that violates Section 43.02(a), Penal Code.

SECTION 4.  Section 43.02, Penal Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1)  A person may not be prosecuted for an offense under Subsection (a) that the person committed when younger than 18 years of age.

(c)  An offense under Subsection (a) is a Class C [~~B~~] misdemeanor, except that the offense is:

(1)  a Class B [~~A~~] misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (a); or

(2)  a Class A misdemeanor [~~state jail felony~~] if the actor has previously been convicted three or more times of an offense under Subsection (a).

SECTION 5.  (a) Article 102.023, Code of Criminal Procedure, as added by this Act, applies only to a cost on conviction for an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(b)  Section 51.03, Family Code, and Section 43.02, Penal Code, as amended by this Act, apply only to an offense committed or conduct that occurs on or after the effective date of this Act. An offense committed or conduct that occurs before the effective date of this Act is governed by the law in effect on the date the offense was committed or the conduct occurred, and the former law is continued in effect for that purpose.

(c)  For the 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 6.  This Act takes effect September 1, 2019.