

By: González of Dallas

H.B. No. 3206

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution and punishment of the offense of
3 prostitution, to juvenile court referrals for conduct constituting
4 prostitution, and to a court cost imposed on conviction of certain
5 prostitution offenses.

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

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

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

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

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

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

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

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

24 (e) The custodian of a county treasury shall:

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

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

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

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

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

20 (2) housing;

21 (3) vocational services;

22 (4) counseling;

23 (5) substance abuse recovery services;

24 (6) mental health services; and

25 (7) prostitution prevention programs.

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

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

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

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

11 (b) Conduct indicating a need for supervision is:

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

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

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

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

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

26 (4) an act that violates a school district's
27 previously communicated written standards of student conduct for

1 which the child has been expelled under Section 37.007(c),
2 Education Code;

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

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

7 (d) Notwithstanding Subsection (a)(1), conduct that
8 violates Section 43.02(a), Penal Code, is not delinquent conduct or
9 conduct indicating a need for supervision. A child may not be
10 referred to the juvenile court for conduct that violates Section
11 43.02(a), Penal Code.

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

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

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

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

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

25 SECTION 5. (a) Article 102.023, Code of Criminal
26 Procedure, as added by this Act, applies only to a cost on
27 conviction for an offense committed on or after the effective date

1 of this Act. An offense committed before the effective date of this
2 Act is governed by the law in effect on the date the offense was
3 committed, and the former law is continued in effect for that
4 purpose.

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

12 (c) For the purposes of this section, an offense was
13 committed or conduct occurred before the effective date of this Act
14 if any element of the offense or conduct occurred before that date.

15 SECTION 6. This Act takes effect September 1, 2019.