

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 18, 2019

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **SB20** by Huffman (Relating to the reporting regarding, investigation of, prosecution of, criminal and civil penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses, to services and compensation available to victims of those offenses, and to orders of nondisclosure for persons who committed certain of those offenses.), **Committee Report 2nd House, Substituted**

The bill would have an indeterminate fiscal impact to the State from fines, fees, and penalties due to the creation of new offenses for the online promotion of prostitution and aggravated online promotion of prostitution and broadening of eligibility for orders of nondisclosure to victims of trafficking. The number of convictions that would result from these changes cannot be determined.

The bill would create the offense of Online Promotion of Prostitution as a 3rd degree felony unless it involves a child under the age of 18 in which it is then a 2nd degree felony and would create the offense of Aggravated Online Promotion of Prostitution as a 2nd degree felony unless it involves a child under the age of 18 in which it is then a 1st degree felony. The bill would allow prosecutors to pursue online providers of prostitution and trafficked persons. The bill would add Continuous Trafficking as a stackable offense and would expand the definition of to apply to adult and child labor trafficking cases as well as the sex trafficking of adults. Based on information provided by the Comptroller of Public Accounts, there would be an indeterminate fiscal impact to the State from court costs associated with these offenses. The number of convictions that would result from these new offenses cannot be determined.

The bill would broaden eligibility for orders of nondisclosures based on trafficking and would allow victims of trafficking that are made to engage in crimes by their traffickers to receive orders of nondisclosure for those offenses committed solely as a result of their trafficking or compelled prostitution. The bill would require judges to place a person convicted of certain prostitution offenses to be placed on community supervision if the person has not previously been convicted of a state jail felony and to require the defendant to participate in a commercially sexually exploited persons court program if one exists in the county or municipality where the defendant resides.

The bill would permit the Office of Attorney General to enter into a contract with an institution of higher education for the institution's assistance in the collection and analysis of information related to human trafficking.

Based on the analysis of the Office of Court Administration, the Office of Attorney General,

Department of Public Safety, and Texas Department of Licensing and Regulation, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies. Additional information is provided in the Criminal Justice Impact Statement.

The bill would take effect September 1, 2019.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: WP, LBO, MW, GDz, SD, CMa, LM, AF, DFR, DA, SPa