

## **BILL ANALYSIS**

H.B. 2795  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Human trafficking produces billions of dollars in revenue every year by victimizing millions of vulnerable people around the world and is an illicit economy fueled by demand. Currently, a person who purchases sex and a person who sells sex are guilty of the same offense, prostitution. Yet, the crime of buying sex differs in important ways from the crime of selling sex, including the circumstances and vulnerabilities of the people who are committing the offenses. H.B. 2795 seeks to reduce the demand for human trafficking by distinguishing the offense and penalties of purchasing sex from the offense of selling sex.

### **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. 2795 amends the Penal Code to rename conduct constituting the offense of prostitution involving knowingly offering or agreeing to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another as a newly named offense of solicitation of prostitution. The bill increases the penalty for this prostitution conduct from a Class A misdemeanor to a state jail felony and increases the enhanced penalty for a subsequent conviction of this conduct from a state jail felony to a third degree felony, but retains the second degree felony penalty enhancement based on the age of the other person involved in the conduct.

H.B. 2795 authorizes the use of a conviction for a solicitation of prostitution offense either for purposes of enhancement under the provisions relating to the offense or enhancement under provisions authorizing exceptional sentences but not under both sets of provisions. The bill establishes that for purposes of those enhancements, a defendant is considered to have been previously convicted of the offense, including the offense under the law as it existed before the bill's effective date, if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

H.B. 2795 amends the Health and Safety Code to rename the "first offender prostitution prevention program" as the "first offender solicitation of prostitution prevention program" to clarify the participants in the program.

H.B. 2795 amends Alcoholic Beverage Code, Civil Practice and Remedies Code, Code of Criminal Procedure, Education Code, Family Code, Government Code, Occupations Code, and Property Code to make conforming changes.

**EFFECTIVE DATE**

September 1, 2021.