

By: Shaheen

H.B. No. 3072

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of prostitution.

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

SECTION 1. Sections 43.02(c) and (c-1), Penal Code, are amended to read as follows:

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

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

or

(2) a state jail felony if the actor:

(A) has previously been convicted three or more times of an offense under Subsection (a);

(B) is a peace officer;

(C) is a public security officer or reserve law enforcement officer, as those terms are defined by Section 1701.001, Occupations Code; or

(D) is an employee of a public primary or secondary school in this state.

(c-1) An offense under Subsection (b) is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if the actor:

(A) has previously been convicted of an offense under Subsection (b);

1                   (B) is a peace officer;

2                   (C) is a public security officer or reserve law  
3 enforcement officer, as those terms are defined by Section  
4 1701.001, Occupations Code; or

5                   (D) is an employee of a public primary or  
6 secondary school in this state; or

7                   (2) a felony of the second degree if the person with  
8 whom the actor agrees to engage in sexual conduct is:

9                   (A) younger than 18 years of age, regardless of  
10 whether the actor knows the age of the person at the time of the  
11 offense;

12                   (B) represented to the actor as being younger  
13 than 18 years of age; or

14                   (C) believed by the actor to be younger than 18  
15 years of age.

16                   SECTION 2. The change in law made by this Act applies only  
17 to an offense committed on or after the effective date of this Act.  
18 An offense committed before the effective date of this Act is  
19 governed by the law in effect on the date the offense was committed,  
20 and the former law is continued in effect for that purpose. For  
21 purposes of this section, an offense was committed before the  
22 effective date of this Act if any element of the offense was  
23 committed before that date.

24                   SECTION 3. This Act takes effect September 1, 2021.