

By: Crockett

H.B. No. 4413

A BILL TO BE ENTITLED

AN ACT

relating to changing the definition of compelling prostitution to mean child sexual exploitation.

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

SECTION 1. Section 43.05 is amended to read as follows:

Sec. 43.05. COMPELLING ~~PROSTITUTION~~ CHILD SEXUAL EXPLOITATION.

(a) In this Section:

(1) "Sexual performance by a child" has the same meaning assigned in Section 43.25

(b) A person commits an offense if the person knowingly:

(1) causes another by force, threat, coercion, or fraud to ~~commit prostitution~~ participate in sexual performance by a child; or

(2) causes by any means a child younger than 18 years to ~~commit prostitution~~ participate in sexual performance by a child, regardless of whether the actor knows the age of the child at the time of the offense.

(c) An offense under this section is a felony of the first degree.

(d) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

1 (d) For purposes of this section, "coercion" as defined by
2 Section 1.07 includes:

3 (1) destroying, concealing, confiscating, or
4 withholding from a person, or threatening to destroy, conceal,
5 confiscate, or withhold from a person, the person's actual or
6 purported:

7 (A) government records; or

8 (B) identifying information or documents;

9 (2) causing a person, without the person's consent, to
10 become intoxicated, as defined by Section 49.01, to a degree that
11 impairs the person's ability to appraise the nature of the person's
12 conduct that constitutes ~~prostitution~~ sexual performance by a
13 child; or to resist engaging in that conduct; or

14 (3) withholding alcohol or a controlled substance to a
15 degree that impairs the ability of a person with a chemical
16 dependency, as defined by Section 462.001, Health and Safety Code,
17 to appraise the nature of the person's conduct that constitutes
18 ~~prostitution~~ sexual performance by a child or to resist engaging in
19 that conduct.

20 SECTION 2. This Act takes effect September 1, 2021.