

BILL ANALYSIS

H.B. 279
By: Jetton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Law enforcement officers and agencies struggle to prosecute sex trafficking cases because the burden of proof is high, requiring a demonstration of force, fraud, or coercion. This is a challenging burden in investigations, given the trauma and types of psychological coercion typically involved in trafficking, and proving force, fraud, or coercion when the survivor is a disabled individual is even more challenging. H.B. 279 seeks to address this issue and enable more convictions of human traffickers by subjecting sex trafficking of a disabled individual to the same conditions for prosecution as child sex trafficking, which do not require proof of the elements of fraud, force, or coercion.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 279 amends the Penal Code to make the conduct constituting child sex trafficking applicable with respect to a victim who is a disabled individual, defined by reference as a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self. The conduct is a first degree felony regardless of whether the actor knows the victim is disabled at the time of the offense. The bill applies only to an offense committed on or after the bill's effective date and provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

H.B. 279 amends the Civil Practice and Remedies Code, Code of Criminal Procedure, and Government Code to make conforming changes.

EFFECTIVE DATE

September 1, 2023.