

BILL ANALYSIS

S.B. 1653
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under state law, the offense of promotion of prostitution is enhanced from a third degree felony to a first degree felony if the offense involves a person younger than 18 years of age engaging in prostitution. In other words, a prosecutor must prove in a child sex trafficking case that the child was engaging in prostitution when the sex trafficker solicited them for the defendant to be convicted of the offense. Stakeholders point out that this policy does not protect children who are solicited by friends, sex traffickers, and others through social media but who ultimately do not engage in prostitution. Bringing to justice sex traffickers who promote prostitution should not depend on a child actually engaging in prostitution. S.B. 1653 seeks to ensure that all minors are protected from prostitution schemes by removing the condition that a person younger than 18 years of age must engage in prostitution for purposes of the application of the first degree felony offense of promotion of prostitution.

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

S.B. 1653 amends the Penal Code to remove the condition that a person younger than 18 years of age must engage in prostitution for purposes of the application of the first degree felony offense of promotion of prostitution in which the actor knowingly receives money or other property under an agreement to participate in the proceeds of prostitution involving the person or solicits another to engage in sexual conduct with the person for compensation.

S.B. 1653 applies only to an offense committed on or after the bill's effective date. The bill 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.

EFFECTIVE DATE

September 1, 2023.