

**HOUSE OF REPRESENTATIVES  
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Criminal Jurisprudence  
For HB 844

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Hearing Date: April 4, 2023 10:30 AM - or upon final adjourn./recess or bill referral if permission granted

Alicia Bush, Founder  
Treasured Vessels Foundation  
Plano, TX

Please accept this testimony in favor of HB 844 to extend the definition of child sex trafficking to include the solicitation and patronization of a child trafficking victim. There are three key benefits gained by expanding this legal definition:

Children who have been exploited for the purpose of commercial sex can be excluded from lifesaving services and resources which are contingent on government grant funds in the case where law enforcement and the victim service provider cannot clearly conclude that the exploitation happened as a result of the Texas penal code's definition of child sex trafficking. In other words, if a child testifies that they were sexually abused in exchange for something of value, the person who requested the sexual act or paid for the sexual act, should be held liable under the Texas penal code for trafficking.

Secondly, if a child is engaging in what's known as "survival sex," (using one's body in exchange for food, shelter, basic human needs, etc.) where they don't have a pimp controlling them, but they do have a buyer or a solicitor, the buyer or solicitor is the exploiter, and should be defined as a trafficker. Sometimes, a victim will be under pimp control, but chooses to use survival sex on the side to provide themselves with food, shelter, and clothing. In this case, they are still the victim of a crime and are being exploited by another.

Thirdly, survival sex is most common among male victims, who are typically under-identified and under-served because of the nature of their victimization. In the same way, the buyer or solicitor of this sexual act is an exploiter and should be held liable as a trafficker.

Rhonda Kuykendall, Chair  
FBCDA Human Trafficking Community Awareness Team  
Richmond, TX

Solicit and patronize should be a part of the charge of trafficking. This incorporates the sex buyer into the definition of trafficking. Trafficking is a supply and demand issue. This bill expands the definition to include buyers as the demand side.

Tom Nobis  
The Republican Party of Texas and Self  
Houston, TX

I am For this bill. Human trafficking is a scourge on this country and anything that will help to eliminate it is worth passing.

Sidney McCoy  
Shared Hope International  
Washington, TX

Dear Chair Moody and members of the Criminal Jurisprudence Committee,  
Shared Hope International (“Shared Hope”) is pleased to support HB 844, which seeks to eliminate the third-party control requirement in Texas' child sex trafficking law.

Shared Hope International is dedicated to bringing an end to sex trafficking through a three-pronged approach of preventing, restoring, and bringing justice for survivors. Shared Hope is the only organization tracking, analyzing, and evaluating state statutory laws and legislation related to child and youth sex trafficking. We also provide technical assistance to state lawmakers and anti-trafficking stakeholders in a majority of states to increase protective responses for youth survivors. In this capacity, we are uniquely positioned to ascertain effective practices and policies.

While federal law states that any commercially sexually exploited minor is a victim of sex trafficking, the language of Texas' trafficking definition mandates identification of a controlling third party or trafficker in order for instances of commercial sexual exploitation of children to be identified as sex trafficking. This means if a buyer directly pays a minor or offers food or shelter in return for sex acts, then this child may not be identified as a victim. Instead of being identified and provided protections as a trafficking victim, the child could be prosecuted for prostitution in many jurisdictions. At its core, requiring the presence of third-party control ignores the fact that buyers are committing the very exploitation that the trafficking laws were enacted to punish. Federal law makes no distinction between traffickers and buyers. Indeed, in 2015 Congress passed the Justice for Victims of Trafficking Act (“JVTA”) to “mak[e] absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders when this is merited by the facts of a particular case.”

Proper identification is crucial for ensuring access to victim protections, which oftentimes hinge on a child being identified as a victim under the state's child sex trafficking offense. When a state limits the definition of child sex trafficking victim by requiring third party control, commercially sexually exploited children who are unable or unwilling to identify a trafficker, as well as those who are not under the control of a trafficker, are precluded from accessing relief and services needed for restoration and healing. As such, Shared Hope urges this committee for a favorable vote on HB 844 to ensure that all minors engaged in commercial sex are properly identified and purchasers of sex with minors are held responsible.

Thank you,  
Sidney E. McCoy, Esq.  
Director of Advocacy