

BILL ANALYSIS

S.B. 11
By: Parker
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to an August 2025 *Texas Tribune* article, many victims of human trafficking have a criminal record because of crimes they were pressured into committing by their traffickers, and such a record can make it harder for these victims to leave their traffickers and move on with their lives. The *Houston Chronicle* reported in July 2025 that, while Texas law allows defendants fighting felony charges to assert a "duress" defense, this defense is ineffective for most trafficking victims since they currently must prove that they faced a threat of imminent death or serious bodily injury. S.B. 11 seeks to align the law with these lived experiences of trafficking victims by establishing an affirmative defense to prosecution for criminal offenses if the survivor can demonstrate that their conduct was the direct result of force, fraud, or coercion and that they are a victim of trafficking of persons or compelling 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. 11 amends the Penal Code to establish as a general affirmative defense to prosecution that the actor was a victim of a trafficking of persons or a compelling prostitution offense and engaged in the conduct that is the subject of the prosecution as a direct result of being caused through means of force, fraud, or coercion to engage in that specific conduct. This affirmative defense applies only under the following conditions:

- the actor would not have engaged in the conduct that is the subject of the prosecution but for the use of force, fraud, or coercion;
- the use of force, fraud, or coercion would have compelled a reasonable person in the actor's circumstances to engage in the conduct;
- the actor was not merely afforded an opportunity to engage in the conduct without the use of force, fraud, or coercion; and
- the conduct does not constitute an offense ineligible for judge-ordered community supervision, unless the actor is charged only as a party to the offense under the law of parties.

For purposes of the bill's provisions, "force, fraud, or coercion" has the meaning assigned to the term under Penal Code provisions governing the offense of trafficking of persons. Information relevant to the identification of a defendant's status as a victim of an applicable offense may be offered to establish an affirmative defense under the bill's provisions. The bill establishes that

an actor is not required to prove that the person using force, fraud, or coercion to cause the actor to engage in the conduct that is the subject of the prosecution was charged with or convicted of a trafficking of persons or a compelling prostitution offense.

S.B. 11 applies only to the prosecution of an offense committed on or after the bill's effective date. The prosecution of an offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

91st day after the last day of the legislative session.