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| BILL ANALYSIS |

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| S.B. 1278 |
| By: Parker |
| Criminal Jurisprudence |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE** The bill sponsor has informed the committee that survivors of human trafficking in Texas are often convicted of crimes their traffickers force them to commit and that, while the current definition of duress in Texas is the correct standard in the vast majority of cases, the law ignores the complicated and elongated context of the coercion that victims of human trafficking face. The bill sponsor has further informed the committee that many victims are unfairly denied the ability to argue duress when charged with crimes they were forced to commit because often the tactics of traffickers do not always involve immediate physical violence. S.B. 1278 seeks to align the law with these lived experiences by establishing an affirmative defense to prosecution for criminal offenses if the survivor can demonstrate that their conduct was coerced or committed under duress or that they, or a member of their family or household, were threatened with imminent death or serious bodily injury as a victim of trafficking of persons and 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. 1278 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 who engaged in the conduct charged because the person who had committed the offense of which the actor was a victim: * coerced the actor;
* cause the actor to act under duress; or
* threatened the actor or a member of the actor's family or household with imminent death or serious bodily injury.

This affirmative defense expressly does not apply if the coercion, duress, or threat would not cause a reasonable person to engage in the conduct charged or the actor was merely provided an opportunity to engage in the conduct. 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.S.B. 1278 applies only to an offense committed on or after the bill's effective date. 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** September 1, 2025. |