**BILL ANALYSIS**

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| Senate Research Center | C.S.S.B. 1278 |
| 89R21572 MCF-F | By: Parker |
|  | Criminal Justice |
|  | 4/29/2025 |
|  | Committee Report (Substituted) |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Every day in the State of Texas, survivors of human trafficking are convicted of crimes their traffickers force them to commit. The current definition of duress in Texas is limited to immediate risk of death or serious bodily injury. While this is the correct standard in the vast majority of cases, existing law ignores the complicated and elongated context of the coercion that victims of human trafficking face.

Traffickers exert psychological, financial, and emotional control over their victims, often making escape seem impossible. Coercion can take the form of threats against children, manipulation of immigration status, or the deliberate creation of financial dependence. Fraud, including false promises of safety or legal protection, further entraps victims in cycles of abuse. Because these tactics do not always involve immediate physical violence, many victims are unfairly denied the ability to argue duress when charged with crimes they were forced to commit.

Creating a specific duress defense for the complicated context of trafficking would align the law with the lived experiences of survivors and the well-documented tactics of traffickers. Without such reforms, survivors face wrongful criminalization for actions they were compelled to take, perpetuating their victimization rather than offering them a path to justice. By modernizing duress laws, we acknowledge the true nature of exploitation and ensure that survivors receive the legal protections they deserve.

S.B. 1278 amends Chapter 8 of the Penal Code to establish an affirmative defense to prosecution for criminal offenses if the survivor can demonstrate that her conduct was coerced, committed under duress, or motivated by a reasonable fear of harm as a victim of Trafficking of Persons (Sec. 20A.02), Compelling Prostitution (Sec. 43.05), or Domestic Violence (Sec. 20.01(b)). The defendant must establish that the offense occurred as a direct result of coercion or fear tied to human trafficking or domestic violence crimes. In addition to evidence and testimony in court, S.B. 1278 authorizes the use of information relating to the identification of human trafficking and domestic violence victims to substantiate the actor's status as a survivor of human trafficking and to establish the affirmative defense.

Committee Substitute

The committee substitute restructures the language to make it more workable in court and removes the portion referring to domestic violence. Therefore, C.S.S.B. 1278 can only be used by victims of human trafficking.

C.S.S.B. 1278 amends current law relating to an affirmative defense to prosecution for victims of trafficking of persons or compelling prostitution.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 8, Penal Code, by adding Section 8.09, as follows:

Sec. 8.09. VICTIM OF TRAFFICKING OR COMPELLING PROSTITUTION. (a) Provides that it is an affirmative defense to prosecution that the actor was a victim of an offense under Section 20A.02 (Trafficking of Persons) or 43.05 (Compelling Prostitution) who engaged in the conduct charged because the person who had committed the offense of which the actor was a victim coerced the actor, caused 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.

(b) Provides that Subsection (a) 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.

(c) Authorizes information relevant to the identification of a defendant's status as a victim of an offense described by Subsection (a) to be offered to establish an affirmative defense under this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.