

BILL ANALYSIS

H.B. 2761
By: Johnson
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that *Turley v. The State of Texas* exposed a lack of clarity with respect to trafficking offenses, presenting legal challenges that must be addressed. In 2018, Andrew Turley was convicted of such an offense and of compelling prostitution for drugging his four-year-old daughter with a sleep aid and selling sexual contact with her. The incident involved a sting operation in which the sexual encounter was stopped and the arrest of Turley was made before completion of the sexual act to protect the child. On appeal, the Court of Criminal Appeals interpreted the offense statutes differently, those convictions were reformed to attempted commission of the offenses, and the case was remanded to the trial court. Specifically, the court interpreted the statute to mean that there had to be evidence that the sexual act occurred under the definition of compelling prostitution and found that the evidence in the case was insufficient to support the applicable conviction. Further, because the child was medicated, the defense claimed that she lacked the mental capacity to knowingly consent to the act and, therefore, did not submit to prostitution. H.B. 2761 seeks to provide greater clarity to trafficking offenses for purposes of allowing their prosecution by establishing that it is not a defense to prosecution that a trafficked child or disabled individual lacks the culpable mental state to engage in the act or did not complete the act 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

H.B. 2761 amends the Penal Code to establish that it is not a defense to prosecution for trafficking or continuous trafficking of a child or disabled individual involving trafficking, receiving a benefit from participating in a venture involving that trafficking, or engaging in sexual conduct with such a trafficked child or disabled individual in which the actor is alleged to have caused the trafficked child or disabled individual to engage in or become the victim of prostitution, that the trafficked child or disabled individual lacks the culpable mental state to engage in the act of prostitution or did not complete the act of prostitution.

H.B. 2761 applies only to an offense committed on or after the bill's effective date. An offense committed before that 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 was committed before that date.

EFFECTIVE DATE

September 1, 2025.