

BILL ANALYSIS

S.B. 456
By: Middleton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that it is estimated that trafficked human organs account for up to 10 percent of organ transplants performed around the world, that profits from such trafficking are estimated to be between \$840 million and \$1.7 billion annually, that this highly profitable industry presents a dangerous incentive to traffickers, and that strong criminal penalties are needed to deter such crimes. The bill sponsor has further informed the committee that individuals have reported being misled, coerced, or otherwise forced into selling their organs. S.B. 456 seeks to address this issue by increasing the penalty for an offense relating to the purchase or sale of human organs from a Class A misdemeanor to a state jail felony.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 456 amends the Penal Code to increase from a Class A misdemeanor to a state jail felony the penalty for knowingly or intentionally offering to buy, offering to sell, acquiring, receiving, selling, or otherwise transferring any human organ for valuable consideration. This provision 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 occurred before that date.

S.B. 456 amends the Occupations Code to require the Texas Medical Board to revoke the license of a physician if the physician knowingly uses a human organ obtained in violation of the offense relating to the purchase or sale of human organs in a medical procedure. This requirement applies only to conduct that occurs on or after the bill's effective date. Conduct that occurs before that date is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.