

BILL ANALYSIS

Senate Research Center
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S.B. 456
By: Middleton
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It is estimated that trafficked organs account for up to 10 percent of organ transplants performed around the world. Profits are conservatively estimated to be between \$840 million and \$1.7 billion dollars annually. This is a highly profitable industry that presents a dangerous incentive to traffickers. Individuals have reported being misled, coerced, or otherwise forced into selling their organs. Strong criminal penalties have been shown to effectively deter crime.

Furthermore, Class A misdemeanors are less destructive crimes in nature. Examples of Class A misdemeanors in Texas include criminal trespass, lying under oath, online impersonation, and violating a protective order. These crimes pale in comparison to the detrimental impact of human organ trafficking.

S.B. 456 increases the penalty for purchasing or selling human organs. This bill amends Section 48.02(d) of the penal code, changing the offense from a Class A misdemeanor to a state jail felony. Further, the bill revokes the license of a physician who knowingly uses a human organ that has been trafficked or harvested.

As proposed, S.B. 456 amends current law relating to the purchase or sale of human organs and increases a criminal penalty.

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 Section 48.02(d), Penal Code, as follows:

(d) Provides that an offense under Section 48.02 (Prohibition of the Purchase and Sale of Human Organs) is a state jail felony. Deletes existing text providing that a violation of this section is a Class A misdemeanor.

SECTION 2. Amends Subchapter B, Chapter 164, Occupations Code, by adding Section 164.0571, as follows:

Sec. 164.0571. REQUIRED REVOCATION OF LICENSE FOR PROCEDURE INVOLVING CERTAIN HUMAN ORGANS. Requires the Texas Medical Board to revoke the license of a physician if the physician knowingly uses a human organ obtained in violation of Section 48.02, Penal Code, in a medical procedure.

SECTION 3. Makes application of Section 48.02(d), Penal Code, as amended by this Act, prospective.

SECTION 4. Makes application of Section 164.0571, Occupations Code, as added by this Act, prospective.

SECTION 5. Effective date: September 1, 2025.