

AN ACT

relating to the prosecution of the offenses of trafficking of persons, continuous trafficking of persons, and compelling prostitution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 20A.02, Penal Code, is amended by adding Subsection (e) to read as follows:

(e) This subsection applies only to a prosecution for an offense under Subsection (a)(7) or (8), in which the actor is alleged to have caused a trafficked child or disabled individual to engage in or become the victim of prostitution, as defined by Section 43.01. It is not a defense to a prosecution described by this subsection that the trafficked child or disabled individual:

(1) lacks the culpable mental state to engage in the act of prostitution; or

(2) did not complete the act of prostitution.

SECTION 2. Section 20A.03, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) This subsection applies only to a prosecution for an offense under this section based on conduct constituting an offense under Section 20A.02(a)(7) or (8), in which the actor is alleged to have caused for one or more times a trafficked child or disabled individual to engage in or become the victim of prostitution as defined by Section 43.01. It is not a defense to a prosecution

1 described by this subsection that the trafficked child or disabled
2 individual:

3 (1) lacks the culpable mental state to engage in the
4 act of prostitution; or

5 (2) did not complete the act of prostitution.

6 SECTION 3. Section 43.05, Penal Code, is amended by adding
7 Subsection (e) to read as follows:

8 (e) It is not a defense to prosecution under Subsection
9 (a)(2) or (3) that the child or disabled individual:

10 (1) lacks the culpable mental state to engage in the
11 act of prostitution; or

12 (2) did not complete the act of prostitution.

13 SECTION 4. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 governed by the law in effect on the date the offense was committed,
17 and the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense was
20 committed before that date.

21 SECTION 5. This Act takes effect September 1, 2025.

H.B. No. 2761

President of the Senate

Speaker of the House

I certify that H.B. No. 2761 was passed by the House on May 12, 2025, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2761 was passed by the Senate on May 26, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor