

AN ACT

relating to an affirmative defense to prosecution for victims of trafficking of persons or compelling prostitution.

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

SECTION 1. Chapter 8, Penal Code, is amended by adding Section 8.09 to read as follows:

Sec. 8.09. VICTIM OF TRAFFICKING OR COMPELLING PROSTITUTION. (a) It is an affirmative defense to prosecution that the actor was a victim of an offense under Section 20A.02 or 43.05 who engaged in the conduct charged because the person who had committed the offense of which the actor was a victim:

(1) coerced the actor;
(2) caused the actor to act under duress; or
(3) threatened the actor or a member of the actor's family or household with imminent death or serious bodily injury.

(b) Subsection (a) does not apply if:

(1) the coercion, duress, or threat would not cause a reasonable person to engage in the conduct charged; or
(2) the actor was merely provided an opportunity to engage in the conduct.

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

1 SECTION 2. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 governed by the law in effect on the date the offense was committed,
5 and the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense occurred
8 before that date.

9 SECTION 3. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1278 passed the Senate on May 7, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1278 passed the House on May 23, 2025, by the following vote: Yeas 140, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor