

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 12, 2025

TO: Honorable Pete Flores, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1778 by Thompson (Relating to human trafficking, prostitution, and child pornography and to the prosecution of sexual or assaultive offenses or the prosecution of a failure to stop or report those offenses; amending and harmonizing certain statute of limitations provisions; creating a criminal offense; increasing a criminal penalty.), **As Engrossed**

Creating a new offense and expanding the conduct constituting and increasing the penalty for existing offenses may result in additional demands upon state and local correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement. The fiscal implications of the bill cannot be determined due to a lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be subject to criminal penalties.

The bill would expand the conduct constituting the first degree felony offense of trafficking a child or disabled person by excluding from consideration whether the actor was aware the victim was a child or a person with a disability, and would relax eligibility criteria for punishment of the offense with a 25 year minimum sentence to include when only part of the offense conduct was committed in certain locations, and would expand those locations to include certain student pick-up or drop-off zones and a school bus or similar school vehicle.

The bill would expand the conduct constituting the second degree felony offense of solicitation of prostitution to include when the actor does not pay a fee to a person who is or who the actor believes is younger than 18 years of age.

The bill would create the first degree felony offense of continuous promotion of prostitution, committed when a person engages in conduct constituting the offense of promotion of prostitution two or more times in a period thirty or more days in duration.

The bill would expand the conduct constituting the felony offense of possession of child pornography by lowering the quantity threshold for the number of qualifying images and, in the case of first degree felony punishment, by including material depicting certain sexual assault conduct.

The bill would increase the penalty for the second degree felony offense of possession or promotion of child pornography to a first degree felony when the intent of the actor is to promote the material and would establish a fifteen year minimum sentence for the offense in cases when the quantity of images exceeds a certain threshold or when the material depicts certain sexual assault conduct.

The bill would expand the conduct constituting the Class A misdemeanor offense of failure to stop or report aggravated sexual assault of a child to include non-aggravated sexual assault as well as simple assault against persons of any age and would increase the punishment to a third degree felony.

The bill would require a representative of the Office of Court Administration to serve on the Attorney General's (OAG) Human Trafficking Prevention Coordinating Council.

The bill would require the OAG to fulfill certain reporting requirements relating to human trafficking, and to establish a statewide human trafficking data depository.

The bill would expand the set of entities required to post human trafficking signs to include body piercing studios, require employees of a tattoo studio or body piercing studio to complete a training course on identifying and assisting victims of human trafficking, require the Department of State Health Services to post a list of such courses on its Internet website, and require the holder of a barbering or cosmetology license to complete continuing education on identifying and assisting victims of human trafficking.

The bill would require the commissioner of the Health and Human Services Commission to approve human trafficking training courses, adopt rules necessary to implement such training, and post on its Internet website a list of the approved training courses.

The bill would require the Texas Commission of Licensing and Regulation to adopt rules requiring certain license holders to complete continuing education on identifying and assisting victims of human trafficking.

The bill would expand and harmonize the statute of limitations addressing no limits to include the offenses of failure to stop or report sexual or assaultive offenses against a child and the offense of continuous promotion of prostitution.

The bill would provide for an expansion of the admissibility of hearsay evidence to include certain testimony of disabled persons and children up to 18 years of age.

The Department of Licensing and Regulation, the Health and Human Services Commission, the Office of the Attorney General, the Department of State Health Services, the Department of Family and Protective Services, the Department of Public Safety, the Department of Criminal Justice, and the Alcoholic Beverage Commission indicate that any costs associated with implementing the bill's provisions would be absorbed within existing resources.

The Comptroller of Public Accounts and the Office of Court Administration indicate that the fiscal impact cannot be estimated.

Local Government Impact

While the fiscal impact cannot be determined, creating a new offense and expanding the conduct constituting and increasing the penalty for existing offenses may result in increased demands upon local correctional resources due to a possible increase in the number of individuals placed under supervision in the community or subject to local confinement.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 458 Alcoholic Beverage Commission, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 537 State Health Services, Department of, 696 Department of Criminal Justice

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