

BILL ANALYSIS

Senate Research Center
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S.B. 536
By: Whitmire
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 484, 83rd Legislative, Regular Session, 2013, created a specialty court for individuals charged with prostitution. The Texas Legislature has done extensive reviews of the commercial sex trade. Most individuals associated with the commercial sex trade are victims in need of assistance and guidance. It is important that people acknowledge the reality of the commercial sex trade. S.B. 536 changes the name of the Prostitution Prevention Program to The Commercially Sexually Exploited Persons Program.

S.B. 536 moves the program from Chapter 169A, Health and Safety Code, to Subtitle K, Title 2, Government Code. This is the code where all specialty courts are now located.

As proposed, S.B. 536 amends current law relating to the designation of certain prostitution prevention programs as commercially sexually exploited persons programs.

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. Transfers Chapter 169A, Health and Safety Code, to Subtitle K, Title 2, Government Code, as added by Chapter 747 (S.B. 462), Acts of the 83rd Legislature, Regular Session, 2013, redesignates it as Chapter 126, Government Code, and amends it, as follows:

CHAPTER 126. New heading: **COMMERCIALLY SEXUALLY EXPLOITED PERSONS PROGRAM**

Sec. 126.001. New heading: **COMMERCIALLY SEXUALLY EXPLOITED PERSONS PROGRAM; PROCEDURES FOR CERTAIN DEFENDANTS**. Redesignates Section 169A.001 as Section 126.001. (a) Defines "commercially sexually exploited persons," rather than "prostitution prevention program."

(b) Changes a reference to a prostitution prevention program to a commercially sexually exploited persons program. Deletes existing text referencing the Government Code.

Sec. 126.002. **AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY**. Redesignates Section 169A.002 as Section 126.002. (a) Changes a reference to a prostitution prevention program to a commercially sexually exploited persons program.

(b) and (c) Makes conforming changes.

Sec. 126.003. **ESTABLISHMENT OF REGIONAL PROGRAM**. Redesignates Section 169A.0025 as Section 126.003. Changes a reference to a prostitution prevention program to a commercially sexually exploited persons program..

Sec. 126.004. PROGRAM POWERS AND DUTIES. Redesignates Section 169A.003 as Section 126.004. (a) Changes a reference to a prostitution prevention program to a commercially sexually exploited persons program.

(b) and (c) Makes no changes to these subdivisions.

Sec. 126.005. New heading: DOCUMENTATION REGARDING INSUFFICIENT FUNDING. Redesignates Section 169A.004 as Section 126.005. Changes a reference to a prostitution prevention program to a commercially sexually exploited persons program. Changes a reference to Section 169A.0055(c) to 126.007(c). Deletes existing Subsections (a), (b), and (d) regarding the oversight of prostitution prevention programs and Subsection (c) designation.

Sec. 126.006. FEES. Redesignates Section 169A.005 as Section 126.006. (a) Changes a reference to a prostitution prevention program to a commercially sexually exploited persons program. Deletes existing text referencing the Government Code.

(b) Changes a reference to program director administering the prostitution prevention program to coordinator.

Sec. 126.007. PROGRAM IN CERTAIN COUNTIES MANDATORY. Redesignates Section 169A.0055 as Section 126.007. (a) Requires the commissioners court of a county with a population of more than 200,000 to establish a commercially sexually exploited persons program, rather than a prostitution prevention program, under this chapter, and direct the judge, magistrate, or coordinator to comply with Section 121.002(c)(1) (relating to preliminary requirements for a specialty court program) if a municipality in the county has not established a commercially sexually exploited persons program. Makes nonsubstantive changes.

(b) Makes a conforming change.

(b-1) Authorizes a county to apply to the criminal justice division of the governor's office for a grant for the establishment or operation of a commercially sexually exploited persons program.

(c) Provides that, notwithstanding Subsection (a), a county is required to establish a commercially sexually exploited persons program, rather than a prostitution prevention program, under this section only if the county receives sufficient federal or state funding specifically for that purpose, and the judge, magistrate, or coordinator receives the verification described by Section 121.002(c)(2). Makes nonsubstantive changes.

(d) Makes a conforming change. Makes a nonsubstantive change.

Sec. 126.008. SUSPENSION OR DISMISSAL OF COMMUNITY SERVICE REQUIREMENT. Redesignates Section 169A.006 as Section 126.008. (a) Changes a reference to a prostitution prevention program to a commercially sexually exploited persons program.

(b) Makes a conforming change.

SECTION 2. Amends Section 103.0292, Government Code, as added by Chapter 1167 (S.B. 484), Acts of the 83rd Legislature, Regular Session, 2013, as follows:

Sec. 103.0292. New heading: ADDITIONAL MISCELLANEOUS FEES AND COSTS: GOVERNMENT CODE. Requires that a nonrefundable program fee for a commercially sexually exploited persons program, rather than a prostitution prevention program, established under Chapter 126 to be collected under Section 126.006, rather than under Section 169A.002, Health and Safety Code, to be collected under 169A.005, Health and

Safety Code, in a reasonable amount based on the defendant's ability to pay and not to exceed \$1,000, which includes certain fees.

SECTION 3. Reenacts Section 772.0061(a)(2), Government Code, as amended by Chapters 747 (S.B. 462) and 1167 (S.B. 484), Acts of the 83rd Legislature, Regular Session, 2013, and amends it, as follows:

(2) Defines "specialty court" to mean a commercially sexually exploited persons program established under Chapter 126 or former law, rather than a prostitution prevention program, established under Chapter 169A, Health and Safety Code.

SECTION 4. Provides that to the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. Effective date: upon passage or September 1, 2015.