

# [2015 Session] Limit Penalties for Prostitution Offenses and Reduce Barriers to Rehabilitation

## Policy Background:

Texas punishes repeat prostitution offenses with a felony conviction. Many of the individuals who resort to prostitution have been traumatized by sexual abuse and may have been victims of human trafficking. An overly punitive approach to prostitution increases the costs for policing, prosecuting, and incarcerating those charged with prostitution; it also creates huge and lasting collateral consequences for individuals convicted of prostitution, as well as for the communities where prostitution occurs.

Texas policy-makers should cap prostitution penalties at the misdemeanor level, which will keep individuals from having felony records, reduce expenditures on felony prosecutions, and reduce state expenditures on state jails or prisons. More importantly, reducing the penalties for prostitution will limit the barriers individuals face to entering an alternative workforce and finding sustainable housing.

## Key Facts:

- As per a 2001 Texas law [[HB 460](#)], prostitution is a felony if an individual has been convicted of the offense on three or more occasions. In the summer of 2012, an *Austin American-Statesman* study estimated that there were 350 individuals serving time in state jail or prison due to prostitution convictions.<sup>[1]</sup>
- It costs an average of \$15,000 to \$18,500 annually to house an individual in a state jail or prison, while participation in a community-based rehabilitation program costs only \$4,300 per individual per year.<sup>[2]</sup> The repeal of the 2001 law and the increased use of prostitution diversion programs could result in savings of over \$4 million annually, money that could instead be funneled into much needed treatment programs.<sup>[3]</sup>
- Current laws have actually made it more difficult for prostitutes to leave the profession, since once a prostitute has a criminal record, finding legitimate work becomes that much more difficult. In addition, the criminalization of prostitution

forces prostitutes to retreat even further from public view, making an already vulnerable population even more susceptible to violence and abuse.

### Relevant Bills:

- **Bill Number:** [HB 1363](#) (authors: Johnson, Senfronia Thompson, Riddle, Harless, Moody | sponsor: Whitmire)  
**Bill Caption:** Relating to the prosecution of and punishment for the offense of prostitution; creating a criminal offense.  
**TCJE Materials:** [Fact Sheet](#) | [Testimony](#) | [Fact Sheet \(Engrossed\)](#)  
**House Hearing Notice:** House Criminal Jurisprudence Committee, Notice of Public Hearing on April 15, 2015  
**Archived House Hearing Video:** House Criminal Jurisprudence Committee, [04/15/15 Video](#) [TCJE testimony begins at 04:35:50]  
**Senate Hearing Notice:** Senate Criminal Justice Committee, [Notice of Public Hearing on May 21, 2015](#)  
**Archived Senate Hearing Video:** Senate Criminal Justice Committee, [05/21/15 Video](#) [TCJE testimony begins at 01:24:04]  
**Outcome:** **Vetoed**; [click here for veto proclamation](#)
- **Bill Number:** [SB 377](#) (Rodríguez)  
**Bill Caption:** Relating to the prosecution of the offense of prostitution.  
**TCJE Materials:** [Fact Sheet](#)

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[1] *Austin American-Statesman*, “Texas Rethinks Law Making Repeat Prostitution a Felony,” August 25, 2012;  
<http://www.statesman.com/news/news/state-regional-govt-politics/texas-rethinks-law-making-repeat-prostitution-a-fe/nRNmt/>

[2] *Ibid.*

[3] *Ibid.*