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**FACT SHEET 2017**

**HB 1218**

## **Texas Must Adopt More Effective Approaches for Reducing Prostitution** *Diversion Into Treatment and Other Strategies Will Reduce Costly Re-Offending And Help Individuals Stay on the Right Path*

### **PUNITIVE APPROACHES TO PROSTITUTION ARE INEFFECTIVE AND COSTLY, THREATENING PUBLIC HEALTH AND SAFETY**

Texas currently punishes some prostitution offenses with a felony conviction. This approach has not significantly lessened the number of arrests for prostitution. Instead, it has increased the costs for policing, prosecuting, and incarcerating those charged with prostitution. More importantly, it has created huge and lasting collateral consequences for individuals convicted of prostitution and for the communities where the prostitution occurs.<sup>1</sup>

Prostitution diversion programs throughout the country, including one in Dallas, have a proven track record of success in offering individuals a safe, permanent exit from prostitution, thus saving the state and counties much-needed funds and positively impacting both public health and public safety.<sup>2</sup>

#### **IN SHORT**

HB 1218 lowers the penalty for certain prostitution offenses and provides opportunities for participation in rehabilitation programs.

### **KEY FINDINGS**

- **In 2016, Texas convicted and sent 249 people to a state jail felony for prostitution, ultimately spending approximately \$3.4 million on incarceration.**<sup>3</sup> Conversely, participation in a community-based rehabilitation program is significantly less expensive, costing approximately \$2,000 per individual per year<sup>4</sup> (which, if applied to 249 people, would have totaled just over \$500,000).
- Those who engage in prostitution are **far more likely to suffer from mental illness, drug and alcohol addiction, and past trauma** than the general population; left untreated, these conditions lead to continuous relapses, re-offending, and re-incarceration, at further taxpayer expense.<sup>5</sup>
- **Once a person is convicted of prostitution and has a criminal record, finding legitimate work becomes much more challenging.** In addition, criminalization of prostitution forces prostitutes to retreat even further from public view, making this vulnerable population more susceptible to violence and abuse.

### **COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 1218 BY REPRESENTATIVE ERIC JOHNSON**

- **HB 1218 allows for participation in pretrial interventions that will provide much-needed support for individuals who engage in prostitution, creating long-term reductions in recidivism and its associated costs.** Participation in such a program, as available in the county and based on the consent of the district attorney, will require education, counseling, or treatment in regard to mental health, substance abuse, and sexually based issues. Furthermore, successful completion of the program may result in dismissal of the charges.
- **HB 1218 lowers the punishment for certain prostitution offenses, resulting in significant cost savings.** This bill prevents someone who has become trapped in prostitution from becoming saddled with the collateral consequences of a felony conviction, which make it difficult to leave that lifestyle and often result in further offending. In addition, counties will forego the expense of felony prosecutions, and the state will see savings as a result of not having to incarcerate these individuals in state jails or prisons.

## Citations

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<sup>1</sup> Dominique Roe-Sepowitz, Kristine Hickle, Martha Perez Loubert, & Tom Egan. "Adult Prostitution Recidivism: Risk Factors and Impact of a Diversion Program." *Journal of Offender Rehabilitation* 50, no. 5 (1990): 272-85.

<sup>2</sup> New Life Prostitution Diversion Initiative, 2017, <http://www.pdinewlife.org/>

<sup>3</sup> 249 individuals spent an average of 116 days in county jail at \$60.73 per day per inmate, and 130 days in state jail at \$52.88 per day per inmate. Sources: Texas Commission on Jail Standards, *Immigration Detainer Report*, 2017. Texas Department of Criminal Justice Data Request, 2016. Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report*, Fiscal Years 2015 and 2016.

<sup>4</sup> Community supervision for 249 individuals at \$3.42 per day for one year, and substance abuse treatment for 249 individuals at \$8.61 per day for 90 days. Source: Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report* for Fiscal Years 2015 and 2016.

<sup>5</sup> Melissa Farley & Howard Barkan, "Prostitution, Violence, and Posttraumatic Stress Disorder," *Women & Health* 27, no. 13 (1998): 37-49.