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FACT SHEET 2017

HB 269

Texas Should Not Re-Victimize Individuals Convicted of Prostitution *Felony Convictions Further Traumatize Many Who Are Victims Of Human Trafficking*

REMOVING FELONY CONVICTION FOR PROSTITUTION RECOGNIZES HUMAN TRAFFICKING ROOTS IN SEXUAL EXPLOITATION

While not all human trafficking is done for the purpose of sexual exploitation – and not all prostitution is the result of trafficking – the two are inextricably entwined. According to data provided by the Institute on Domestic Violence and Sexual Assault, **over 300,000 victims of human trafficking were living in Texas in 2016, including more than 78,000 child victims of sex trafficking.**¹

Studies repeatedly demonstrate that the women and children who are trafficked and forced to turn to prostitution, along with the disenfranchised youth who exchange sex for favors and get trapped in that lifestyle, are victims of sexual abuse who feel they have no other choice. **Almost all sex workers share many common characteristics, such as substance abuse, mental illness, and a history of sexual abuse and profound trauma.**²

KEY FINDINGS

- **In 2016, Texas convicted and sent 249 people to state jail on a felony prostitution charge, ultimately spending approximately \$3.4 million on incarceration.**³ Conversely, participation in a community-based rehabilitation program is significantly less expensive, costing approximately \$2,000 per individual per year⁴ (which, if applied to 249 people, would have totaled just over \$500,000).
- 65 percent to 95 percent of individuals involved in prostitution were sexually assaulted as children.⁵
- A nine-country study of prostitution found that 68 percent of individuals exhibited Post-Traumatic Stress Syndrome (PTSD) symptoms in the same range as treatment-seeking combat veterans, battered women seeking shelter, and refugees from state-sponsored torture.⁶

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 269 BY CHAIR SENFRONIA THOMPSON AND REPRESENTATIVE MORGAN MEYER

- **HB 269 will allow those who have engaged in prostitution as a result of human trafficking to be treated like victims instead of offenders.** Under HB 269, victims of human trafficking will have the opportunity to petition for the discharge of their arrest based on evidence that they were coerced into prostitution.
- **HB 269 will help fulfill the long-overdue recommendations set forth by the Texas Human Trafficking Prevention Task Force.** The Task Force recommends that the Texas Legislature recognize that “human trafficking victims – through force, fraud, or coercion – sometimes commit illegal acts during their victimization.”⁷ These acts are considered criminal and occur most often in the context of sex trafficking. HB 269 will not further victimize individuals, overwhelmingly women, and instead allow them to continue their lives without the added burden of a felony conviction, which limits access to housing, employment, and other tools for personal responsibility.

IN SHORT

HB 269 will afford relief to victims of human trafficking arrested for prostitution offenses by allowing them to petition for the discharge of their arrest.

Citations

- ¹ Busch-Armendariz, N.B., Nale, N.L., Kammer-Kerwick, M., Kellison, B., Torres, M.I.M., Cook-Heffron, L., Nehme, J. (2016). Human Trafficking by the Numbers: Initial Benchmarks of Prevalence & Economic Impact in Texas. Austin, TX: Institute on Domestic Violence & Sexual Assault, The University of Texas at Austin. <http://sites.utexas.edu/idvsa/files/2017/02/Human-Trafficking-by-the-Numbers-2016.pdf>
- ² Boyer, D. (2008). "Who pays the price? Assessment of youth involvement in prostitution in Seattle." Report by the City of Seattle, Human Services Department. p. 8. <http://www.prostitutionresearch.com/Boyer%20Who%20Pays%20the%20Price.pdf>
- ³ 249 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* for Fiscal Years 2015 and 2016.
- ⁴ 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.
- ⁵ Farley, M. (2004). "Prostitution is sexual violence." *Psychiatric Times*. <http://www.psychiatrictimes.com/sexual-offenses/prostitution-sexual-violence>
- ⁶ Alvares, Cotton, Farly, et al. (2003). "Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder." *Journal of Trauma Practice*. <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>
- ⁷ The Human Trafficking Prevention Task Force Report, 2014.