

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

SUBTITLE K. SPECIALTY COURTS

CHAPTER 126. COMMERCIALLY SEXUALLY EXPLOITED PERSONS COURT PROGRAM

Sec. 126.001. COMMERCIALLY SEXUALLY EXPLOITED PERSONS COURT PROGRAM; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "commercially sexually exploited persons court program" means a program that has the following essential characteristics:

(1) the integration of services in the processing of cases in the judicial system;

(2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety, to reduce the demand for the commercial sex trade and trafficking of persons by educating offenders, and to protect the due process rights of program participants;

(3) early identification and prompt placement of eligible participants in the program;

(4) access to information, counseling, and services relating to sex addiction, sexually transmitted diseases, mental health, and substance abuse;

(5) a coordinated strategy to govern program responses to participant compliance;

(6) monitoring and evaluation of program goals and effectiveness;

(7) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and

(8) development of partnerships with public agencies and community organizations.

(b) If a defendant successfully completes a commercially sexually exploited persons court program, regardless of whether the defendant was convicted of the offense for which the defendant entered the program or whether the court deferred further proceedings without entering an adjudication of guilt, after notice to the state and a hearing on whether the defendant is otherwise entitled to the petition, including whether the required time has elapsed, and whether issuance of the order is in the best interest

of justice, the court shall enter an order of nondisclosure of criminal history record information under Subchapter E-1, Chapter 411, as if the defendant had received a discharge and dismissal under Article 42A.111, Code of Criminal Procedure, with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the program.

Transferred, redesignated and amended by Acts 2015, 84th Leg., R.S., Ch. 604 (S.B. 536), Sec. 1, eff. June 16, 2015.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 770 (H.B. 2299), Sec. 2.67, eff. January 1, 2017.

Transferred and redesignated by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(31), eff. September 1, 2015.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 30, eff. September 1, 2015.

Reenacted and amended by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 8.001, eff. September 1, 2017.

Sec. 126.002. AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY.

(a) The commissioners court of a county or governing body of a municipality may establish a commercially sexually exploited persons court program for defendants charged with an offense under Section 43.02(a), Penal Code.

(b) A defendant is eligible to participate in a commercially sexually exploited persons court program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program.

(c) The court in which the criminal case is pending shall allow an eligible defendant to choose whether to participate in the commercially sexually exploited persons court program or otherwise proceed through the criminal justice system.

Transferred, redesignated and amended by Acts 2015, 84th Leg., R.S., Ch. 604 (S.B. 536), Sec. 1, eff. June 16, 2015.

Transferred and redesignated by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(31), eff. September 1, 2015.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1273 (S.B. 825), Sec. 6, eff. September 1, 2015.

Reenacted by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 8.002, eff. September 1, 2017.

Reenacted by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 26, eff. September 1, 2017.

Sec. 126.003. ESTABLISHMENT OF REGIONAL PROGRAM. The commissioners courts of two or more counties, or the governing bodies of two or more municipalities, may elect to establish a regional commercially sexually exploited persons court program under this chapter for the participating counties or municipalities.

Transferred, redesignated and amended by Acts 2015, 84th Leg., R.S., Ch. 604 (S.B. 536), Sec. 1, eff. June 16, 2015.

Transferred and redesignated by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(31), eff. September 1, 2015.

Sec. 126.004. PROGRAM POWERS AND DUTIES. (a) A commercially sexually exploited persons court program established under this chapter must:

(1) ensure that a person eligible for the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow any participant to withdraw from the program at any time before a trial on the merits has been initiated;

(3) provide each participant with information, counseling, and services relating to sex addiction, sexually transmitted diseases, mental health, and substance abuse; and

(4) provide each participant with instruction related to the prevention of prostitution.

(b) To provide each program participant with information, counseling, and services described by Subsection (a)(3), a program established under this chapter may employ a person or solicit a volunteer who is:

(1) a health care professional;

(2) a psychologist;

- (3) a licensed social worker or counselor;
- (4) a former prostitute;
- (5) a family member of a person arrested for soliciting prostitution;
- (6) a member of a neighborhood association or community that is adversely affected by the commercial sex trade or trafficking of persons; or
- (7) an employee of a nongovernmental organization specializing in advocacy or laws related to sex trafficking or human trafficking or in providing services to victims of those offenses.

(c) A program established under this chapter shall establish and publish local procedures to promote maximum participation of eligible defendants in programs established in the county or municipality in which the defendants reside.

(d) A program established under this chapter shall provide each program participant with information related to the right to petition for an order of nondisclosure of criminal history record information under Section [411.0728](#).

Transferred, redesignated and amended by Acts 2015, 84th Leg., R.S., Ch. 604 (S.B. [536](#)), Sec. 1, eff. June 16, 2015.

Transferred and redesignated by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. [21.001](#)(31), eff. September 1, 2015.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 413 (S.B. [20](#)), Sec. 4.03, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 529 (S.B. [1801](#)), Sec. 3, eff. September 1, 2019.

Sec. 126.005. DOCUMENTATION REGARDING INSUFFICIENT FUNDING. A legislative committee may require a county that does not establish a commercially sexually exploited persons court program under this chapter due to a lack of sufficient funding, as provided by Section [126.007](#)(c), to provide the committee with any documentation in the county's possession that concerns federal or state funding received by the county.

Transferred, redesignated and amended by Acts 2015, 84th Leg.,

R.S., Ch. 604 (S.B. 536), Sec. 1, eff. June 16, 2015.

Transferred and redesignated by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(31), eff. September 1, 2015.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.002(8), eff. September 1, 2015.

Sec. 126.006. REIMBURSEMENT FEES. (a) A commercially sexually exploited persons court program established under this chapter may collect from a participant in the program a nonrefundable reimbursement fee for the program in a reasonable amount not to exceed \$1,000, from which the following must be paid:

(1) a counseling and services reimbursement fee in an amount necessary to cover the costs of the counseling and services provided by the program; and

(2) a law enforcement training reimbursement fee, in an amount equal to five percent of the total amount paid under Subdivision (1), to be deposited to the credit of the treasury of the county or municipality that established the program to cover costs associated with the provision of training to law enforcement personnel on domestic violence, prostitution, and the trafficking of persons.

(b) Reimbursement fees collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or coordinator. The fees must be based on the participant's ability to pay.

Transferred, redesignated and amended by Acts 2015, 84th Leg., R.S., Ch. 604 (S.B. 536), Sec. 1, eff. June 16, 2015.

Transferred and redesignated by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(31), eff. September 1, 2015.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 2.48, eff. January 1, 2020.

Sec. 126.007. PROGRAM IN CERTAIN COUNTIES MANDATORY.

(a) If a municipality in the county has not established a commercially sexually exploited persons court program, the

commissioners court of a county with a population of more than 200,000 shall:

(1) establish a commercially sexually exploited persons court program under this chapter; and

(2) direct the judge, magistrate, or coordinator to comply with Section [121.002\(c\)\(1\)](#).

(b) A county required under this section to establish a commercially sexually exploited persons court program shall apply for federal and state funds available to pay the costs of the program. The criminal justice division of the governor's office may assist a county in applying for federal funds as required by this subsection.

(b-1) A county may 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 court program.

(c) Notwithstanding Subsection (a), a county is required to establish a commercially sexually exploited persons court program under this section only if:

(1) the county receives sufficient federal or state funding specifically for that purpose; and

(2) the judge, magistrate, or coordinator receives the verification described by Section [121.002\(c\)\(2\)](#).

(d) A county that does not establish a commercially sexually exploited persons court program as required by this section and maintain the program is ineligible to receive funds for a community supervision and corrections department from the state.

Transferred, redesignated and amended by Acts 2015, 84th Leg., R.S., Ch. 604 (S.B. [536](#)), Sec. 1, eff. June 16, 2015.

Transferred and redesignated by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. 21.001(31), eff. September 1, 2015.

Sec. 126.008. SUSPENSION OR DISMISSAL OF COMMUNITY SERVICE REQUIREMENT. (a) To encourage participation in a commercially sexually exploited persons court program established under this chapter, the judge or magistrate administering the program may suspend any requirement that, as a condition of community

supervision, a participant in the program work a specified number of hours at a community service project.

(b) On a participant's successful completion of a commercially sexually exploited persons court program, a judge or magistrate may excuse the participant from any condition of community supervision previously suspended under Subsection (a).

Transferred, redesignated and amended by Acts 2015, 84th Leg., R.S., Ch. 604 (S.B. [536](#)), Sec. 1, eff. June 16, 2015.

Transferred and redesignated by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. 21.001(31), eff. September 1, 2015.