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FACT SHEET 2013

H.B. 2801

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 is the only state in the country that punishes prostitution with a felony conviction.¹ This approach has not significantly deterred anyone from prostitution, nor has it 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 those individuals convicted of prostitution and for the communities where the prostitution occurs.² Indeed, a felony prostitution offense burdens individuals with limited access to housing and employment, increasing the chances they will become involved with other, more serious crimes.

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. Without meaningful assistive services in place, prostitutes who wish to change their lives find it difficult to abandon their primary means of support.

KEY FINDINGS

- As per a 2001 Texas law, 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.**³
- 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.⁴ **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.⁵
- Individuals become involved with prostitution for a variety of reasons. It may be a conscious, voluntary decision; it may be a means of survival; or it may have been forced upon them. The men and women who engage in sex work are **far more likely to suffer from mental illness, drug and alcohol addiction, and past trauma** than both the general population and many other individuals entering the criminal justice system; if left untreated, these conditions will result in continuous relapses, re-offending, and re-incarceration, at further taxpayer expense.⁶
- **Unfortunately, current laws have failed to adequately address the problems related to prostitution, and 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.

Continued on reverse.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 2801 BY REPRESENTATIVE JOHNSON

- **H.B. 2801 allows for participation in a pretrial intervention or deferred prosecution program 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, where applicable.
- **H.B. 2801 caps the punishment for offering to engage in (vs. soliciting) prostitution at a Class A misdemeanor, resulting in significant cost savings.** Again, this 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

¹ Mike Ward, "Texas Rethinks Law Making Repeat Prostitution a Felony," *Austin American-Statesman*, August 25, 2012.

² 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.

³ Mike Ward, "Texas Rethinks."

⁴ *Ibid.*

⁵ *Ibid.*

⁶ Melissa Farley & Howard Barkan, "Prostitution, Violence, and Posttraumatic Stress Disorder," *Women & Health* 27, no. 13 (1998): 37-49.