

By: Thompson of Harris, Shine

H.B. No. 390

Substitute the following for H.B. No. 390:

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C.S.H.B. No. 390

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requirements for human trafficking awareness and
3 prevention in commercial lodging establishments; authorizing a
4 civil penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is
7 amended by adding Chapter 114 to read as follows:

8 CHAPTER 114. HUMAN TRAFFICKING AWARENESS AND PREVENTION IN

9 COMMERCIAL LODGING ESTABLISHMENTS

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 114.0001. DEFINITIONS. In this chapter:

12 (1) "Commercial lodging establishment" means a hotel,
13 motel, inn, or similar business entity that offers more than 10
14 rooms to the public for temporary lodging for a fee.

15 (2) "Human trafficking" means conduct that
16 constitutes an offense under Section 20A.02, Penal Code.

17 (3) "Operator" means a person who owns, operates,
18 manages, or controls a business entity.

19 (4) "Peace officer" means a peace officer described by
20 Article 2.12, Code of Criminal Procedure, appointed or employed to
21 serve as a peace officer for a law enforcement agency of a political
22 subdivision.

23 Sec. 114.0002. RULES. The attorney general by rule shall:

24 (1) establish the requirements for operators of

1 commercial lodging establishments to comply with the training
2 required under Section 114.0051;

3 (2) create and make available to commercial lodging
4 establishments a template for the sign required under Section
5 114.0053; and

6 (3) designate a telephone number for reporting a
7 suspected act of human trafficking or a violation of this chapter.

8 SUBCHAPTER B. MEASURES TO PREVENT HUMAN TRAFFICKING

9 Sec. 114.0051. TRAINING REQUIRED. (a) The operator of a
10 commercial lodging establishment shall require each employee who is
11 directly employed by the establishment to complete an annual human
12 trafficking awareness and prevention training program. The
13 training program, including any supporting supplemental training
14 material, must:

15 (1) be not less than 20 minutes in duration;

16 (2) be approved by the attorney general or appear on
17 the list of preapproved training programs published by the attorney
18 general;

19 (3) be completed by a new employee of the
20 establishment not later than the 90th day after the date the
21 employee is hired;

22 (4) provide a certificate of completion for an
23 employee who completes the training; and

24 (5) include:

25 (A) an overview of human trafficking, including a
26 description of:

27 (i) the experience of human trafficking

1 victims;

2 (ii) how and why human trafficking takes
3 place in the hospitality industry; and

4 (iii) how human trafficking is defined;

5 (B) guidance on how to identify individuals who
6 are most at risk for human trafficking;

7 (C) information on the difference between labor
8 and sex trafficking as that relates to identification of human
9 trafficking in the hospitality industry;

10 (D) guidance on the role of an employee in
11 reporting and responding to human trafficking; and

12 (E) the contact information of appropriate
13 entities for reporting human trafficking, including:

14 (i) the National Human Trafficking Hotline
15 toll-free telephone number and text line;

16 (ii) appropriate local law enforcement
17 agencies; and

18 (iii) a telephone number designated by the
19 attorney general for reporting suspected human trafficking.

20 (b) The training required under this section may be offered
21 in person or online. Online training must include a pacing
22 mechanism that requires the employee to read all course materials,
23 view all videos, complete all coursework, and certify that the
24 employee has completed all coursework before issuing a certificate
25 of completion.

26 (c) The attorney general shall publish on the attorney
27 general's Internet website a list of preapproved training programs

1 that satisfy the requirements for the human trafficking awareness
2 and prevention training program required by this section.

3 Sec. 114.0052. TRAINING COMPLIANCE; RECORD RETENTION. (a)
4 The operator of a commercial lodging establishment shall maintain,
5 in the form and manner prescribed by the attorney general, all
6 documentation and certificates of completion for all current and
7 former employees of the establishment who have completed the human
8 trafficking training required by Section 114.0051.

9 (b) The operator shall maintain sufficient records to show
10 the operator's compliance with Section 114.0051 and shall provide
11 the records to the attorney general, in the form and manner
12 prescribed by the attorney general, not later than 72 hours after
13 the attorney general requests the records.

14 Sec. 114.0053. SIGN REQUIRED. The operator of a commercial
15 lodging establishment shall display at the commercial lodging
16 establishment a sign, in the form prescribed by the attorney
17 general, that:

18 (1) includes a statement that employees of the
19 commercial lodging establishment are required to receive annual
20 human trafficking training and may not be disciplined, retaliated
21 against, or otherwise discriminated against for making a good faith
22 report of a suspected act of human trafficking;

23 (2) includes information on how to recognize and
24 report human trafficking, including a list of indicators of human
25 trafficking;

26 (3) includes a phone number designated by the attorney
27 general for reporting a suspected act of human trafficking or a

1 violation of this chapter;

2 (4) is at least 11 inches by 17 inches in size and
3 written in at least a 16-point font;

4 (5) is posted separately in English, Spanish, and any
5 other primary language spoken by 10 percent or more of the
6 establishment's employees; and

7 (6) is posted in a location that is easily visible to
8 all employees.

9 Sec. 114.0054. DISCRIMINATION AND RETALIATION PROHIBITED.

10 The operator of a commercial lodging establishment may not
11 discipline, retaliate against, or otherwise discriminate against
12 an employee who in good faith reports a suspected act of human
13 trafficking to the operator, a law enforcement agency, the National
14 Human Trafficking Resource Center, the attorney general, or any
15 other appropriate authority.

16 SUBCHAPTER C. ENFORCEMENT

17 Sec. 114.0101. ENTRY BY PEACE OFFICER. A peace officer may
18 enter the premises of a commercial lodging establishment between
19 the hours of 9 a.m. and 5 p.m. Monday through Friday to ensure
20 compliance with this chapter.

21 Sec. 114.0102. OPPORTUNITY TO CURE. If the attorney
22 general has reason to believe an operator of a commercial lodging
23 establishment has violated this chapter, the attorney general shall
24 provide written notice to the operator that:

25 (1) describes the operator's violation;

26 (2) states that the commercial lodging establishment
27 may be liable for a civil penalty if the operator does not cure the

1 violation before the 30th day after the date the operator receives
2 the notice; and

3 (3) includes the maximum potential civil penalty that
4 may be imposed for the violation.

5 Sec. 114.0103. CIVIL PENALTY. (a) If the operator of a
6 commercial lodging establishment fails to cure a violation of this
7 chapter before the 30th day after the date the operator receives
8 notice of the violation under Section 114.0102, the establishment
9 is liable to this state for a civil penalty in an amount not to
10 exceed \$500 for each violation. Each day a violation continues is a
11 separate violation for purposes of imposing the civil penalty.

12 (b) In determining the amount of a civil penalty to impose
13 under this section, a court must consider:

- 14 (1) the seriousness of a violation;
- 15 (2) a history of previous violations;
- 16 (3) the amount necessary to deter a future violation;
- 17 (4) efforts made to correct a violation; and
- 18 (5) any other matter that justice may require.

19 Sec. 114.0104. ACTION BY ATTORNEY GENERAL. (a) The
20 attorney general may bring an action in the name of the state:

- 21 (1) to recover a civil penalty imposed under Section
22 114.0103; or
- 23 (2) for injunctive relief to require compliance with
24 this chapter.

25 (b) An action under this section may be brought in a
26 district court in:

- 27 (1) Travis County; or

1 (2) a county in which any part of the violation or
2 threatened violation occurs.

3 (c) The attorney general may recover reasonable expenses
4 incurred in obtaining injunctive relief or a civil penalty under
5 this section, including court costs, reasonable attorney's fees,
6 and investigatory costs.

7 SECTION 2. Not later than December 1, 2021, the attorney
8 general shall adopt rules necessary to implement Chapter 114,
9 Business & Commerce Code, as added by this Act.

10 SECTION 3. (a) Except as provided by Subsection (b) of this
11 section, this Act takes effect September 1, 2021.

12 (b) Chapter 114, Business & Commerce Code, as added by this
13 Act, takes effect January 1, 2022.