

By: Thompson of Harris

H.B. No. 390

A BILL TO BE ENTITLED

AN ACT

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

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

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

CHAPTER 114. HUMAN TRAFFICKING AWARENESS AND PREVENTION IN

COMMERCIAL LODGING ESTABLISHMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 114.0001. DEFINITIONS. In this chapter:

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

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

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

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

(1) establish the form and requirements for operators of commercial lodging establishments to certify compliance under Section 114.0051;

(2) create and make available to commercial lodging establishments a template for the sign required under Section

1 114.0053; and

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

4 SUBCHAPTER B. MEASURES TO PREVENT HUMAN TRAFFICKING

5 Sec. 114.0051. TRAINING REQUIRED. (a) The operator of a
6 commercial lodging establishment shall require each employee to
7 complete an annual human trafficking awareness and prevention
8 training program. The training program must:

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

10 (2) be approved by the attorney general or appear on
11 the list of preapproved training programs published by the attorney
12 general;

13 (3) be completed by a new employee of the
14 establishment not later than the 30th day after the date the
15 employee is hired;

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

18 (5) include:

19 (A) an overview of human trafficking, including a
20 description of:

21 (i) the experience of human trafficking
22 victims;

23 (ii) how and why human trafficking takes
24 place in the hospitality industry; and

25 (iii) how human trafficking is defined
26 under state and federal law;

27 (B) guidance on how to identify individuals who

1 are most at risk for human trafficking;

2 (C) information on the difference between labor
3 and sex trafficking as that relates to identification of human
4 trafficking in the hospitality industry;

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

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

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

11 (ii) appropriate local law enforcement
12 agencies; and

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

15 (b) The training required under this section may be offered
16 in person or online. Online training must include a pacing
17 mechanism that requires the employee to read all course materials,
18 view all videos, and complete all coursework before generating a
19 certificate of completion.

20 (c) The attorney general shall publish on the attorney
21 general's Internet website a list of preapproved training programs
22 that satisfy the requirements for the human trafficking awareness
23 and prevention training program required by this section.

24 Sec. 114.0052. CERTIFICATION OF TRAINING COMPLIANCE;
25 RECORD RETENTION. (a) The operator of a commercial lodging
26 establishment shall annually certify to the attorney general, in
27 the form and manner prescribed by the attorney general, that all

1 employees of the establishment have completed the human trafficking
2 training required by Section 114.0051.

3 (b) The operator shall maintain sufficient records to show
4 the operator's compliance with Section 114.0051 and shall provide
5 the records to the attorney general not later than 72 hours after
6 the attorney general requests the records.

7 Sec. 114.0053. SIGN REQUIRED. The operator of a commercial
8 lodging establishment shall display at the commercial lodging
9 establishment a sign, in the form prescribed by the attorney
10 general, that:

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

16 (2) includes information on how to recognize and
17 report human trafficking, including a list of indicators of human
18 trafficking;

19 (3) includes a phone number designated by the attorney
20 general for reporting a suspected act of human trafficking or a
21 violation of this chapter;

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

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

27 (6) is posted in a location that is easily visible to

1 all employees.

2 Sec. 114.0054. DISCRIMINATION AND RETALIATION PROHIBITED.

3 The operator of a commercial lodging establishment may not
4 discipline, retaliate against, or otherwise discriminate against
5 an employee who in good faith reports a suspected act of human
6 trafficking to the operator, a law enforcement agency, the National
7 Human Trafficking Resource Center, the attorney general, or any
8 other appropriate authority.

9 SUBCHAPTER C. ENFORCEMENT

10 Sec. 114.0101. OPPORTUNITY TO CURE. If the attorney
11 general has reason to believe an operator of a commercial lodging
12 establishment has violated this chapter, the attorney general shall
13 provide written notice to the operator that:

14 (1) describes the operator's violation;

15 (2) states that the commercial lodging establishment
16 may be liable for a civil penalty if the operator does not cure the
17 violation before the 30th day after the date the operator receives
18 the notice; and

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

21 Sec. 114.0102. CIVIL PENALTY. (a) If the operator of a
22 commercial lodging establishment fails to cure a violation of this
23 chapter before the 30th day after the date the operator receives
24 notice of the violation under Section 114.0101, the establishment
25 is liable to this state for a civil penalty in an amount not to
26 exceed \$500 for each violation. Each day a violation continues is a
27 separate violation for purposes of imposing the civil penalty.

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

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

8 Sec. 114.0103. ACTION BY ATTORNEY GENERAL. (a) The
9 attorney general may bring an action in the name of the state:

- 10 (1) to recover a civil penalty imposed under Section
11 114.0102; or
12 (2) for injunctive relief to require compliance with
13 this chapter.

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

- 16 (1) Travis County; or
17 (2) a county in which any part of the violation or
18 threatened violation occurs.

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

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

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

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