

By: A. Johnson of Harris, Thompson of Harris,
Bonnen, Howard, Leach, et al.

H.B. No. 2633

Substitute the following for H.B. No. 2633:

By: Hinojosa

C.S.H.B. No. 2633

A BILL TO BE ENTITLED

AN ACT

relating to resources provided to human trafficking victims and the
establishment of the trafficked persons grant program.

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

SECTION 1. Chapter 50, Health and Safety Code, as added by
Chapter 413 (S.B. 20), Acts of the 86th Legislature, Regular
Session, 2019, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. TRAFFICKED PERSONS GRANT PROGRAM

Sec. 50.0151. DEFINITIONS. In this subchapter:

(1) "Account" means the trafficked persons program
account established under Section 50.0153.

(2) "Department" means the Department of Family and
Protective Services.

(3) "Grant program" means the trafficked persons grant
program established under Section 50.0155.

Sec. 50.0152. PURPOSE. The purpose of the trafficked
persons program account is to provide money:

(1) to substantiate this state's interest in publicly
operated and funded shelter and treatment for victims of an offense
of trafficking of persons as defined by Article 56B.003, Code of
Criminal Procedure;

(2) to prevent the recruitment of human trafficking
victims within mixed-status child, youth, and young adult shelters;

(3) for consistent and recurring funding of long-term

1 solutions for providing research-based treatment and safe and
2 secure shelter to child, youth, and young adult victims of human
3 trafficking;

4 (4) for financial stability of local governments,
5 private partners, and medical facilities in planning, building, and
6 maintaining dedicated housing and recovery programs for victims of
7 human trafficking; and

8 (5) to raise awareness of the account among businesses
9 and philanthropists in this state and to strengthen public and
10 private partnerships established to end the practice of human
11 trafficking.

12 Sec. 50.0153. ESTABLISHMENT OF ACCOUNT. (a) The
13 trafficked persons program account is a dedicated account in the
14 general revenue fund.

15 (b) The account consists of:

16 (1) contributions made under Section [2054.252](#),
17 Government Code;

18 (2) contributions made under Sections [502.416](#),
19 [521.013](#), and [522.0296](#), Transportation Code;

20 (3) fees for the specialty license plates issued under
21 Section [504.675](#), Transportation Code;

22 (4) gifts, grants, and donations received for the
23 account; and

24 (5) interest, dividends, and other income of the
25 account.

26 (c) Section [403.0956](#), Government Code, does not apply to the
27 account.

1 (d) Money in the account may be appropriated only to:

2 (1) the grant program;

3 (2) the sex trafficking prevention and victim
4 treatment programs established under this chapter;

5 (3) the trafficked persons program established under
6 Section 54.04012, Family Code; and

7 (4) the administration of a program described by
8 Section 264.004(d), Family Code.

9 (e) The legislature may not use money in the account to
10 offset any other appropriations designated to the department or
11 commission.

12 Sec. 50.0154. ACCOUNT ADMINISTRATION. (a) The commission
13 shall administer the account and by rule establish guidelines for
14 distributing money from the account in accordance with this
15 subchapter.

16 (b) The commission shall distribute money from the account
17 to the grant program until the commission determines that the grant
18 program's purposes are satisfied statewide. Following that
19 determination, the commission may distribute money from the account
20 to a program described by Section 50.0153(d)(2), (3), or (4).

21 (c) The comptroller may audit money distributed under this
22 section.

23 Sec. 50.0155. TRAFFICKED PERSONS GRANT PROGRAM. (a) The
24 commission shall establish the trafficked persons grant program to
25 provide grants to applicants for dedicated housing and treatment
26 facilities provided to human trafficking victims.

27 (b) The commission by rule shall establish and publish on

1 its Internet website eligibility criteria for grant recipients.
2 The commission must develop the criteria using research-based best
3 practices and require the recipient to provide:

4 (1) immediate trauma support to a human trafficking
5 victim on the victim's initial rescue or recovery from trafficking;

6 (2) wraparound services to facilitate a continuity of
7 care for human trafficking victims placed in the recipient's
8 facility as assisted by:

9 (A) the Child Sex Trafficking Prevention Unit
10 established under Section 772.0062, Government Code; or

11 (B) the governor's program for victims of child
12 sex trafficking established under Section 772.0063, Government
13 Code; and

14 (3) safe and constitutionally secure shelter that
15 considers the clear and present danger of organized crime to the
16 children and youth housed in the facility.

17 (c) A grant applicant must provide to the commission plans
18 that include:

19 (1) a process for obtaining the consent of a qualified
20 guardian of a human trafficking victim for the applicant's services
21 and treatment;

22 (2) a strategy for addressing the spectrum of needs
23 for human trafficking victims, including victims whose history of
24 trauma poses a risk to other residents of the shelter or facility;

25 (3) a statement on whether the shelter or facility
26 will provide:

27 (A) acute or subacute services to address the

1 immediate medical or treatment needs of the victims;

2 (B) short-term housing services following
3 initial rescue or recovery of victims; and

4 (C) residential treatment services to meet
5 long-term needs of victims; and

6 (4) a statement on whether the shelter or facility
7 will provide separate housing space according to age, risk, and
8 medical or mental health needs of victims.

9 (d) In determining whether to award a grant under this
10 section, the commission shall prioritize applicants operating a
11 shelter or facility that:

12 (1) satisfies the requirements under Chapter 42, Human
13 Resources Code;

14 (2) provides dedicated housing or shelter space for
15 the exclusive use of human trafficking victims; and

16 (3) has not adopted a policy that allows the facility
17 to refuse for any reason to provide facility services to persons
18 presented to the facility by any person involved in the recovery of
19 human trafficking victims.

20 Sec. 50.0156. REQUIRED GRANT CONTRACT. Before awarding a
21 grant under this subchapter, the commission shall enter into a
22 written agreement with the recipient specifying that:

23 (1) if the commission finds that the recipient has not
24 complied with the standards required by this subchapter and rules
25 adopted under this subchapter:

26 (A) the recipient shall repay the grant or a
27 prorated portion of the grant to this state at an agreed rate and on

1 agreed terms; and

2 (B) the commission will not distribute to the
3 recipient any grant money that remains to be distributed to the
4 recipient;

5 (2) if, as of a date provided in the agreement, the
6 recipient has not used grant money awarded under this section for
7 the purposes for which the grant was intended, the recipient shall
8 repay that amount to this state at an agreed rate and on agreed
9 terms; and

10 (3) the recipient may not use grant money for
11 administrative or overhead expenses.

12 Sec. 50.0157. COMMISSION PROVISION OF SERVICES. The
13 commission may distribute money from the account to the commission
14 for the purposes of providing services described by Section 50.0155
15 if the commission determines it has the resources and personnel
16 necessary to provide those services in accordance with this
17 subchapter and rules adopted under this subchapter.

18 SECTION 2. Section 54.04012(b), Family Code, is amended to
19 read as follows:

20 (b) A juvenile court may require a child adjudicated to have
21 engaged in delinquent conduct or conduct indicating a need for
22 supervision and who is believed to be a victim of an offense of
23 trafficking of persons as defined by Article 56B.003, [conduct that
24 constitutes an offense under Section 20A.02, Penal] Code of
25 Criminal Procedure, to participate in a program established under
26 Section 152.0017, Human Resources Code.

27 SECTION 3. Section 264.004, Family Code, is amended by

1 adding Subsection (d) to read as follows:

2 (d) The Health and Human Services Commission may use money
3 appropriated from the trafficked persons program account
4 established under Section 50.0153, Health and Safety Code, to
5 establish, maintain, and operate facilities to provide care and
6 recovery and to ensure the general well-being of children and youth
7 who are victims of an offense of trafficking of persons as defined
8 by Article 56B.003, Code of Criminal Procedure.

9 SECTION 4. Section 405.023(b), Government Code, is amended
10 to read as follows:

11 (b) The secretary of state by rule shall establish and
12 implement a program designated as the human trafficking prevention
13 business partnership to:

14 (1) inform participating corporations and other
15 private entities of the opportunity to support the trafficked
16 persons program account established under Section 50.0153, Health
17 and Safety Code, by making a donation to the account; and

18 (2) engage participating corporations and other
19 private entities in voluntary efforts to prevent and combat human
20 trafficking.

21 SECTION 5. Subchapter B, Chapter 405, Government Code, is
22 amended by adding Section 405.024 to read as follows:

23 Sec. 405.024. PUBLIC AWARENESS CAMPAIGN FOR TRAFFICKED
24 PERSONS PROGRAM ACCOUNT. The secretary of state shall, as part of
25 the office's regular operations, inform the public using e-mail,
26 notices posted on the secretary of state's Internet website, or
27 other publications of the opportunity to support the trafficked

1 persons program account established under Section 50.0153, Health
2 and Safety Code. The secretary of state may not spend more than
3 \$100,000 to promote awareness of the program account as provided by
4 this section.

5 SECTION 6. Section 2054.252, Government Code, is amended by
6 adding Subsections (h) and (i) to read as follows:

7 (h) The department shall provide an opportunity for a person
8 to make a contribution to the trafficked persons program account
9 established under Section 50.0153, Health and Safety Code, when the
10 person accesses the state electronic Internet portal for a purpose
11 described by Subsection (a) that involves submitting a payment to
12 this state. The department may deduct from the donations made under
13 this subsection an amount equal to the department's reasonable
14 expenses associated with administering this subsection. Money
15 contributed under this subsection shall be deposited to the credit
16 of the account.

17 (i) The department shall collaborate with the Texas
18 Department of Motor Vehicles, the Department of Public Safety, and
19 any other state agency to maximize donations to the trafficked
20 persons program account established under Section 50.0153, Health
21 and Safety Code.

22 SECTION 7. Section 152.0017, Human Resources Code, is
23 amended by amending Subsection (a) and adding Subsection (c) to
24 read as follows:

25 (a) A juvenile board may establish a trafficked persons
26 program under this section for the assistance, treatment, and
27 rehabilitation of children who:

1 (1) are alleged to have engaged in or adjudicated as
2 having engaged in delinquent conduct or conduct indicating a need
3 for supervision; ~~and~~

4 (2) may be victims of an offense of trafficking of
5 persons as defined by Article 56B.003, [conduct that constitutes an
6 offense under Section 20A.02, Penal] Code of Criminal Procedure;
7 and

8 (3) have been referred to the program by the Child Sex
9 Trafficking Prevention Unit established under Section 772.0062,
10 Government Code, or the governor's program for victims of child sex
11 trafficking established under Section 772.0063, Government Code.

12 (c) A facility qualified to provide one or more services
13 under this section may apply for a grant under Section 50.0155,
14 Health and Safety Code, only for the purposes of providing
15 constitutionally secure shelter and research-based treatment
16 services to human trafficking victims.

17 SECTION 8. Subchapter H, Chapter 502, Transportation Code,
18 is amended by adding Section 502.416 to read as follows:

19 Sec. 502.416. VOLUNTARY CONTRIBUTION FOR TRAFFICKED
20 PERSONS PROGRAM ACCOUNT. (a) When a person registers or renews the
21 registration of a motor vehicle under this chapter, the department
22 shall, in a conspicuous manner, direct that person to the
23 opportunity to donate to the trafficked persons program account
24 established under Section 50.0153, Health and Safety Code, through
25 the state's electronic Internet portal described by Section
26 2054.252(h), Government Code.

27 (b) If a person makes a contribution under this section and

1 does not pay the full amount of a registration fee, the county
2 assessor-collector may credit all or a portion of the contribution
3 to the person's registration fee.

4 (c) The department may deduct from the donations made under
5 this section an amount equal to the department's reasonable
6 expenses associated with administering this section.

7 SECTION 9. Subchapter G, Chapter 504, Transportation Code,
8 is amended by adding Section 504.675 to read as follows:

9 Sec. 504.675. STOP HUMAN TRAFFICKING LICENSE PLATES. (a)
10 The department shall issue specialty license plates to support the
11 trafficked persons program account established under Section
12 50.0153, Health and Safety Code. The department shall design the
13 license plates in consultation with an organization involved in the
14 support and recovery of human trafficking victims.

15 (b) After deduction of the department's administrative
16 costs the remainder of the fee for issuance of the license plates
17 shall be deposited to the credit of the trafficked persons program
18 account established under Section 50.0153, Health and Safety Code.

19 SECTION 10. Subchapter A, Chapter 521, Transportation Code,
20 is amended by adding Section 521.013 to read as follows:

21 Sec. 521.013. VOLUNTARY CONTRIBUTION FOR TRAFFICKED
22 PERSONS PROGRAM ACCOUNT. (a) When a person applies for an
23 original, renewal, corrected, or duplicate driver's license or
24 personal identification certificate under this chapter, the
25 department shall, in a conspicuous manner, direct that person to
26 the opportunity to donate to the trafficked persons program account
27 established under Section 50.0153, Health and Safety Code, through

1 the state's electronic Internet portal described by Section
2 2054.252(h), Government Code.

3 (b) The department may deduct from the donations made under
4 this section an amount equal to the department's reasonable
5 expenses associated with administering this section.

6 SECTION 11. Subchapter C, Chapter 522, Transportation Code,
7 is amended by adding Section 522.0296 to read as follows:

8 Sec. 522.0296. VOLUNTARY CONTRIBUTION FOR TRAFFICKED
9 PERSONS PROGRAM ACCOUNT. (a) When a person applies for an
10 original, renewal, corrected, or duplicate commercial driver's
11 license under this chapter, the department shall, in a conspicuous
12 manner, direct that person to the opportunity to donate to the
13 trafficked persons program account established under Section
14 50.0153, Health and Safety Code, through the state's electronic
15 Internet portal described by Section 2054.252(h), Government Code.

16 (b) The department may deduct from the donations made under
17 this section an amount equal to the department's reasonable
18 expenses associated with administering this section.

19 SECTION 12. (a) From money appropriated under Subchapter
20 D, Chapter 50, Health and Safety Code, as added by this Act, the
21 Health and Human Services Commission shall conduct a study to
22 determine the needs and best practices of establishing permanent,
23 safe, and secure housing for child and youth victims of an offense
24 of trafficking of persons as defined by Article 56B.003, Code of
25 Criminal Procedure.

26 (b) The Health and Human Services Commission shall develop a
27 written report from the results of the study conducted under

1 Subsection (a) of this section. Not later than December 1, 2022, the
2 commission shall provide the report to the governor and the
3 standing committees of the legislature with jurisdiction over the
4 commission.

5 SECTION 13. This Act takes effect September 1, 2021.