

BILL ANALYSIS

C.S.H.B. 3370
By: Thompson
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Section 20A.01, Penal Code, defines "forced labor and services" pertaining to victims of human trafficking. However, the definitions surrounding "forced labor and services" do not fully capture many victims of trafficking and the ways in which they are threatened and coerced into rendering services. In many trafficking cases, the victims are forced to perform a labor or service as a result of threats to their family or to destroy their citizenship documents. The current definition neglects to include threats of legal action, threats to others, and other ways that one forces someone to perform services and labor. C.S.H.B. 3370 enhances the legal definition of human trafficking in Texas. By creating stronger language, we can target offenders who use threats to coerce their victims to perform forced labor or services.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Committee Substitute to House Bill 3370 enhances the language in Section 20A.01 of the Penal Code, which defines "forced labor or services" and "traffic." The bill expands the definition of "forced labor or services" to mean labor or services, including conduct that constitutes an offense of prostitution that are performed or provided by another person and obtained through an actor's:

- causing or threatening to cause bodily injury to the person or another person or otherwise causing the person performing or providing labor or services to believe that the person or another person will suffer bodily injury;
- restraining or threatening to restrain the person or another person in a manner described by Section 20.01(1), Penal Code, or causing the person performing or providing labor or services to believe that the person or another person will be restrained;
- knowingly destroying, concealing, removing, confiscating, or withholding from the person or another person, or threatening to destroy, conceal, remove, confiscate, or withhold from the person or another person, the person's actual or purported government records, identifying information, or personal property;
- threatening the person with abuse of the law or the legal process in relation to the person or another person;
- threatening to report the person or another person to immigration officials or other law enforcement officials or otherwise blackmailing or extorting the person or another person;
- exerting financial control over the person or another person; or
- using any scheme, plan, or pattern intended to cause the person to believe that the person or another person will be subjected to serious harm or restraint if the person does not perform or provide the labor or services.

The bill provides that "traffic" means to transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means. The bill removes the provision in the definition that pertained to transporting by deception, coercion, or force.

The bill also clarifies that a person commits an offense if the person knowingly traffics another person with the intent or knowledge that the trafficked person will engage in forced labor or services, or intentionally or knowingly benefits from human trafficking, including by receiving labor or services the person knows are forced labor or services. The bill also provides that it is a

felony of the first degree if the applicable conduct constitutes an offense of prostitution and the person trafficked is younger than 18 years of age at the time of the offense.

The bill also requires the attorney general, in consultation with the Health and Human Services Commission, to issue a report outlining how existing laws and rules address or fail to address the needs of victims of human trafficking and recommending for areas of improvement and modification of existing laws. The bill also requires the Health and Human Services Commission, in consultation with the attorney general, to issue a report outlining how existing social services programs address or fail to address the needs of victims of human trafficking, outlining the interplay of existing social service programs with federally funded victim service programs, and recommending areas of improvement and modification to existing programs.

Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds to the definition of "forced labor or services" to provide that it includes conduct that constitutes an offense of prostitution.

The substitute removes the provision that a person commits an offense of human trafficking if the person knowingly traffics another person with the intent or knowledge that the trafficked person will engage in conduct that constitutes an offense under Chapter 43, Penal Code (Public Indecency.)

The substitute amends Section 20A.02(b), Penal Code, to state that it is a felony of the first degree if the offense of trafficking constitutes an offense of prostitution and the person trafficked is younger than 18 years of age at the time of the offense. The original did not have this change.

The substitute requires the attorney general, in consultation with the Health and Human Services Commission, to issue a report outlining how existing laws and rules address or fail to address the needs of victims of human trafficking and recommending for areas of improvement and modification of existing laws. The bill also requires the Health and Human Services Commission, in consultation with the attorney general, to issue a report outlining how existing social services programs address or fail to address the needs of victims of human trafficking, outlining the interplay of existing social service programs with federally funded victim service programs, and recommending areas of improvement and modification to existing programs. The original did not have this provision.