

By: Burnam

H.B. No. 3340

A BILL TO BE ENTITLED

AN ACT

relating to protection and assistance for victims of trafficking.

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

SECTION 1. Title 1, Code of Criminal Procedure, is amended by adding Chapter 67 to read as follows:

CHAPTER 67. VICTIMS OF HUMAN TRAFFICKING

Art. 67.01. DEFINITIONS. In this chapter:

(1) "Forced labor or services" and "traffic" have the meanings assigned by Section 20A.01, Penal Code.

(2) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers.

(3) "Victim of trafficking" means a person who is a victim of an offense under Section 20A.02, Penal Code.

Art. 67.02. PROTECTION FOR VICTIMS OF TRAFFICKING. To the extent practicable, with respect to a victim of trafficking who is in the custody of a law enforcement agency, the law enforcement agency:

(1) may not detain the victim in a facility inappropriate to the victim's status as a crime victim, including a facility in which criminals or persons suspected of committing criminal offenses are detained;

(2) shall promptly provide the victim with necessary medical care, mental health care, food, and other assistance;

1 (3) shall provide the victim access to legal
2 assistance and translation services;

3 (4) shall inform the victim of the victim's rights; and

4 (5) shall provide the victim with protection, if the
5 victim's safety is at risk or if there is a danger of additional
6 harm of recapture by a trafficker, including:

7 (A) taking measures to protect the victim or
8 members of the victim's family from reprisal, threat of reprisal,
9 or intimidation by traffickers or the traffickers' associates; and

10 (B) ensuring that the name, address, and other
11 contact information of a victim or a member of a victim's family is
12 not disclosed to the public.

13 SECTION 2. Chapter 531, Government Code, is amended by
14 adding Subchapter P to read as follows:

15 SUBCHAPTER P. WORK GROUP ON ASSISTING VICTIMS OF TRAFFICKING

16 Sec. 531.601. DEFINITIONS. In this subchapter:

17 (1) "Forced labor or services" and "traffic" have the
18 meanings assigned by Section 20A.01, Penal Code.

19 (2) "Law enforcement agency" and "victim of
20 trafficking" have the meanings assigned by Article 67.01, Code of
21 Criminal Procedure.

22 (3) "Peace officer" means a person who is a peace
23 officer under Article 2.12, Code of Criminal Procedure.

24 (4) "Work group" means the work group on assisting
25 victims of trafficking established under this subchapter.

26 Sec. 531.602. WORK GROUP ON ASSISTING VICTIMS OF
27 TRAFFICKING. (a) The executive commissioner shall establish a work

1 group to develop written protocols applicable to state agencies for
2 the provision and delivery of services to victims of trafficking.

3 The protocols must provide:

4 (1) policies and procedures that require interagency
5 coordination of operations and cooperation with community-based
6 organizations that provide assistance to victims of trafficking,
7 including the establishment of an electronic database accessible by
8 appropriate state agencies that contains the names, addresses, and
9 telephone numbers of agencies and organizations that provide
10 services to victims of trafficking; and

11 (2) guidelines for expanding and delivering social
12 services to victims of trafficking without regard to the
13 immigration status of those victims, including guidelines for
14 providing housing, food, medical services, mental health services,
15 English language education, job training, and employment services.

16 (b) A member of the work group serves without compensation.

17 Sec. 531.603. COMPOSITION OF WORK GROUP. The work group is
18 composed of:

19 (1) the executive commissioner;
20 (2) the public safety director of the Department of
21 Public Safety;

22 (3) the chair of the Texas Workforce Commission;

23 (4) the commissioner of education;

24 (5) the attorney general;

25 (6) if possible, a representative from each of the
26 following federal agencies to ensure that protocols are consistent
27 with applicable federal law:

1 (A) the United States Department of Health and
2 Human Services;

3 (B) the United States Department of Labor;

4 (C) the United States Department of Education;

5 (D) the United States Department of Homeland
6 Security; and

7 (E) the United States Department of Justice; and

8 (7) five representatives, selected by the executive
9 commissioner, from state or community-based organizations that
10 provide assistance to victims of trafficking.

11 Sec. 531.604. REVIEW AND MODIFICATION OF PROTOCOLS. (a)

12 The work group shall reconvene at least once every two years to
13 review and, if the work group determines that it is necessary,
14 modify the protocols the work group most recently developed under
15 this subchapter.

16 (b) The work group shall submit the modified protocols to
17 the legislature and the governor as soon as practicable after the
18 work group makes the modifications.

19 SECTION 3. (a) Not later than December 1, 2007, the
20 executive commissioner of the Health and Human Services Commission
21 shall establish the work group on assisting victims of trafficking,
22 as required by Subchapter P, Chapter 531, Government Code, as added
23 by this Act.

24 (b) Not later than December 1, 2009, the work group on
25 assisting victims of trafficking shall finalize the initial
26 protocols developed by the group under Subchapter P, Chapter 531,
27 Government Code, as added by this Act, and submit a copy of the

1 protocols to the legislature and the governor.

2 SECTION 4. This Act takes effect September 1, 2007.