

## **BILL ANALYSIS**

Senate Research Center  
81R26826 KFF-D

H.B. 4009  
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Criminal Justice  
5/21/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Human trafficking is a modern day form of slavery. Texas has 20 percent of the market in the United States, and Houston is currently the world's largest center for human trafficking.

Currently, Texas has an active and working system in place, largely funded via federal dollars, for international victims of human trafficking administered out of the Refugee Affairs Program. The need for a separate program for international victims arose due to the fact that the victims rarely, if ever, have legal documentation. Thus, in addition to the health and human services needed, the victims also needed assistance with immigration, documentation and language.

*The Texas Response to Human Trafficking* by the Office of the Attorney General, as well as a report by the same name from the Texas Health and Human Services Commission (HHSC), indicate that domestic victims of trafficking are falling through the cracks. The vast majority of domestic victims of human trafficking are minors and approximately 70 percent are involved in the sex trade. Unfortunately, most of these children are criminalized and placed into Child Protective Services. The end result is they do not receive the necessary services, and often fall back under the thumb of traffickers. With proper rehabilitation, the rate of return dramatically decreases.

This bill creates an assistance program for domestic victims of human trafficking under HHSC, which would include a searchable database of programs available for domestic victims, a grant program, a training program for judges, prosecutors and law enforcement personnel, and an outreach initiative. The grant program would award funding to public and nonprofit organizations that provide direct assistance, such as housing, medical care and therapy, as well as indirect services to domestic victims. The training program would be designed to increase awareness of the needs, available services, and the database, as well as potential funding sources for the grant program. This bill also outlines a variety of funding streams for the grant program, and requires a study regarding additional funding strategies to be submitted no later than December 1, 2010.

H.B. 4009 relates to the establishment of a victim assistance program to provide services to domestic victims of trafficking.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 531, Government Code, by adding Subchapter J-1, as follows:

#### **SUBCHAPTER J-1. ASSISTANCE PROGRAM FOR DOMESTIC VICTIMS OF TRAFFICKING**

Sec. 531.381. DEFINITIONS. Defines "domestic victim" and "victim of trafficking."

Sec. 531.382. VICTIM ASSISTANCE PROGRAM ESTABLISHED. Requires the Health and Human Services Commission (HHSC) to develop and implement a program designed to assist domestic victims, including victims who are children, in accessing

necessary services. Requires that the program consist of at least the following components:

- (1) a searchable database of assistance programs for domestic victims, including programs that provide mental health services, other health services, services to meet victims' basic needs, case management services, and any other services HHSC considers appropriate, that may be used to match victims with appropriate resources;
- (2) the grant program described by Section 531.383;
- (3) recommend training programs for judges, prosecutors, and law enforcement personnel; and
- (4) an outreach initiative to ensure that victims, judges, prosecutors, and law enforcement personnel are aware of the availability of services through the program.

Sec. 531.383. GRANT PROGRAM. (a) Requires HHSC, subject to available funds, to establish a grant program to award grants to public and nonprofit organizations that provide assistance to domestic victims, including organizations that provide public awareness activities, community outreach and training, victim identification services, and legal services.

(b) Requires an applicant, to apply for a grant under this section, to submit an application in the form and manner prescribed by HHSC. Requires an applicant to describe in the application the services the applicant intends to provide to domestic victims if the grant is awarded.

(c) Requires HHSC, in awarding grants under this section, to give preference to organizations that have experience in successfully providing the types of services for which the grants are awarded.

(d) Requires a grant recipient to provide reports as required by HHSC regarding the use of grant funds.

(e) Requires HHSC, not later than December 1 of each even-numbered year, to submit a report to the legislature summarizing the activities, funding, and outcomes of programs awarded a grant under this section and providing recommendations regarding the grant program

Sec. 531.384. TRAINING PROGRAMS. Requires HHSC, with assistance from the Office of Court Administration of the Texas Judicial System, the Department of Public Safety of the State of Texas, and local law enforcement agencies, to create training programs designed to increase the awareness of judges, prosecutors, and law enforcement personnel of the needs of domestic victims, the availability of services under this subchapter, the database of services described by Section 531.382, and potential funding sources for those services.

Sec. 531.385. FUNDING. (a) Authorizes HHSC to use appropriated funds and to accept gifts, grants, and donations from any sources for purposes of the victim assistance program established under this subchapter.

(b) Requires HHSC to conduct a study regarding additional funding strategies for the victim assistance program. Requires HHSC, in conducting the study, in cooperation with appropriate governmental entities, to identify appropriate revenue streams, which may include revenue derived from revenue streams similar to those used to fund crime victims' compensation under Subchapter B (Crime Victims' Compensation), Chapter 56 (Rights of Crime Victims), Code of Criminal Procedure; imposing additional court costs on defendants on conviction of certain offenses; imposing additional fees on the filing of civil cases; acquiring

from law enforcement agencies the proceeds from assets seized or forfeited under state or federal law; and any other source identified by HHSC.

(c) Requires HHSC to submit a report regarding the results of the study conducted under Subsection (b) to the 82nd Legislature not later than December 1, 2010. Requires that the report include HHSC's findings regarding appropriate revenue streams for the victim assistance program, proposed legislation necessary to receive the revenue for that purpose, and proposed legislation regarding the establishment of a dedicated amount to which the revenue may be credited.

(d) Provides that this subsection and Subsections (b) and (c) expire January 1, 2011.

SECTION 2. Effective date: September 1, 2009.