

BILL ANALYSIS

C.S.H.B. 4009
By: Weber
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Human trafficking is a modern-day form of slavery and is now the second largest crime industry in the world. More people are enslaved today than at any other time in human history. Texas has 20 percent of the market in the United States, and Houston is currently the world's largest center for human trafficking. Texas currently has an active and working system in place, largely funded by federal dollars, for international victims of human trafficking, administered out of the refugee affairs program. The need for a separate program for international victims has arisen due to a common lack of legal documentation. Thus, in addition to the health and human services needed, international 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 Health and Human Services Commission (HHSC), indicate that domestic victims are falling through the cracks. The vast majority of domestic victims of human trafficking are minors; approximately 70 percent fall into the sex trade. Unfortunately, most of these children are criminalized and placed with Child Protective Services with the result that the child does not receive necessary services and often falls back under the thumb of traffickers. With proper rehabilitation, the rate of return dramatically decreases.

C.S.H.B. 4009 creates an assistance program under the HHSC for domestic victims of human trafficking who are permanent legal residents of the United States. The bill outlines funding streams for the grant program and requires a study regarding additional funding strategies to be conducted.

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

C.S.H.B. 4009 amends the Government Code to require the Health and Human Services Commission (HHSC) to develop and implement a program designed to assist domestic victims of trafficking who are permanent legal residents or citizens of the United States, including victims who are children, in accessing necessary services. The bill requires the program at a minimum to include a searchable database of assistance programs for domestic victims; a grant program to award grants to public and nonprofit organizations that provide assistance to domestic victims; recommended training programs for judges, prosecutors, and law enforcement personnel; and an outreach initiative about the program's services. The bill establishes procedures for a grant program and requires HHSC to report to the legislature summarizing the activities, funding, and outcomes of programs awarded a grant. The bill requires HHSC, with assistance from the Office of Court Administration, the Department of Public Safety, and local law enforcement agencies to create training programs for judges, prosecutors, and law enforcement personnel.

C.S.H.B. 4009 authorizes HHSC to use appropriated funds and to accept gifts, grants, and donations for the victim assistance program. The bill includes temporary provisions set to expire January 1, 2011, to require HHSC to conduct a study regarding additional funding strategies for the program and, in cooperation with appropriate governmental entities, identify appropriate revenue streams and submit a report regarding the funding study to the 82nd Legislature not later than December 1, 2010. The bill requires the report to 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 account to which the revenue may be credited. The bill defines "domestic victim" and provides for the meaning of "victim of trafficking."

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4009 differs from the original by specifying that the training programs for judges, prosecutors, and law enforcement personnel required to be included in the victim assistance program are to be recommended training programs. The substitute differs from the original by requiring the Health and Human Services Commission (HHSC) to create the training programs, whereas the original requires HHSC to implement training programs. The substitute omits language in the original including the Texas District and County Attorneys Association among the entities designated to assist HHSC in creating the training programs. The substitute differs from the original by requiring HHSC to conduct the funding study in cooperation with appropriate governmental entities.