

AN ACT

relating to the provision of services to certain persons involved in, and the prosecution, punishment, and prevention of, offenses involving trafficking of persons or certain forced or sex-based labor or services, and to law enforcement training related to offenses involving that trafficking.

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

SECTION 1. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.035 to read as follows:

Sec. 402.035. HUMAN TRAFFICKING PREVENTION TASK FORCE.

(a) In this section, "task force" means the human trafficking prevention task force.

(b) The office of the attorney general shall establish the human trafficking prevention task force to develop policies and procedures to assist in the prevention and prosecution of human trafficking crimes.

(c) The task force is composed of the following:

(1) the governor or the governor's designee;

(2) the attorney general or the attorney general's designee;

(3) the executive commissioner of the Health and Human Services Commission or the executive commissioner's designee;

(4) the commissioner of the Department of Family and Protective Services or the commissioner's designee;

1 (5) the public safety director of the Department of
2 Public Safety or the director's designee;

3 (6) one representative from each of the following
4 state agencies, appointed by the chief administrative officer of
5 the respective agency:

6 (A) the Texas Workforce Commission;

7 (B) the Texas Department of Criminal Justice;

8 (C) the Texas Youth Commission;

9 (D) the Texas Juvenile Probation Commission; and

10 (E) the Texas Alcoholic Beverage Commission; and

11 (7) as appointed by the attorney general:

12 (A) a public defender, as defined by Article
13 26.044, Code of Criminal Procedure;

14 (B) an attorney representing the state;

15 (C) a representative of:

16 (i) a hotel and motel association;

17 (ii) a district and county attorneys
18 association; and

19 (iii) a state police association;

20 (D) representatives of sheriff's departments;

21 (E) representatives of local law enforcement
22 agencies affected by human trafficking; and

23 (F) representatives of nongovernmental entities
24 making comprehensive efforts to combat human trafficking by:

25 (i) identifying human trafficking victims;

26 (ii) providing legal or other services to
27 human trafficking victims;

1 (iii) participating in community outreach
2 or public awareness efforts regarding human trafficking;

3 (iv) providing or developing training
4 regarding the prevention of human trafficking; or

5 (v) engaging in other activities designed
6 to prevent human trafficking.

7 (d) The task force shall:

8 (1) collaborate, as needed to fulfill the duties of
9 the task force, with:

10 (A) United States attorneys for the districts of
11 Texas; and

12 (B) special agents or customs and border
13 protection officers and border patrol agents of:

14 (i) the Federal Bureau of Investigation;

15 (ii) the United States Drug Enforcement
16 Administration;

17 (iii) the Bureau of Alcohol, Tobacco,
18 Firearms and Explosives;

19 (iv) the United States Immigration and
20 Customs Enforcement Agency; or

21 (v) the United States Department of
22 Homeland Security;

23 (2) collect, organize, and periodically publish
24 statistical data on the nature and extent of human trafficking in
25 this state;

26 (3) solicit cooperation and assistance from state and
27 local governmental agencies, political subdivisions of the state,

1 nongovernmental organizations, and other persons, as appropriate,
2 for the purpose of collecting and organizing statistical data under
3 Subdivision (2);

4 (4) ensure that each state or local governmental
5 agency and political subdivision of the state that assists in the
6 prevention of human trafficking collects statistical data related
7 to human trafficking, including, as appropriate:

8 (A) the number of investigations concerning,
9 arrests and prosecutions for, and convictions of:

10 (i) the offense of trafficking of persons;
11 and

12 (ii) the offense of forgery or an offense
13 under Chapter 43, Penal Code, if committed as part of a criminal
14 episode involving the trafficking of persons;

15 (B) demographic information on persons who are
16 convicted of offenses described by Paragraph (A) and persons who
17 are the victims of those offenses;

18 (C) geographic routes by which human trafficking
19 victims are trafficked and geographic patterns in human
20 trafficking, including the country or state of origin and the
21 country or state of destination;

22 (D) means of transportation and methods used by
23 persons who engage in trafficking to transport their victims; and

24 (E) social and economic factors that create a
25 demand for the labor or services that victims of human trafficking
26 are forced to provide;

27 (5) work with the Commission on Law Enforcement

1 Officer Standards and Education to develop and conduct training for
2 law enforcement personnel, victim service providers, and medical
3 service providers to identify victims of human trafficking;

4 (6) on the request of a judge of a county court, county
5 court at law, or district court or a county attorney, district
6 attorney, or criminal district attorney, assist and train the judge
7 or the judge's staff or the attorney or the attorney's staff in the
8 recognition and prevention of human trafficking;

9 (7) examine training protocols related to human
10 trafficking issues, as developed and implemented by federal, state,
11 and local law enforcement agencies;

12 (8) collaborate with state and local governmental
13 agencies, political subdivisions of the state, and nongovernmental
14 organizations to implement a media awareness campaign in
15 communities affected by human trafficking; and

16 (9) develop recommendations on how to strengthen state
17 and local efforts to prevent human trafficking, protect and assist
18 human trafficking victims, and prosecute human trafficking
19 offenders.

20 (e) The presiding officer of the task force is the attorney
21 general or the attorney general's designee.

22 (f) The office of the attorney general shall supervise the
23 administration of the task force. The attorney general shall
24 provide the necessary staff and facilities to assist the task force
25 in performing its duties.

26 (g) Not later than December 1 of each even-numbered year,
27 the task force shall submit a report regarding the task force's

1 activities, findings, and recommendations, including any proposed
2 legislation, to the governor, the lieutenant governor, and the
3 legislature.

4 (h) This section expires September 1, 2013.

5 SECTION 2. Chapter 531, Government Code, is amended by
6 adding Subchapter J-1 to read as follows:

7 SUBCHAPTER J-1. ASSISTANCE PROGRAM FOR DOMESTIC VICTIMS OF
8 TRAFFICKING

9 Sec. 531.381. DEFINITIONS. In this subchapter:

10 (1) "Domestic victim" means a victim of trafficking
11 who is a permanent legal resident or citizen of the United States.

12 (2) "Victim of trafficking" has the meaning assigned
13 by 22 U.S.C. Section 7102.

14 Sec. 531.382. VICTIM ASSISTANCE PROGRAM ESTABLISHED. The
15 commission shall develop and implement a program designed to assist
16 domestic victims, including victims who are children, in accessing
17 necessary services. The program must consist of at least the
18 following components:

19 (1) a searchable database of assistance programs for
20 domestic victims, including programs that provide mental health
21 services, other health services, services to meet victims' basic
22 needs, case management services, and any other services the
23 commission considers appropriate, that may be used to match victims
24 with appropriate resources;

25 (2) the grant program described by Section 531.383;

26 (3) recommended training programs for judges,
27 prosecutors, and law enforcement personnel; and

1 (4) an outreach initiative to ensure that victims,
2 judges, prosecutors, and law enforcement personnel are aware of the
3 availability of services through the program.

4 Sec. 531.383. GRANT PROGRAM. (a) Subject to available
5 funds, the commission shall establish a grant program to award
6 grants to public and nonprofit organizations that provide
7 assistance to domestic victims, including organizations that
8 provide public awareness activities, community outreach and
9 training, victim identification services, and legal services.

10 (b) To apply for a grant under this section, an applicant
11 must submit an application in the form and manner prescribed by the
12 commission. An applicant must describe in the application the
13 services the applicant intends to provide to domestic victims if
14 the grant is awarded.

15 (c) In awarding grants under this section, the commission
16 shall give preference to organizations that have experience in
17 successfully providing the types of services for which the grants
18 are awarded.

19 (d) A grant recipient shall provide reports as required by
20 the commission regarding the use of grant funds.

21 (e) Not later than December 1 of each even-numbered year,
22 the commission shall submit a report to the legislature summarizing
23 the activities, funding, and outcomes of programs awarded a grant
24 under this section and providing recommendations regarding the
25 grant program.

26 Sec. 531.384. TRAINING PROGRAMS. The commission, with
27 assistance from the Office of Court Administration of the Texas

1 Judicial System, the Department of Public Safety, and local law
2 enforcement agencies, shall create training programs designed to
3 increase the awareness of judges, prosecutors, and law enforcement
4 personnel of the needs of domestic victims, the availability of
5 services under this subchapter, the database of services described
6 by Section 531.382, and potential funding sources for those
7 services.

8 Sec. 531.385. FUNDING. (a) The commission may use
9 appropriated funds and may accept gifts, grants, and donations from
10 any sources for purposes of the victim assistance program
11 established under this subchapter.

12 (b) The commission shall conduct a study regarding
13 additional funding strategies for the victim assistance program.
14 In conducting the study, the commission, in cooperation with
15 appropriate governmental entities, shall identify appropriate
16 revenue streams, which may include revenue derived from:

17 (1) revenue streams similar to those used to fund
18 crime victims' compensation under Subchapter B, Chapter 56, Code of
19 Criminal Procedure;

20 (2) imposing additional court costs on defendants on
21 conviction of certain offenses;

22 (3) imposing additional fees on the filing of civil
23 cases;

24 (4) acquiring from law enforcement agencies the
25 proceeds from assets seized or forfeited under state or federal
26 law; and

27 (5) any other source identified by the commission.

1 (c) The commission shall submit a report regarding the
2 results of the study conducted under Subsection (b) to the 82nd
3 Legislature not later than December 1, 2010. The report must
4 include the commission's findings regarding appropriate revenue
5 streams for the victim assistance program, proposed legislation
6 necessary to receive the revenue for that purpose, and proposed
7 legislation regarding the establishment of a dedicated account to
8 which the revenue may be credited.

9 (d) This subsection and Subsections (b) and (c) expire
10 January 1, 2011.

11 SECTION 3. Section 772.006, Government Code, is amended by
12 adding Subsections (d), (e), and (f) to read as follows:

13 (d) The trafficking of persons investigation and
14 prosecution account is created in the general revenue fund. The
15 account is composed of legislative appropriations and other money
16 required by law to be deposited in the account. Income from money
17 in the account shall be credited to the account. Sections 403.095
18 and 404.071 do not apply to the account.

19 (e) The legislature may appropriate money from the
20 trafficking of persons investigation and prosecution account
21 created under Subsection (d) only to the criminal justice division
22 for the purposes of this subsection. The division may use the
23 appropriated money solely to distribute grants to:

24 (1) counties that apply for the grants and that have
25 dedicated full-time or part-time personnel to identify, prevent,
26 investigate, or prosecute offenses under Chapter 20A, Penal Code;
27 and

1 (2) nongovernmental organizations that apply for the
2 grants and that provide comprehensive services in this state to
3 prevent the commission of offenses under Chapter 20A, Penal Code,
4 or to address the needs of victims of those offenses, including
5 public awareness activities, community outreach and training,
6 victim identification services, legal services, and other services
7 designed to assist victims.

8 (f) The total amount of grants that may be distributed to
9 counties and nongovernmental organizations from the trafficking of
10 persons investigation and prosecution account during each state
11 fiscal year may not exceed \$10 million.

12 SECTION 4. Subchapter C, Chapter 141, Human Resources Code,
13 is amended by adding Section 141.056 to read as follows:

14 Sec. 141.056. STUDY OF ALTERNATIVES TO JUVENILE JUSTICE
15 SYSTEM FOR CHILDREN WHO ENGAGE IN ACTS OF PROSTITUTION. (a) The
16 director shall establish a committee to evaluate alternatives to
17 the juvenile justice system, such as government programs,
18 faith-based programs, and programs offered by nonprofit
19 organizations, for children who are accused of engaging in acts of
20 prostitution.

21 (b) The director shall determine the size of the committee.
22 The committee must be composed of:

23 (1) members of the Texas Juvenile Probation
24 Commission, the Texas Youth Commission, and other relevant state
25 agencies as determined by the director;

26 (2) members of the legislature;

27 (3) members of nongovernmental organizations that

1 provide programs and services to combat and prevent trafficking of
2 persons as described by Section 20A.02, Penal Code, in this state,
3 including the following with respect to that trafficking:

- 4 (A) programs to promote public awareness;
- 5 (B) programs to identify and provide services to
6 victims;
- 7 (C) legal services; and
- 8 (D) community outreach and training programs;

9 and

10 (4) other juvenile justice experts.

11 (c) Not later than January 1, 2011, the committee shall
12 prepare and deliver to each member of the legislature a report that
13 includes the results of the study and recommendations for
14 alternatives to the juvenile justice system for children who are
15 accused of engaging in acts of prostitution.

16 (d) This section expires June 1, 2011.

17 SECTION 5. Subchapter F, Chapter 1701, Occupations Code, is
18 amended by adding Section 1701.258 to read as follows:

19 Sec. 1701.258. EDUCATION AND TRAINING PROGRAMS ON
20 TRAFFICKING OF PERSONS. (a) The commission by rule shall require
21 an officer first licensed by the commission on or after January 1,
22 2011, to complete within a reasonable time after obtaining the
23 license a one-time basic education and training program on the
24 trafficking of persons. The program must:

25 (1) consist of at least four hours of training; and

26 (2) include a review of the substance of Sections

27 20A.02 and 43.05, Penal Code.

1 (b) The commission shall make available to each officer a
2 voluntary advanced education, instruction, and training program on
3 the trafficking of persons and compelling prostitution prohibited
4 under Sections 20A.02 and 43.05, Penal Code.

5 (c) Not later than January 1, 2011, the commission shall
6 begin offering the basic and advanced programs established under
7 this section. This subsection expires September 1, 2011.

8 SECTION 6. Section 1701.402, Occupations Code, is amended
9 by adding Subsection (h) to read as follows:

10 (h) As a requirement for an intermediate or advanced
11 proficiency certificate issued by the commission on or after
12 January 1, 2011, an officer must complete the basic education and
13 training program on the trafficking of persons described by Section
14 1701.258(a).

15 SECTION 7. Subsections (a) and (b), Section 20A.02, Penal
16 Code, are amended to read as follows:

17 (a) A person commits an offense if the person knowingly:

18 (1) [~~knowingly~~] traffics another person with the
19 intent or knowledge that the trafficked person will engage
20 in forced labor or services; or

21 (2) [~~intentionally or knowingly~~] benefits from
22 participating in a venture that involves an activity described by
23 Subdivision (1), including by receiving labor or services the
24 person knows are forced labor or services.

25 (b) Except as otherwise provided by this subsection, an
26 offense under this section is a felony of the second degree. An
27 offense under this section is a felony of the first degree if:

1 (1) the applicable conduct constitutes an offense
2 under Section 43.05 or 43.25 [~~43.02~~] and the person who is
3 trafficked is a child younger than 18 years of age at the time of the
4 offense, regardless of whether the actor knows the age of the child
5 at the time the actor commits the offense; or

6 (2) the commission of the offense results in the death
7 of the person who is trafficked.

8 SECTION 8. Section 43.02, Penal Code, is amended by adding
9 Subsection (d) to read as follows:

10 (d) It is a defense to prosecution under this section that
11 the actor engaged in the conduct that constitutes the offense
12 because the actor was the victim of conduct that constitutes an
13 offense under Section 20A.02.

14 SECTION 9. Subsection (a), Section 43.05, Penal Code, is
15 amended to read as follows:

16 (a) A person commits an offense if the person [~~he~~]
17 knowingly:

18 (1) causes another by force, threat, or fraud to
19 commit prostitution; or

20 (2) causes by any means a child [~~person~~] younger than
21 18 [~~17~~] years to commit prostitution, regardless of whether the
22 actor knows the age of the child at the time the actor commits the
23 offense.

24 SECTION 10. (a) Not later than December 1, 2009, the
25 office of the attorney general shall establish the human
26 trafficking prevention task force as required by Section 402.035,
27 Government Code, as added by this Act.

1 (b) Not later than October 1, 2009, the executive director
2 of the Texas Juvenile Probation Commission shall establish a
3 committee to evaluate alternatives to the juvenile justice system
4 for children who are accused of engaging in acts of prostitution, as
5 required by Section 141.056, Human Resources Code, as added by this
6 Act.

7 (c) Not later than December 1, 2010, the Commission on Law
8 Enforcement Officer Standards and Education shall adopt the rules
9 necessary to implement Section 1701.258, Occupations Code, as added
10 by this Act.

11 (d) The changes in law made by this Act to Sections 20A.02,
12 43.02, and 43.05, Penal Code, apply only to an offense committed on
13 or after the effective date of this Act. An offense committed
14 before the effective date of this Act is covered by the law in
15 effect when the offense was committed, and the former law is
16 continued in effect for that purpose. For purposes of this section,
17 an offense was committed before the effective date of this Act if
18 any element of the offense was committed before that date.

19 SECTION 11. This Act does not make an appropriation. A
20 provision in this Act that creates a new governmental program,
21 creates a new entitlement, or imposes a new duty on a governmental
22 entity is not mandatory during a fiscal period for which the
23 legislature has not made a specific appropriation to implement the
24 provision.

25 SECTION 12. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 4009 was passed by the House on May 14, 2009, by the following vote: Yeas 133, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 4009 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 4009 on May 31, 2009, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 4009

I certify that H.B. No. 4009 was passed by the Senate, with amendments, on May 23, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 4009 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor