

By: Van de Putte, et al.

S.B. No. 89

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution, punishment, and prevention of offenses
3 involving trafficking of persons or certain forced or sex-based
4 labor or services, law enforcement training relating to the
5 trafficking of persons, and the creation of the trafficking of
6 persons investigation and prosecution account in the general
7 revenue fund.

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

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

11 Sec. 402.035. HUMAN TRAFFICKING PREVENTION TASK FORCE.

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

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

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

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

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

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

24 (4) the commissioner of the Department of Family and

1 Protective Services or the commissioner's designee;

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

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

7 (A) the Texas Workforce Commission;

8 (B) the Texas Department of Criminal Justice;

9 (C) the Texas Youth Commission;

10 (D) the Texas Juvenile Probation Commission; and

11 (E) the Texas Alcoholic Beverage Commission; and

12 (7) as appointed by the attorney general:

13 (A) a public defender, as defined by Article
14 26.044, Code of Criminal Procedure;

15 (B) an attorney representing the state;

16 (C) a representative of:

17 (i) a hotel and motel association;

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

20 (iii) a state police association;

21 (D) representatives of sheriff's departments;

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

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

26 (i) identifying human trafficking victims;

27 (ii) providing legal or other services to

1 human trafficking victims;
2 (iii) participating in community outreach
3 or public awareness efforts regarding human trafficking;
4 (iv) providing or developing training
5 regarding the prevention of human trafficking; or
6 (v) engaging in other activities designed
7 to prevent human trafficking.

8 (d) The task force shall:

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

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

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

15 (i) the Federal Bureau of Investigation;

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

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

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

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

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

27 (3) solicit cooperation and assistance from state and

1 local governmental agencies, political subdivisions of the state,
2 nongovernmental organizations, and other persons, as appropriate,
3 for the purpose of collecting and organizing statistical data under
4 Subdivision (2);

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

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

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

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

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

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

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

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

1 (5) work with the Commission on Law Enforcement
2 Officer Standards and Education to develop and conduct training for
3 law enforcement personnel, victim service providers, and medical
4 service providers to identify victims of human trafficking;

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

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

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

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

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

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

27 (g) Not later than December 1 of each even-numbered year,

1 the task force shall submit a report regarding the task force's
2 activities, findings, and recommendations, including any proposed
3 legislation, to the governor, the lieutenant governor, and the
4 legislature.

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

6 SECTION 2. Section 772.006, Government Code, is amended by
7 adding Subsections (d), (e), and (f) to read as follows:

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

14 (e) The legislature may appropriate money from the
15 trafficking of persons investigation and prosecution account
16 created under Subsection (d) only to the criminal justice division
17 for the purposes of this subsection. The division may use the
18 appropriated money solely to distribute grants to:

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

23 (2) nongovernmental organizations that apply for the
24 grants and that provide comprehensive services in this state to
25 prevent the commission of offenses under Chapter 20A, Penal Code,
26 or to address the needs of victims of those offenses, including
27 public awareness activities, community outreach and training,

1 victim identification services, legal services, and other services
2 designed to assist victims.

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

7 SECTION 3. Subchapter C, Chapter 141, Human Resources Code,
8 is amended by adding Section 141.056 to read as follows:

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

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

18 (1) members of the Texas Juvenile Probation
19 Commission, the Texas Youth Commission, and other relevant state
20 agencies as determined by the director;

21 (2) members of the legislature;

22 (3) members of nongovernmental organizations that
23 provide programs and services to combat and prevent trafficking of
24 persons as described by Section 20A.02, Penal Code, in this state,
25 including the following with respect to that trafficking:

26 (A) programs to promote public awareness;

27 (B) programs to identify and provide services to

1 victims;

2 (C) legal services; and

3 (D) community outreach and training programs;

4 and

5 (4) other juvenile justice experts.

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

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

12 SECTION 4. Subchapter F, Chapter 1701, Occupations Code, is
13 amended by adding Section 1701.258 to read as follows:

14 Sec. 1701.258. EDUCATION AND TRAINING PROGRAMS ON
15 TRAFFICKING OF PERSONS. (a) The commission by rule shall require
16 an officer first licensed by the commission on or after January 1,
17 2011, to complete within a reasonable time after obtaining the
18 license a one-time basic education and training program on the
19 trafficking of persons. The program must:

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

21 (2) include a review of the substance of Sections
22 20A.02 and 43.05, Penal Code.

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

27 (c) Not later than January 1, 2011, the commission shall

1 begin offering the basic and advanced programs established under
2 this section. This subsection expires September 1, 2011.

3 SECTION 5. Section 1701.402, Occupations Code, is amended
4 by adding Subsection (h) to read as follows:

5 (h) As a requirement for an intermediate or advanced
6 proficiency certificate issued by the commission on or after
7 January 1, 2011, an officer must complete the basic education and
8 training program on the trafficking of persons described by Section
9 1701.258(a).

10 SECTION 6. Subsections (a) and (b), Section 20A.02, Penal
11 Code, are amended to read as follows:

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

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

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

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

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

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

3 SECTION 7. Section 43.02, Penal Code, is amended by adding
4 Subsection (d) to read as follows:

5 (d) It is a defense to prosecution under this section that
6 the actor engaged in the conduct that constitutes the offense
7 because the actor was the victim of conduct that constitutes an
8 offense under Section 20A.02.

9 SECTION 8. Subsection (a), Section 43.05, Penal Code, is
10 amended to read as follows:

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

13 (1) causes another by force, threat, or fraud to
14 commit prostitution; or

15 (2) causes by any means a child [~~person~~] younger than
16 18 [~~17~~] years to commit prostitution, regardless of whether the
17 actor knows the age of the child at the time the actor commits the
18 offense.

19 SECTION 9. (a) Not later than December 1, 2009, the office
20 of the attorney general shall establish the human trafficking
21 prevention task force as required by Section 402.035, Government
22 Code, as added by this Act.

23 (b) Not later than October 1, 2009, the executive director
24 of the Texas Juvenile Probation Commission shall establish a
25 committee to evaluate alternatives to the juvenile justice system
26 for children who are accused of engaging in acts of prostitution, as
27 required by Section 141.056, Human Resources Code, as added by this

1 Act.

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

6 (d) The changes in law made by this Act to Sections 20A.02,
7 43.02, and 43.05, Penal Code, apply only to an offense committed on
8 or after the effective date of this Act. An offense committed
9 before the effective date of this Act is covered by the law in
10 effect when the offense was committed, and the former law is
11 continued in effect for that purpose. For purposes of this section,
12 an offense was committed before the effective date of this Act if
13 any element of the offense was committed before that date.

14 SECTION 10. This Act does not make an appropriation. This
15 Act takes effect only if a specific appropriation for the
16 implementation of the Act is provided in a general appropriations
17 act of the 81st Legislature.

18 SECTION 11. This Act takes effect September 1, 2009.