

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 5, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **SB89** by Van de Putte (Relating to the prosecution, punishment, and prevention of offenses involving trafficking of persons or certain forced or sex-based labor or services, law enforcement training relating to the trafficking of persons, and the creation of the trafficking of persons investigation and prosecution account in the general revenue fund.), As Introduced

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB89, As Introduced: a negative impact of (\$22,810,893) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$11,627,519)
2011	(\$11,183,374)
2012	(\$10,971,179)
2013	(\$11,168,944)
2014	(\$10,000,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	(\$11,627,519)	9.0
2011	(\$11,183,374)	11.0
2012	(\$10,971,179)	11.0
2013	(\$11,168,944)	11.0
2014	(\$10,000,000)	0.0

Fiscal Analysis

SECTIONS 1 and 2 of the bill would amend the Government Code to establish within the Office of the Attorney General (OAG) a human trafficking prevention task force that would develop policies, procedures, data collection, and training to assist in the prevention and prosecution of human trafficking crimes. Representatives from various state, local, and non-governmental entities would be on the task force. The bill would also create an account in the general revenue fund to fund the investigation, prosecution, and prevention of human trafficking activities, with a cap of \$10 million per fiscal year.

SECTION 3 of the bill would amend the Human Resources Code to require the director of the Texas Juvenile Probation Commission to establish a committee to evaluate and report on alternatives to the juvenile justice system for children who are accused of engaging in acts of prostitution.

SECTIONS 4 and 5 of the bill would amend the Occupations Code to authorize the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to require newly licensed officers to take a one-time basic education and training program on the trafficking of persons, and would require the commission to make available to each peace officer a voluntary training program.

SECTIONS 6, 7, 8 and 9 of the bill would amend the Penal Code to provide separate offenses and sentencing for sex trafficking of an adult and sex trafficking of a child; and would allow for prosecution of offenses committed under this chapter as well as offenses that may be committed under other sections of the Penal Code. The bill would also increase protections for underage prostitutes and would increase penalties for compelling underage prostitution.

SECTION 10 of the bill would require the OAG to establish the human trafficking prevention task force not later than December 1, 2009, and would require the director of the Texas Juvenile Probation Commission to establish, not later than October 1, 2009, a committee to evaluate alternatives to the juvenile justice system for children accused of engaging in acts of prostitution. It would also require TCLEOSE to adopt the necessary rules not later than December 1, 2010.

## **Methodology**

The majority of the bill's fiscal impact would come from the Governor's Criminal Justice Division for making grants to eligible organizations. The remaining fiscal impact would be with the OAG due to increased workload from:

- researching policies and procedures of other state task forces;
- conducting and attending Task Force meetings, both in state and out of state;
- reviewing existing internal and external human trafficking database systems and reports;
- creating and maintaining a database (estimate 500 to 1000 human trafficking incidents per year);
- reviewing existing training protocols with judges, attorneys, law enforcement, sexual assault programs, and human trafficking related coalitions;
- developing, scheduling and conducting training;
- implementing a media awareness campaign; and
- preparing biennial reports on data analysis and recommendations.

The OAG would require additional administrative, graphics, information, research, programming, database system, and investigative FTE positions as a result of this increased workload.

Select members of the Task Force would require travel, including out of state travel for meetings with Federal officials, and per diem reimbursements to attend meetings and participate in Task Force duties. An additional rider would need to be added to the OAG's bill pattern to authorize the reimbursement of travel expenses for select members of the task force.

The four hour classroom and online training courses provided by TCLEOSE would have a fiscal impact of \$42,000 in FY2010, \$2,000 in FY2012, and \$2,000 for each subsequent biennium.

The bill would create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication would be subject to funds consolidation review.

It is assumed that the legislature will appropriate up to \$10.0 million in General Revenue per fiscal year to the new GR-Dedicated Trafficking of Persons Investigation and Prosecution Account for grants to be awarded by the Governor's Criminal Justice Division to counties and non-governmental organizations.

It is assumed that the number of offenders convicted under the provisions of the bill would not result in a significant fiscal impact on the programs and workload of state corrections agencies.

Other responding agencies reported that any costs associated with either providing representation on the Task Force or preparing reports could be absorbed within existing resources.

**Technology**

Technology related items for the OAG include \$18,636 in FY2010 and \$3,430 in FY2011 for network stations, software, printers, a laptop and a projector. Other costs include \$19,000 in FY2010-2013 for Data Center storage.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 665 Juvenile Probation Commission, 694 Youth Commission, 696 Department of Criminal Justice

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