

## **BILL ANALYSIS**

C.S.H.B. 188  
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Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Several years ago the Texas Legislature created the Human Trafficking Prevention Task Force in an effort to create a statewide partnership between law enforcement agencies, nongovernmental organizations, legal representatives, and state agencies that are fighting against the crime of human trafficking. Observers note that the task force has worked to develop policies and procedures to assist in the prevention and prosecution of human trafficking crimes as well as propose legislative recommendations that better protect both adult and child victims. C.S.H.B. 188 seeks to continue the task force.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 188 amends the Government Code to continue the Human Trafficking Prevention Task Force until September 1, 2017. The bill adds a representative of a statewide medical association to be included among the persons appointed to the task force by the attorney general. The bill includes second degree felony prostitution involving the solicitation of a person younger than 18 years of age, regardless of whether the actor knows the person's age at the time the actor commits the offense and regardless of whether the offense was committed as part of a criminal episode involving human trafficking, among the offenses for which the task force must ensure that each entity assisting in human trafficking prevention collects statistical data relating to investigations, arrests, prosecutions, and convictions. The bill requires the task force to develop recommendations for addressing the demand for forced labor or services or sexual conduct involving victims of human trafficking, including recommendations for increased penalties for individuals who engage or attempt to engage in prostitution with victims younger than 18 years of age.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 188 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

## INTRODUCED

SECTION 1. Sections 402.035(d) and (h), Government Code, are amended to read as follows:

## HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 402.035(c), (d), and (h), Government Code, are amended to read as follows:

(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;

(5) the commissioner of the Department of State Health Services or the commissioner's designee;

(6) the public safety director of the Department of Public Safety or the director's designee;

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

(A) the Texas Workforce Commission;

(B) the Texas Department of Criminal Justice;

(C) the Texas Juvenile Justice Department ~~Youth Commission~~;

~~(D) the Texas Juvenile Probation Commission~~; and

(D) [(E)] the Texas Alcoholic Beverage Commission; and

(8) as appointed by the attorney general:

(A) a chief public defender employed by a public defender's office, as defined by Article 26.044(a), Code of Criminal Procedure, or an attorney designated by the chief public defender;

(B) an attorney representing the state;

(C) a representative of:

(i) a hotel and motel association;

(ii) a district and county attorneys association; ~~and~~

(iii) a state police association; and

(iv) a statewide medical association;

(D) representatives of sheriff's departments;

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

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

(i) identifying human trafficking victims;

(ii) providing legal or other services to

(d) The task force shall:

- (1) collaborate, as needed to fulfill the duties of the task force, with:
  - (A) United States attorneys for the districts of Texas; and
  - (B) special agents or customs and border protection officers and border patrol agents of:
    - (i) the Federal Bureau of Investigation;
    - (ii) the United States Drug Enforcement Administration;
    - (iii) the Bureau of Alcohol, Tobacco, Firearms and Explosives;
    - (iv) United States Immigration and Customs Enforcement; or
    - (v) the United States Department of Homeland Security;
- (2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);
- (3) solicit cooperation and assistance from state and local governmental agencies, political subdivisions of the state, nongovernmental organizations, and other persons, as appropriate, for the purpose of collecting and organizing statistical data under Subdivision (2);
- (4) ensure that each state or local governmental agency and political subdivision of the state and each state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:
  - (A) the number of investigations concerning, arrests and prosecutions for, and convictions of:
    - (i) the offense of trafficking of persons; ~~[and]~~
    - (ii) the offense of forgery or an offense under Chapter 43, Penal Code, if the offense was committed as part of a criminal episode involving the trafficking of persons; and
    - (iii) an offense punishable under Section 43.02(c)(3), Penal Code, regardless of

human trafficking victims;

- (iii) participating in community outreach or public awareness efforts regarding human trafficking;
- (iv) providing or developing training regarding the prevention of human trafficking; or
- (v) engaging in other activities designed to prevent human trafficking.

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    - (i) the Federal Bureau of Investigation;
    - (ii) the United States Drug Enforcement Administration;
    - (iii) the Bureau of Alcohol, Tobacco, Firearms and Explosives;
    - (iv) United States Immigration and Customs Enforcement; or
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- (2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);
- (3) solicit cooperation and assistance from state and local governmental agencies, political subdivisions of the state, nongovernmental organizations, and other persons, as appropriate, for the purpose of collecting and organizing statistical data under Subdivision (2);
- (4) ensure that each state or local governmental agency and political subdivision of the state and each state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:
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    - (ii) the offense of forgery or an offense under Chapter 43, Penal Code, if the offense was committed as part of a criminal episode involving the trafficking of persons; and
    - (iii) an offense punishable under Section 43.02(c)(3), Penal Code, regardless of

whether the offense was committed as part of a criminal episode involving the trafficking of persons;

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

(C) geographic routes by which human trafficking victims are trafficked, including routes by which victims are trafficked across this state's international border, and geographic patterns in human trafficking, including the country or state of origin and the country or state of destination;

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

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

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

(6) work with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to:

(A) develop a list of key indicators that a person is a victim of human trafficking;

(B) develop a standardized curriculum for training doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(C) train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(D) develop and conduct training for personnel from the Department of Family and Protective Services and the Health and Human Services Commission on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking; and

(E) develop a process for referring

whether the offense was committed as part of a criminal episode involving the trafficking of persons;

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(C) train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(D) develop and conduct training for personnel from the Department of Family and Protective Services and the Health and Human Services Commission on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking; and

(E) develop a process for referring

identified human trafficking victims and individuals at risk of becoming victims to appropriate entities for services;

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

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

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

(10) develop recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, and prosecute human trafficking offenders; ~~and~~

(11) examine the extent to which human trafficking is associated with the operation of sexually oriented businesses, as defined by Section 243.002, Local Government Code, and the workplace or public health concerns that are created by the association of human trafficking and the operation of sexually oriented businesses; and

(12) develop recommendations for addressing the demand for forced labor or services or sexual conduct involving victims of human trafficking, including recommendations for increased penalties for individuals who engage or attempt to engage in prostitution with victims younger than 18 years of age.

(h) This section expires September 1, 2017 [2015].

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

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(12) develop recommendations for addressing the demand for forced labor or services or sexual conduct involving victims of human trafficking, including recommendations for increased penalties for individuals who engage or attempt to engage in prostitution with victims younger than 18 years of age.

(h) This section expires September 1, 2017 [2015].

SECTION 2. Same as introduced version.