

## **BILL ANALYSIS**

C.S.H.B. 1217  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

One of the most vulnerable populations affected by human trafficking consists of children who run away from home. According to the National Center for Missing and Exploited Children, it is estimated that over 60 percent of likely child sex trafficking victims were either in foster care or a group home setting prior to running away. Interested parties note that the Department of Family and Protective Services (DFPS) is currently required to conduct an interview with a child who went missing from a substitute care provider to determine the reason the child was missing and where the child stayed during that time. If the child indicates that the child was a victim of a crime during this time, DFPS is required to make a report to an appropriate law enforcement agency. The parties point out that this requirement does not specifically address whether the child was a potential victim of sex trafficking. C.S.H.B. 1217 seeks to better protect children in the care of the state who may be victims of sex trafficking.

### **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. 1217 amends the Family Code to require the Department of Family and Protective Services (DFPS), in an interview with a child in DFPS managing conservatorship who was missing and subsequently returned to the child's substitute care provider, to determine whether, while missing, the child was a victim of conduct that constitutes an offense relating to the sex trafficking of a child. The bill requires DFPS to collect information on each child in DFPS managing conservatorship who is missing from the child's substitute care provider and on each child who, while in DFPS managing conservatorship, is a victim of sex trafficking. The bill requires the collected information to include information on whether the DFPS managing conservatorship is temporary or permanent, the type of substitute care in which the child is placed, and the child's sex, age, race, and ethnicity and the DFPS region in which the child resides. The bill requires DFPS to prepare an annual report on the collected information and to make the report available on the DFPS website. The bill prohibits the report from including any individually identifiable information regarding a child who is the subject of information in the report.

### **EFFECTIVE DATE**

September 1, 2015.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1217 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. The heading to Section 264.123, Family Code, is amended.

SECTION 2. Section 264.123, Family Code, is amended by amending Subsection (f) and adding Subsections (g) and (h) to read as follows:

(f) After a missing child returns to the child's substitute care provider, the department shall interview the child to determine the reasons why the child was missing, ~~and~~ where the child stayed during the time the child was missing, and whether, while missing, the child was a victim of conduct that constitutes an offense under Section 20A.02(a)(7), Penal Code. The department shall report to an appropriate law enforcement agency any disclosure made by a child that indicates that the child was the victim of a crime during the time the child was missing. The department shall make a report under this subsection not later than 24 hours after the time the disclosure is made. The department is not required to interview a missing child under this subsection if, at the time the child returns, the department knows that the child was abducted and another agency is investigating the abduction.

(g) The department shall collect information on each child in the department's managing conservatorship who is missing from the child's substitute care provider and on each child who, while in the department's managing conservatorship, is a victim of conduct that constitutes an offense under Section 20A.02(a)(7), Penal Code. The collected information must include information on:

(1) whether the managing conservatorship of the department is temporary or permanent;

(2) the type of substitute care in which the child is placed; and

(3) the child's county of residence, sex, age, race, and ethnicity.

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 264.123, Family Code, is amended by amending Subsection (f) and adding Subsections (g) and (h) to read as follows:

(f) After a missing child returns to the child's substitute care provider, the department shall interview the child to determine the reasons why the child was missing, ~~and~~ where the child stayed during the time the child was missing, and whether, while missing, the child was a victim of conduct that constitutes an offense under Section 20A.02(a)(7), Penal Code. The department shall report to an appropriate law enforcement agency any disclosure made by a child that indicates that the child was the victim of a crime during the time the child was missing. The department shall make a report under this subsection not later than 24 hours after the time the disclosure is made. The department is not required to interview a missing child under this subsection if, at the time the child returns, the department knows that the child was abducted and another agency is investigating the abduction.

(g) The department shall collect information on each child in the department's managing conservatorship who is missing from the child's substitute care provider and on each child who, while in the department's managing conservatorship, is a victim of conduct that constitutes an offense under Section 20A.02(a)(7), Penal Code. The collected information must include information on:

(1) whether the managing conservatorship of the department is temporary or permanent;

(2) the type of substitute care in which the child is placed; and

(3) the child's sex, age, race, and ethnicity and the department region in which the child

(h) The department shall prepare a quarterly report on the information collected under Subsection (g) and make the report available on the department's Internet website. The report may not include any individually identifiable information regarding a child who is the subject of information in the report.

SECTION 3. This Act takes effect September 1, 2015.

resides.

(h) The department shall prepare an annual report on the information collected under Subsection (g) and make the report available on the department's Internet website. The report may not include any individually identifiable information regarding a child who is the subject of information in the report.

SECTION 3. Same as introduced version.