

## **BILL ANALYSIS**

Senate Research Center  
85R1588 MM-D

S.B. 128  
By: Garcia  
Transportation  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There is an immediate need to address human trafficking in Texas. According to the Texas Department of Public Safety (DPS), "sex trafficking is the fastest growing business of organized crime, and the third-largest criminal enterprise in the world," and Texas' attorney general, Ken Paxton, has said "human trafficking is modern day slavery, and Texas is one of the top destination points for victims and traffickers in the nation." In a 2015 report, the National Human Trafficking Resource Center (NHTRC) found that Texas ranked second in number of human trafficking cases, behind California. In 2016, NHTRC reports that there were 2,135 calls to the National Human Trafficking Hotline from Texas, which resulted in 670 cases of human trafficking. 85 percent of those victims were female. Another source, the Federal Bureau of Investigation's national Uniform Crime Report (UCR), found that from 2013 to 2015 Texas reported 285 human trafficking offenses, resulting in 565 arrests, which was the highest out of the 27 participating states and U.S. territories.

But innovative solutions are possible to help track, report, and prevent human trafficking in Texas. By partnering with Truckers Against Trafficking (TAT), Texas could tap into a huge network of eyes and ears in the areas most frequented by traffickers and victims, such as public rest stops, travel plazas, restaurants, hotels, and out on the roads. As of 2016, there are approximately 685,000 licensed commercial drivers in Texas, so equipping members of the trucking industry with the knowledge on how to spot and report potential signs of sex trafficking can ultimately lead to the investigation, arrest, and prosecution of traffickers and freedom for victims.

Before TAT existed, only sporadic tips were being reported by the trucking industry, but now they have made over 1,534 calls to NHTRC, generating 471 cases of sex trafficking involving 1,033 victims, 285 of those minors, making them one of the fastest growing demographic of callers nationwide. TAT reports that as of December 2016, Ohio is the only state that requires commercial driver's license (CDL) applicants to train in human trafficking prevention, so Texas has an opportunity to lead in the fight against trafficking and set the model for increased awareness and reporting. S.B. 128 amends the Transportation Code to require DPS, by rule, to prescribe minimum standards for a training course on the recognition and prevention of human trafficking that is required for CDL applicants, and develop an approval procedure for these courses. DPS may consult with organizations that develop such courses in adopting this rule. The support for S.B. 128 includes TAT, Children at Risk, United Against Human Trafficking, and the Texas Truckers Association, all of whom are ready and willing to assist DPS with the implementation of this rule.

As proposed, S.B. 128 amends current law relating to a required training course on human trafficking for commercial driver's license applicants.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department of Public Safety in SECTION 3 (Section 522.035, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 522.021, Transportation Code, by adding Subsection (a-2), to require that an applicant for a commercial driver's license (CDL) furnish to the Texas Department of Public Safety (DPS) evidence satisfactory to DPS that the applicant has successfully completed a recognition and prevention of human trafficking training course approved by DPS under Section 522.035.

SECTION 2. Amends Section 522.022, Transportation Code, as follows:

Sec. 522.022. LICENSE REQUIREMENTS. Prohibits DPS from issuing a CDL other than a non-domiciled license to a person unless the person:

- (1) makes no changes to this subdivision;
- (2) makes a nonsubstantive change;
- (3) has completed a recognition and prevention of human trafficking training course approved by DPS under Section 522.035; and
- (4) Redesignates existing Subdivision (3) as Subdivision (4) and makes no further changes.

SECTION 3. Amends Subchapter C, Chapter 522, Transportation Code, by adding Section 522.035, as follows:

Sec. 522.035. RECOGNITION AND PREVENTION OF HUMAN TRAFFICKING TRAINING COURSE. (a) Requires DPS, by rule, to prescribe minimum standards for the training course on the recognition and prevention of human trafficking that is required for CDL applicants under Section 522.022; and develop an approval procedure for training courses that meet the minimum standards prescribed under this subsection.

(b) Authorizes DPS, in adopting the rules, to consult with organizations that develop training courses on the recognition and prevention of human trafficking.

SECTION 4. (a) Requires DPS, not later than December 1, 2017, to adopt rules necessary to implement Section 522.035, Transportation Code, as added by this Act.

(b) Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2017.