

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 128
By: Garcia
Transportation
3/23/2017
Committee Report (Substituted)

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 demographics 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. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 128 amends current law relating to the inclusion of education and training regarding human trafficking in the curriculum of commercial driver's license training programs offered by public junior colleges and career schools and colleges and to certain requirements for commercial driver's licenses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 130.0105, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 2 (Section 132.006, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Department of Public Safety in SECTION 4 (Section 522.035, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 130, Education Code, by adding Section 130.0105, as follows:

Sec. 130.0105. COMMERCIAL DRIVER'S LICENSE TRAINING PROGRAM; CERTAIN CURRICULUM REQUIREMENTS. (a) Requires the Texas Higher Education Coordinating Board (THECB), by rule, to require each public junior college offering a commercial driver's license training program to include as a part of that program education and training on the recognition and prevention of human trafficking.

(b) Requires THECB, in collaboration with the Office of the Attorney General (OAG), to establish the content of the education and training required by this section.

SECTION 2. Amends Subchapter A, Chapter 132, Education Code, by adding Section 132.006, as follows:

Sec. 132.006. COMMERCIAL DRIVER'S LICENSE TRAINING PROGRAM; CERTAIN CURRICULUM REQUIREMENTS. (a) Requires the Texas Workforce Commission (TWC), by rule, to require each career school or college offering a commercial driver's license training program to include as part of that program education and training on the recognition and prevention of human trafficking.

(b) Requires TWC, in collaboration with OAG, to establish the content of the education and training required by this section.

SECTION 3. Amends Section 522.022, Transportation Code, as follows:

Sec. 522.022. LICENSE REQUIREMENTS. Prohibits the Texas Department of Public Safety (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) has passed knowledge and skills tests for driving a commercial motor vehicle that include questions prescribed by DPS under Section 522.035 regarding the recognition and prevention of human trafficking; and

(3) makes no changes to this subdivision.

SECTION 4. Amends Subchapter C, Chapter 522, Transportation Code, by adding Section 522.035, as follows:

Sec. 522.035. RECOGNITION AND PREVENTION OF HUMAN TRAFFICKING. (a) Requires DPS, by rule, to prescribe questions for the commercial driver's license knowledge and skills test required by Section 522.022 regarding the recognition and prevention of human trafficking. Authorizes DPS, in adopting rules under this subsection, to consult with THECB, TWC, and organizations that specialize in the recognition and prevention of human trafficking.

(b) Requires DPS to provide informational materials regarding the recognition and prevention of human trafficking for distribution to commercial driver's license applicants. Authorizes DPS to coordinate with organizations that

specialize in the recognition and prevention of human trafficking to provide informational materials as required by this subsection.

SECTION 5. (a) Requires THECB, not later than December 1, 2017, to adopt rules necessary to implement Section 130.0105, Education Code, as added by this Act.

(b) Requires TWC, not later than December 1, 2017, to adopt rules necessary to implement Section 132.006, Education Code, as added by this Act.

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

(d) Makes application of this Act prospective to December 1, 2017.

SECTION 6. Effective date: upon passage or September 1, 2017.