87R20477 MCK-D

By:  A. Johnson of Harris, Thompson of Harris, H.B. No. 2633

     Bonnen, Howard, Leach, et al.

Substitute the following for H.B. No. 2633:

By:  Hinojosa C.S.H.B. No. 2633

A BILL TO BE ENTITLED

AN ACT

relating to resources provided to human trafficking victims and the establishment of the trafficked persons grant program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 50, Health and Safety Code, as added by Chapter 413 (S.B. 20), Acts of the 86th Legislature, Regular Session, 2019, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. TRAFFICKED PERSONS GRANT PROGRAM

Sec. 50.0151.  DEFINITIONS. In this subchapter:

(1)  "Account" means the trafficked persons program account established under Section 50.0153.

(2)  "Department" means the Department of Family and Protective Services.

(3)  "Grant program" means the trafficked persons grant program established under Section 50.0155.

Sec. 50.0152.  PURPOSE. The purpose of the trafficked persons program account is to provide money:

(1)  to substantiate this state's interest in publicly operated and funded shelter and treatment for victims of an offense of trafficking of persons as defined by Article 56B.003, Code of Criminal Procedure;

(2)  to prevent the recruitment of human trafficking victims within mixed-status child, youth, and young adult shelters;

(3)  for consistent and recurring funding of long-term solutions for providing research-based treatment and safe and secure shelter to child, youth, and young adult victims of human trafficking;

(4)  for financial stability of local governments, private partners, and medical facilities in planning, building, and maintaining dedicated housing and recovery programs for victims of human trafficking; and

(5)  to raise awareness of the account among businesses and philanthropists in this state and to strengthen public and private partnerships established to end the practice of human trafficking.

Sec. 50.0153.  ESTABLISHMENT OF ACCOUNT. (a) The trafficked persons program account is a dedicated account in the general revenue fund.

(b)  The account consists of:

(1)  contributions made under Section 2054.252, Government Code;

(2)  contributions made under Sections 502.416, 521.013, and 522.0296, Transportation Code;

(3)  fees for the specialty license plates issued under Section 504.675, Transportation Code;

(4)  gifts, grants, and donations received for the account; and

(5)  interest, dividends, and other income of the account.

(c)  Section 403.0956, Government Code, does not apply to the account.

(d)  Money in the account may be appropriated only to:

(1)  the grant program;

(2)  the sex trafficking prevention and victim treatment programs established under this chapter;

(3)  the trafficked persons program established under Section 54.04012, Family Code; and

(4)  the administration of a program described by Section 264.004(d), Family Code.

(e)  The legislature may not use money in the account to offset any other appropriations designated to the department or commission.

Sec. 50.0154.  ACCOUNT ADMINISTRATION. (a) The commission shall administer the account and by rule establish guidelines for distributing money from the account in accordance with this subchapter.

(b)  The commission shall distribute money from the account to the grant program until the commission determines that the grant program's purposes are satisfied statewide. Following that determination, the commission may distribute money from the account to a program described by Section 50.0153(d)(2), (3), or (4).

(c)  The comptroller may audit money distributed under this section.

Sec. 50.0155.  TRAFFICKED PERSONS GRANT PROGRAM. (a) The commission shall establish the trafficked persons grant program to provide grants to applicants for dedicated housing and treatment facilities provided to human trafficking victims.

(b)  The commission by rule shall establish and publish on its Internet website eligibility criteria for grant recipients. The commission must develop the criteria using research-based best practices and require the recipient to provide:

(1)  immediate trauma support to a human trafficking victim on the victim's initial rescue or recovery from trafficking;

(2)  wraparound services to facilitate a continuity of care for human trafficking victims placed in the recipient's facility as assisted by:

(A)  the Child Sex Trafficking Prevention Unit established under Section 772.0062, Government Code; or

(B)  the governor's program for victims of child sex trafficking established under Section 772.0063, Government Code; and

(3)  safe and constitutionally secure shelter that considers the clear and present danger of organized crime to the children and youth housed in the facility.

(c)  A grant applicant must provide to the commission plans that include:

(1)  a process for obtaining the consent of a qualified guardian of a human trafficking victim for the applicant's services and treatment;

(2)  a strategy for addressing the spectrum of needs for human trafficking victims, including victims whose history of trauma poses a risk to other residents of the shelter or facility;

(3)  a statement on whether the shelter or facility will provide:

(A)  acute or subacute services to address the immediate medical or treatment needs of the victims;

(B)  short-term housing services following initial rescue or recovery of victims; and

(C)  residential treatment services to meet long-term needs of victims; and

(4)  a statement on whether the shelter or facility will provide separate housing space according to age, risk, and medical or mental health needs of victims.

(d)  In determining whether to award a grant under this section, the commission shall prioritize applicants operating a shelter or facility that:

(1)  satisfies the requirements under Chapter 42, Human Resources Code;

(2)  provides dedicated housing or shelter space for the exclusive use of human trafficking victims; and

(3)  has not adopted a policy that allows the facility to refuse for any reason to provide facility services to persons presented to the facility by any person involved in the recovery of human trafficking victims.

Sec. 50.0156.  REQUIRED GRANT CONTRACT. Before awarding a grant under this subchapter, the commission shall enter into a written agreement with the recipient specifying that:

(1)  if the commission finds that the recipient has not complied with the standards required by this subchapter and rules adopted under this subchapter:

(A)  the recipient shall repay the grant or a prorated portion of the grant to this state at an agreed rate and on agreed terms; and

(B)  the commission will not distribute to the recipient any grant money that remains to be distributed to the recipient;

(2)  if, as of a date provided in the agreement, the recipient has not used grant money awarded under this section for the purposes for which the grant was intended, the recipient shall repay that amount to this state at an agreed rate and on agreed terms; and

(3)  the recipient may not use grant money for administrative or overhead expenses.

Sec. 50.0157.  COMMISSION PROVISION OF SERVICES. The commission may distribute money from the account to the commission for the purposes of providing services described by Section 50.0155 if the commission determines it has the resources and personnel necessary to provide those services in accordance with this subchapter and rules adopted under this subchapter.

SECTION 2.  Section 54.04012(b), Family Code, is amended to read as follows:

(b)  A juvenile court may require a child adjudicated to have engaged in delinquent conduct or conduct indicating a need for supervision and who is believed to be a victim of an offense of trafficking of persons as defined by Article 56B.003, [~~conduct that constitutes an offense under Section 20A.02, Penal~~] Code of Criminal Procedure, to participate in a program established under Section 152.0017, Human Resources Code.

SECTION 3.  Section 264.004, Family Code, is amended by adding Subsection (d) to read as follows:

(d)  The Health and Human Services Commission may use money appropriated from the trafficked persons program account established under Section 50.0153, Health and Safety Code, to establish, maintain, and operate facilities to provide care and recovery and to ensure the general well-being of children and youth who are victims of an offense of trafficking of persons as defined by Article 56B.003, Code of Criminal Procedure.

SECTION 4.  Section 405.023(b), Government Code, is amended to read as follows:

(b)  The secretary of state by rule shall establish and implement a program designated as the human trafficking prevention business partnership to:

(1)  inform participating corporations and other private entities of the opportunity to support the trafficked persons program account established under Section 50.0153, Health and Safety Code, by making a donation to the account; and

(2)  engage participating corporations and other private entities in voluntary efforts to prevent and combat human trafficking.

SECTION 5.  Subchapter B, Chapter 405, Government Code, is amended by adding Section 405.024 to read as follows:

Sec. 405.024.  PUBLIC AWARENESS CAMPAIGN FOR TRAFFICKED PERSONS PROGRAM ACCOUNT. The secretary of state shall, as part of the office's regular operations, inform the public using e-mail, notices posted on the secretary of state's Internet website, or other publications of the opportunity to support the trafficked persons program account established under Section 50.0153, Health and Safety Code. The secretary of state may not spend more than $100,000 to promote awareness of the program account as provided by this section.

SECTION 6.  Section 2054.252, Government Code, is amended by adding Subsections (h) and (i) to read as follows:

(h)  The department shall provide an opportunity for a person to make a contribution to the trafficked persons program account established under Section 50.0153, Health and Safety Code, when the person accesses the state electronic Internet portal for a purpose described by Subsection (a) that involves submitting a payment to this state. The department may deduct from the donations made under this subsection an amount equal to the department's reasonable expenses associated with administering this subsection. Money contributed under this subsection shall be deposited to the credit of the account.

(i)  The department shall collaborate with the Texas Department of Motor Vehicles, the Department of Public Safety, and any other state agency to maximize donations to the trafficked persons program account established under Section 50.0153, Health and Safety Code.

SECTION 7.  Section 152.0017, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a)  A juvenile board may establish a trafficked persons program under this section for the assistance, treatment, and rehabilitation of children who:

(1)  are alleged to have engaged in or adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision; [~~and~~]

(2)  may be victims of an offense of trafficking of persons as defined by Article 56B.003, [~~conduct that constitutes an offense under Section 20A.02, Penal~~] Code of Criminal Procedure; and

(3)  have been referred to the program by the Child Sex Trafficking Prevention Unit established under Section 772.0062, Government Code, or the governor's program for victims of child sex trafficking established under Section 772.0063, Government Code.

(c)  A facility qualified to provide one or more services under this section may apply for a grant under Section 50.0155, Health and Safety Code, only for the purposes of providing constitutionally secure shelter and research-based treatment services to human trafficking victims.

SECTION 8.  Subchapter H, Chapter 502, Transportation Code, is amended by adding Section 502.416 to read as follows:

Sec. 502.416.  VOLUNTARY CONTRIBUTION FOR TRAFFICKED PERSONS PROGRAM ACCOUNT. (a) When a person registers or renews the registration of a motor vehicle under this chapter, the department shall, in a conspicuous manner, direct that person to the opportunity to donate to the trafficked persons program account established under Section 50.0153, Health and Safety Code, through the state's electronic Internet portal described by Section 2054.252(h), Government Code.

(b)  If a person makes a contribution under this section and does not pay the full amount of a registration fee, the county assessor-collector may credit all or a portion of the contribution to the person's registration fee.

(c)  The department may deduct from the donations made under this section an amount equal to the department's reasonable expenses associated with administering this section.

SECTION 9.  Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.675 to read as follows:

Sec. 504.675.  STOP HUMAN TRAFFICKING LICENSE PLATES. (a) The department shall issue specialty license plates to support the trafficked persons program account established under Section 50.0153, Health and Safety Code. The department shall design the license plates in consultation with an organization involved in the support and recovery of human trafficking victims.

(b)  After deduction of the department's administrative costs the remainder of the fee for issuance of the license plates shall be deposited to the credit of the trafficked persons program account established under Section 50.0153, Health and Safety Code.

SECTION 10.  Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.013 to read as follows:

Sec. 521.013.  VOLUNTARY CONTRIBUTION FOR TRAFFICKED PERSONS PROGRAM ACCOUNT. (a) When a person applies for an original, renewal, corrected, or duplicate driver's license or personal identification certificate under this chapter, the department shall, in a conspicuous manner, direct that person to the opportunity to donate to the trafficked persons program account established under Section 50.0153, Health and Safety Code, through the state's electronic Internet portal described by Section 2054.252(h), Government Code.

(b)  The department may deduct from the donations made under this section an amount equal to the department's reasonable expenses associated with administering this section.

SECTION 11.  Subchapter C, Chapter 522, Transportation Code, is amended by adding Section 522.0296 to read as follows:

Sec. 522.0296.  VOLUNTARY CONTRIBUTION FOR TRAFFICKED PERSONS PROGRAM ACCOUNT. (a) When a person applies for an original, renewal, corrected, or duplicate commercial driver's license under this chapter, the department shall, in a conspicuous manner, direct that person to the opportunity to donate to the trafficked persons program account established under Section 50.0153, Health and Safety Code, through the state's electronic Internet portal described by Section 2054.252(h), Government Code.

(b)  The department may deduct from the donations made under this section an amount equal to the department's reasonable expenses associated with administering this section.

SECTION 12.  (a) From money appropriated under Subchapter D, Chapter 50, Health and Safety Code, as added by this Act, the Health and Human Services Commission shall conduct a study to determine the needs and best practices of establishing permanent, safe, and secure housing for child and youth victims of an offense of trafficking of persons as defined by Article 56B.003, Code of Criminal Procedure.

(b)  The Health and Human Services Commission shall develop a written report from the results of the study conducted under Subsection (a) of this section. Not later than December 1, 2022, the commission shall provide the report to the governor and the standing committees of the legislature with jurisdiction over the commission.

SECTION 13.  This Act takes effect September 1, 2021.