

By: A. Johnson of Harris

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 56.32, Code of Criminal Procedure;

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

(3) for consistent and recurring funding of long-term

1 solutions for providing research-based treatment and safe and
2 secure shelter to child and youth victims of human trafficking;

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

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

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

14 (b) The account consists of:

15 (1) contributions made under Section [2054.252](#),
16 Government Code;

17 (2) contributions made under Sections [502.416](#),
18 [521.013](#), and [522.0296](#), Transportation Code;

19 (3) fees for the specialty license plates issued under
20 Section [504.675](#), Transportation Code;

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

23 (5) legislative appropriations; and

24 (6) interest, dividends, and other income of the
25 account.

26 (c) Section [403.0956](#), Government Code, does not apply to the
27 account.

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

2 (1) the grant program;

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

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

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

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

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

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

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

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

27 (b) The department by rule shall establish and publish on

1 its Internet website eligibility criteria for grant recipients.
2 The department must develop the criteria using research-based best
3 practices and require the recipient to provide:

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

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

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

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

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

17 (c) A grant applicant who proposes to construct a new
18 shelter or treatment facility must provide to the department plans
19 that include:

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

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

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

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

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

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

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

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

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

15 (2) provides dedicated housing or shelter space for
16 the exclusive use of human trafficking victims.

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

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

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

26 (B) the department will not distribute to the
27 recipient any grant money that remains to be distributed to the

1 recipient;

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

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

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

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

17 (b) A juvenile court may require a child adjudicated to have
18 engaged in delinquent conduct or conduct indicating a need for
19 supervision and who is believed to be a victim of an offense of
20 trafficking of persons as defined by Article 56.32, [conduct that
21 constitutes an offense under Section 20A.02, Penal] Code of
22 Criminal Procedure, to participate in a program established under
23 Section 152.0017, Human Resources Code.

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

26 (d) The department may use money appropriated from the
27 trafficked persons program account established under Section

1 50.0153, Health and Safety Code, to establish, maintain, and
2 operate facilities to provide care and recovery and to ensure the
3 general well-being of children and youth who are victims of an
4 offense of trafficking of persons as defined by Article 56.32, Code
5 of Criminal Procedure.

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

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

11 (1) solicit donations from participating corporations
12 and other private entities for the trafficked persons program
13 account established under Section 50.0153, Health and Safety Code;
14 and

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

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

20 Sec. 405.024. PUBLIC AWARENESS CAMPAIGN FOR TRAFFICKED
21 PERSONS PROGRAM ACCOUNT. The secretary of state by rule shall
22 establish and implement a program, at a cost of no more than
23 \$100,000, to distribute information, as part of its public service
24 advertisements, on the opportunity to support the trafficked
25 persons program account established under Section 50.0153, Health
26 and Safety Code.

27 SECTION 6. Section 2054.252, Government Code, is amended by

1 adding Subsection (h) to read as follows:

2 (h) The department shall provide an opportunity for a person
3 to make a contribution to the trafficked persons program account
4 established under Section 50.0153, Health and Safety Code, when the
5 person accesses the state electronic Internet portal for a purpose
6 described by Subsection (a) that involves submitting a payment to
7 this state. Money contributed under this section shall be deposited
8 to the credit of the account.

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

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

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

18 (2) may be victims of an offense of trafficking of
19 persons as defined by Article 56.32, [conduct that constitutes an
20 offense under Section 20A.02, Penal] Code of Criminal Procedure;
21 and

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

26 (c) A facility qualified to provide services under this
27 section may apply for a grant under Section 50.0155, Health and

1 Safety Code, only for the purposes of providing constitutionally
2 secure shelter and research-based treatment services to human
3 trafficking victims.

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

6 Sec. 502.416. VOLUNTARY CONTRIBUTION FOR TRAFFICKED
7 PERSONS PROGRAM ACCOUNT. (a) When a person registers or renews the
8 registration of a motor vehicle under this chapter, the person may
9 contribute any amount to the trafficked persons program account
10 established under Section 50.0153, Health and Safety Code.

11 (b) The department shall provide, in a conspicuous manner,
12 an opportunity to contribute to the trafficked persons program
13 account in any registration renewal system used by the department.

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

18 (d) The county assessor-collector shall send any
19 contribution made under this section to the comptroller for deposit
20 to the credit of the trafficked persons program account established
21 under Section 50.0153, Health and Safety Code, at least once every
22 three months. Before sending the money to the comptroller, the
23 department may deduct money equal to the amount of reasonable
24 expenses for administering this section.

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

27 Sec. 504.675. STOP HUMAN TRAFFICKING LICENSE PLATES. (a)

1 The department shall issue specialty license plates to support the
2 trafficked persons program account established under Section
3 50.0153, Health and Safety Code. The department shall design the
4 license plates in consultation with an organization involved in the
5 support and recovery of human trafficking victims.

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

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

12 Sec. 521.013. VOLUNTARY CONTRIBUTION FOR TRAFFICKED
13 PERSONS PROGRAM ACCOUNT. (a) When a person applies for an
14 original, renewal, corrected, or duplicate driver's license or
15 personal identification certificate under this chapter, the person
16 may contribute \$1 or more to the trafficked persons program account
17 established under Section 50.0153, Health and Safety Code.

18 (b) The department shall:

19 (1) include space on the first page of each
20 application for an original, renewal, corrected, or duplicate
21 driver's license or personal identification certificate that
22 allows a person applying for an original, renewal, corrected, or
23 duplicate driver's license or personal identification certificate
24 to indicate the amount that the person is voluntarily contributing
25 to the account; and

26 (2) provide an opportunity for the person to
27 contribute to the account during the application process for an

1 original, renewal, corrected, or duplicate driver's license or
2 personal identification certificate on the department's Internet
3 website.

4 (c) The department shall send any contribution made under
5 this section to the comptroller for deposit to the credit of the
6 trafficked persons program account established under Section
7 50.0153, Health and Safety Code, not later than the 14th day of each
8 month. Before sending the money to the comptroller, the department
9 may deduct money equal to the amount of reasonable expenses for
10 administering this section.

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

13 Sec. 522.0296. VOLUNTARY CONTRIBUTION FOR TRAFFICKED
14 PERSONS PROGRAM ACCOUNT. (a) When a person applies for an
15 original, renewal, corrected, or duplicate commercial driver's
16 license under this chapter, the person may contribute \$1 or more to
17 the trafficked persons program account established under Section
18 50.0153, Health and Safety Code.

19 (b) The department shall:

20 (1) include space on the first page of each
21 application for an original, renewal, corrected, or duplicate
22 commercial driver's license that allows a person applying for an
23 original, renewal, corrected, or duplicate commercial driver's
24 license to indicate the amount that the person is voluntarily
25 contributing to the account; and

26 (2) provide an opportunity for the person to
27 contribute to the account during the application process for an

1 original, renewal, corrected, or duplicate commercial driver's
2 license on the department's Internet website.

3 (c) The department shall send any contribution made under
4 this section to the comptroller for deposit to the credit of the
5 trafficked persons program account established under Section
6 50.0153, Health and Safety Code, not later than the 14th day of each
7 month. Before sending the money to the comptroller, the department
8 may deduct money equal to the amount of reasonable expenses for
9 administering this section.

10 SECTION 12. (a) From money appropriated under Subchapter
11 D, Chapter 50, Health and Safety Code, as added by this Act, the
12 Department of Family and Protective Services shall conduct a study
13 to determine the needs and best practices of establishing
14 permanent, safe, and secure housing for child and youth victims of
15 an offense of trafficking of persons as defined by Article 56.32,
16 Code of Criminal Procedure.

17 (b) The Department of Family and Protective Services shall
18 develop a written report from the results of the study conducted
19 under Subsection (a) of this section. Not later than December 1,
20 2022, the department shall provide the report to the governor, the
21 Health and Human Services Commission, and the standing committees
22 of the legislature with jurisdiction over the department and
23 commission.

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