

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Thompson of Harris, Shine,  
Morales of Maverick, González of Dallas

H.B. No. 390

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requirements for human trafficking awareness and  
3 prevention in commercial lodging establishments; authorizing a  
4 civil penalty.

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

6 SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is  
7 amended by adding Chapter 114 to read as follows:

8 CHAPTER 114. HUMAN TRAFFICKING AWARENESS AND PREVENTION IN

9 COMMERCIAL LODGING ESTABLISHMENTS

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 114.0001. DEFINITIONS. In this chapter:

12 (1) "Commercial lodging establishment" means a hotel,  
13 motel, inn, or similar business entity that offers more than 10  
14 rooms to the public for temporary lodging for a fee.

15 (2) "Human trafficking" means conduct that  
16 constitutes an offense under Section 20A.02, Penal Code.

17 (3) "Operator" means a person who owns, operates,  
18 manages, or controls a business entity.

19 (4) "Peace officer" means a peace officer described by  
20 Article 2.12, Code of Criminal Procedure, appointed or employed to  
21 serve as a peace officer for a law enforcement agency of a political  
22 subdivision.

23 Sec. 114.0002. RULES. The attorney general by rule shall:

24 (1) establish the requirements for operators of

1 commercial lodging establishments to comply with the training  
2 required under Section 114.0051;

3 (2) create and make available to commercial lodging  
4 establishments a template for the sign required under Section  
5 114.0053; and

6 (3) designate a telephone number for reporting a  
7 suspected act of human trafficking or a violation of this chapter.

8 SUBCHAPTER B. MEASURES TO PREVENT HUMAN TRAFFICKING

9 Sec. 114.0051. TRAINING REQUIRED. (a) The operator of a  
10 commercial lodging establishment shall require each employee who is  
11 directly employed by the establishment to complete an annual human  
12 trafficking awareness and prevention training program. The  
13 training program, including any supporting supplemental training  
14 material, must:

15 (1) be not less than 20 minutes in duration;

16 (2) be approved by the attorney general or appear on  
17 the list of preapproved training programs published by the attorney  
18 general;

19 (3) be completed by a new employee of the  
20 establishment not later than the 90th day after the date the  
21 employee is hired;

22 (4) provide a certificate of completion for an  
23 employee who completes the training; and

24 (5) include:

25 (A) an overview of human trafficking, including a  
26 description of:

27 (i) the experience of human trafficking

1 victims;

2 (ii) how and why human trafficking takes  
3 place in the hospitality industry; and

4 (iii) how human trafficking is defined;

5 (B) guidance on how to identify individuals who  
6 are most at risk for human trafficking;

7 (C) information on the difference between labor  
8 and sex trafficking as that relates to identification of human  
9 trafficking in the hospitality industry;

10 (D) guidance on the role of an employee in  
11 reporting and responding to human trafficking; and

12 (E) the contact information of appropriate  
13 entities for reporting human trafficking, including:

14 (i) the National Human Trafficking Hotline  
15 toll-free telephone number and text line;

16 (ii) appropriate local law enforcement  
17 agencies; and

18 (iii) a telephone number designated by the  
19 attorney general for reporting suspected human trafficking.

20 (b) The training required under this section may be offered  
21 in person or online. Online training must include a pacing  
22 mechanism that requires the employee to read all course materials,  
23 view all videos, complete all coursework, and certify that the  
24 employee has completed all coursework before issuing a certificate  
25 of completion.

26 (c) The attorney general shall publish on the attorney  
27 general's Internet website a list of preapproved training programs

1 that satisfy the requirements for the human trafficking awareness  
2 and prevention training program required by this section.

3 Sec. 114.0052. TRAINING COMPLIANCE; RECORD RETENTION. (a)  
4 The operator of a commercial lodging establishment shall maintain,  
5 in the form and manner prescribed by the attorney general, all  
6 documentation and certificates of completion for all current and  
7 former employees of the establishment who have completed the human  
8 trafficking training required by Section 114.0051.

9 (b) The operator shall maintain sufficient records to show  
10 the operator's compliance with Section 114.0051 and shall provide  
11 the records to the attorney general, in the form and manner  
12 prescribed by the attorney general, not later than 72 hours after  
13 the attorney general requests the records.

14 Sec. 114.0053. SIGN REQUIRED. The operator of a commercial  
15 lodging establishment shall display at the commercial lodging  
16 establishment a sign, in the form prescribed by the attorney  
17 general, that:

18 (1) includes a statement that employees of the  
19 commercial lodging establishment are required to receive annual  
20 human trafficking training and may not be disciplined, retaliated  
21 against, or otherwise discriminated against for making a good faith  
22 report of a suspected act of human trafficking;

23 (2) includes information on how to recognize and  
24 report human trafficking, including a list of indicators of human  
25 trafficking;

26 (3) includes a phone number designated by the attorney  
27 general for reporting a suspected act of human trafficking or a

1 violation of this chapter;

2 (4) is at least 11 inches by 17 inches in size and  
3 written in at least a 16-point font;

4 (5) is posted separately in English, Spanish, and any  
5 other primary language spoken by 10 percent or more of the  
6 establishment's employees; and

7 (6) is posted in a location that is easily visible to  
8 all employees.

9 Sec. 114.0054. DISCRIMINATION AND RETALIATION PROHIBITED.

10 The operator of a commercial lodging establishment may not  
11 discipline, retaliate against, or otherwise discriminate against  
12 an employee who in good faith reports a suspected act of human  
13 trafficking to the operator, a law enforcement agency, the National  
14 Human Trafficking Resource Center, the attorney general, or any  
15 other appropriate authority.

16 SUBCHAPTER C. ENFORCEMENT

17 Sec. 114.0101. ENTRY BY PEACE OFFICER. A peace officer may  
18 enter the premises of a commercial lodging establishment between  
19 the hours of 9 a.m. and 5 p.m. Monday through Friday to ensure  
20 compliance with this chapter.

21 Sec. 114.0102. OPPORTUNITY TO CURE. If the attorney  
22 general has reason to believe an operator of a commercial lodging  
23 establishment has violated this chapter, the attorney general shall  
24 provide written notice to the operator that:

25 (1) describes the operator's violation;

26 (2) states that the commercial lodging establishment  
27 may be liable for a civil penalty if the operator does not cure the

1 violation before the 30th day after the date the operator receives  
2 the notice; and

3 (3) includes the maximum potential civil penalty that  
4 may be imposed for the violation.

5 Sec. 114.0103. CIVIL PENALTY. (a) If the operator of a  
6 commercial lodging establishment fails to cure a violation of this  
7 chapter before the 30th day after the date the operator receives  
8 notice of the violation under Section 114.0102, the establishment  
9 is liable to this state for a civil penalty in an amount not to  
10 exceed \$500 for each violation. Each day a violation continues is a  
11 separate violation for purposes of imposing the civil penalty.

12 (b) In determining the amount of a civil penalty to impose  
13 under this section, a court must consider:

- 14 (1) the seriousness of a violation;  
15 (2) a history of previous violations;  
16 (3) the amount necessary to deter a future violation;  
17 (4) efforts made to correct a violation; and  
18 (5) any other matter that justice may require.

19 Sec. 114.0104. ACTION BY ATTORNEY GENERAL. (a) The  
20 attorney general may bring an action in the name of the state:

- 21 (1) to recover a civil penalty imposed under Section  
22 114.0103; or  
23 (2) for injunctive relief to require compliance with  
24 this chapter.

25 (b) An action under this section may be brought in a  
26 district court in:

- 27 (1) Travis County; or

1           (2) a county in which any part of the violation or  
2 threatened violation occurs.

3           (c) The attorney general may recover reasonable expenses  
4 incurred in obtaining injunctive relief or a civil penalty under  
5 this section, including court costs, reasonable attorney's fees,  
6 and investigatory costs.

7           SECTION 2. Not later than December 1, 2021, the attorney  
8 general shall adopt rules necessary to implement Chapter 114,  
9 Business & Commerce Code, as added by this Act.

10           SECTION 3. (a) Except as provided by Subsection (b) of this  
11 section, this Act takes effect September 1, 2021.

12           (b) Chapter 114, Business & Commerce Code, as added by this  
13 Act, takes effect January 1, 2022.

ADOPTED

MAY 03 2021

*Leticia Jones*  
Secretary of the Senate  
Secretary of the Senate

By: *Jean Huffman*

H.B. No. 390

Substitute the following for \_\_.B. No. \_\_\_\_:

By: *Jean Huffman*

C.S. H.B. No. 390

A BILL TO BE ENTITLED

AN ACT

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relating to requirements for human trafficking awareness and prevention in commercial lodging establishments; authorizing a civil penalty.

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

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 114 to read as follows:

CHAPTER 114. HUMAN TRAFFICKING AWARENESS AND PREVENTION IN  
COMMERCIAL LODGING ESTABLISHMENTS  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 114.0001. DEFINITIONS. In this chapter:

(1) "Commercial lodging establishment" means a hotel, motel, inn, or similar business entity that offers more than 10 rooms to the public for temporary lodging for a fee.

(2) "Human trafficking" means conduct that constitutes an offense under Section 20A.02, Penal Code.

(3) "Operator" means a person who owns, operates, manages, or controls a business entity.

(4) "Peace officer" means a peace officer described by Article 2.12, Code of Criminal Procedure, appointed or employed to serve as a peace officer for a law enforcement agency of a political subdivision.

Sec. 114.0002. RULES. The attorney general by rule shall:

(1) establish the requirements for operators of



1 commercial lodging establishments to comply with the training  
2 required under Section 114.0051;

3 (2) create and make available to commercial lodging  
4 establishments a template for the sign required under Section  
5 114.0053; and

6 (3) designate a telephone number for reporting a  
7 suspected act of human trafficking or a violation of this chapter.

8 Sec. 114.0003. EFFECT ON MUNICIPAL ORDINANCES. (a) This  
9 chapter does not preempt a municipal ordinance, rule, or other  
10 regulation related to human trafficking awareness and prevention in  
11 commercial lodging establishments, including training and  
12 certification requirements.

13 (b) If a municipal ordinance described by Subsection (a)  
14 conflicts with a provision of this chapter, the more stringent  
15 regulation controls to the extent of the conflict.

16 SUBCHAPTER B. MEASURES TO PREVENT HUMAN TRAFFICKING

17 Sec. 114.0051. TRAINING REQUIRED. (a) The operator of a  
18 commercial lodging establishment shall require each employee who is  
19 directly employed by the establishment to complete an annual human  
20 trafficking awareness and prevention training program. The  
21 training program, including any supporting supplemental training  
22 material, must:

23 (1) be not less than 20 minutes in duration;

24 (2) be approved by the attorney general or appear on  
25 the list of preapproved training programs published by the attorney  
26 general;

27 (3) be completed by a new employee of the

1 establishment not later than the 90th day after the date the  
2 employee is hired;  
3 (4) provide a certificate of completion for an  
4 employee who completes the training; and  
5 (5) include:  
6 (A) an overview of human trafficking, including a  
7 description of:  
8 (i) the experience of human trafficking  
9 victims;  
10 (ii) how and why human trafficking takes  
11 place in the hospitality industry; and  
12 (iii) how human trafficking is defined;  
13 (B) guidance on how to identify individuals who  
14 are most at risk for human trafficking;  
15 (C) information on the difference between labor  
16 and sex trafficking as that relates to identification of human  
17 trafficking in the hospitality industry;  
18 (D) guidance on the role of an employee in  
19 reporting and responding to human trafficking; and  
20 (E) the contact information of appropriate  
21 entities for reporting human trafficking, including:  
22 (i) the National Human Trafficking Hotline  
23 toll-free telephone number and text line;  
24 (ii) appropriate local law enforcement  
25 agencies; and  
26 (iii) a telephone number designated by the  
27 attorney general for reporting suspected human trafficking.

1           (b) The training required under this section may be offered  
2 in person or online. Online training must include a pacing  
3 mechanism that requires the employee to read all course materials,  
4 view all videos, complete all coursework, and certify that the  
5 employee has completed all coursework before issuing a certificate  
6 of completion.

7           (c) The attorney general shall publish on the attorney  
8 general's Internet website a list of preapproved training programs  
9 that satisfy the requirements for the human trafficking awareness  
10 and prevention training program required by this section.

11           Sec. 114.0052. TRAINING COMPLIANCE; RECORD RETENTION. (a)  
12 The operator of a commercial lodging establishment shall maintain,  
13 in the form and manner prescribed by the attorney general, all  
14 documentation and certificates of completion for all current and  
15 former employees of the establishment who have completed the human  
16 trafficking training required by Section 114.0051.

17           (b) The operator shall maintain sufficient records to show  
18 the operator's compliance with Section 114.0051 and shall provide  
19 the records to the attorney general, in the form and manner  
20 prescribed by the attorney general, not later than 72 hours after  
21 the attorney general requests the records.

22           Sec. 114.0053. SIGN REQUIRED. The operator of a commercial  
23 lodging establishment shall display at the commercial lodging  
24 establishment a sign, in the form prescribed by the attorney  
25 general, that:

26           (1) includes a statement that employees of the  
27 commercial lodging establishment are required to receive annual

1 human trafficking training and may not be disciplined, retaliated  
2 against, or otherwise discriminated against for making a good faith  
3 report of a suspected act of human trafficking;

4 (2) includes information on how to recognize and  
5 report human trafficking, including a list of indicators of human  
6 trafficking;

7 (3) includes a phone number designated by the attorney  
8 general for reporting a suspected act of human trafficking or a  
9 violation of this chapter;

10 (4) is at least 11 inches by 17 inches in size and  
11 written in at least a 16-point font;

12 (5) is posted separately in English, Spanish, and any  
13 other primary language spoken by 10 percent or more of the  
14 establishment's employees; and

15 (6) is posted in a location that is easily visible to  
16 all employees.

17 Sec. 114.0054. DISCRIMINATION AND RETALIATION PROHIBITED.

18 The operator of a commercial lodging establishment may not  
19 discipline, retaliate against, or otherwise discriminate against  
20 an employee who in good faith reports a suspected act of human  
21 trafficking to the operator, a law enforcement agency, the National  
22 Human Trafficking Resource Center, the attorney general, or any  
23 other appropriate authority.

24 SUBCHAPTER C. ENFORCEMENT

25 Sec. 114.0101. ENTRY BY PEACE OFFICER. A peace officer may  
26 enter the premises of a commercial lodging establishment between  
27 the hours of 9 a.m. and 5 p.m. Monday through Friday to ensure

1 compliance with this chapter.

2 Sec. 114.0102. OPPORTUNITY TO CURE. If the attorney  
3 general has reason to believe an operator of a commercial lodging  
4 establishment has violated this chapter, the attorney general shall  
5 provide written notice to the operator that:

6 (1) describes the operator's violation;

7 (2) states that the commercial lodging establishment  
8 may be liable for a civil penalty if the operator does not cure the  
9 violation before the 30th day after the date the operator receives  
10 the notice; and

11 (3) includes the maximum potential civil penalty that  
12 may be imposed for the violation.

13 Sec. 114.0103. CIVIL PENALTY. (a) If the operator of a  
14 commercial lodging establishment fails to cure a violation of this  
15 chapter before the 30th day after the date the operator receives  
16 notice of the violation under Section 114.0102, the establishment  
17 is liable to this state for a civil penalty in an amount not to  
18 exceed \$500 for each violation. Each day a violation continues is a  
19 separate violation for purposes of imposing the civil penalty.

20 (b) In determining the amount of a civil penalty to impose  
21 under this section, a court must consider:

22 (1) the seriousness of a violation;

23 (2) a history of previous violations;

24 (3) the amount necessary to deter a future violation;

25 (4) efforts made to correct a violation; and

26 (5) any other matter that justice may require.

27 Sec. 114.0104. ACTION BY ATTORNEY GENERAL. (a) The

1 attorney general may bring an action in the name of the state:

2 (1) to recover a civil penalty imposed under Section  
3 114.0103; or

4 (2) for injunctive relief to require compliance with  
5 this chapter.

6 (b) An action under this section may be brought in a  
7 district court in:

8 (1) Travis County; or

9 (2) a county in which any part of the violation or  
10 threatened violation occurs.

11 (c) The attorney general may recover reasonable expenses  
12 incurred in obtaining injunctive relief or a civil penalty under  
13 this section, including court costs, reasonable attorney's fees,  
14 and investigatory costs.

15 SECTION 2. Not later than December 1, 2021, the attorney  
16 general shall adopt rules necessary to implement Chapter 114,  
17 Business & Commerce Code, as added by this Act.

18 SECTION 3. (a) Except as provided by Subsection (b) of this  
19 section, this Act takes effect September 1, 2021.

20 (b) Chapter 114, Business & Commerce Code, as added by this  
21 Act, takes effect January 1, 2022.

**ADOPTED**

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MAY 03 2021

*Lately Law*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Jean Huffman*

1 Amend C.S.H.B. No. 390 (senate committee report) as follows:

2 (1) In SECTION 1 of the bill, in added Section 114.0001(4),  
3 Business & Commerce Code (page 1, lines 37 through 38), strike "of a  
4 political subdivision".

5 (2) In SECTION 1 of the bill, in added Section  
6 114.0051(a)(5)(E)(ii), Business & Commerce Code (page 2, line 31),  
7 strike "local".

8 (3) In SECTION 1 of the bill, in added Section 114.0053,  
9 Business & Commerce Code (page 3, between lines 1 and 2), insert a  
10 new Subdivision (4) as follows and renumber subsequent subdivisions  
11 of Section 114.0053 and cross-references to those subdivisions  
12 accordingly:

13 (4) includes the contact information for reporting  
14 suspicious activity to the Department of Public Safety;

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 4, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB390** by Thompson, Senfronia (Relating to requirements for human trafficking awareness and prevention in commercial lodging establishments; authorizing a civil penalty.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

As the number of cases of noncompliance resulting in penalties is unknown, there may be an indeterminate amount of penalty revenue.

The bill would amend the Business & Commerce Code to require commercial lodging establishments to require that employees complete a state-approved annual training program in human trafficking awareness, as well as assign a civil penalty to commercial lodging establishments that violate the provisions laid out in Chapter 114 of the Business & Commerce Code.

According to the Office of the Attorney General and Office of Court Administration, no significant fiscal impact is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, LBO, CMA, SLE, LCO, HGR, SZ



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 26, 2021**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB390** by Thompson, Senfronia (relating to requirements for human trafficking awareness and prevention in commercial lodging establishments; authorizing a civil penalty.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

As the number of cases of noncompliance resulting in penalties is unknown, there may be an indeterminate amount of penalty revenue.

The bill would amend the Business & Commerce Code to require commercial lodging establishments to require that employees complete a state-approved annual training program in human trafficking awareness, as well as assign a civil penalty to commercial lodging establishments that violate the provisions laid out in Chapter 114 of the Business & Commerce Code.

According to the Office of the Attorney General and Office of Court Administration, no significant fiscal impact is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, SLE, LCO, HGR, SZ

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 20, 2021**

**TO:** Honorable Joan Huffman, Chair, House Committee on Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB390** by Thompson, Senfronia (Relating to requirements for human trafficking awareness and prevention in commercial lodging establishments; authorizing a civil penalty.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

As the number of cases of noncompliance resulting in penalties is unknown, there may be an indeterminate amount of penalty revenue.

The bill would amend the Business & Commerce Code to require commercial lodging establishments to require that employees complete a state-approved annual training program in human trafficking awareness, as well as assign a civil penalty to commercial lodging establishments that violate the provisions laid out in Chapter 114 of the Business & Commerce Code.

According to the Office of the Attorney General and Office of Court Administration, no significant fiscal impact is anticipated.

The bill would take effect January 1, 2022.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, SLE, LCO, HGR, SZ

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**March 11, 2021**

**TO:** Honorable Chris Turner, Chair, House Committee on Business & Industry

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB390** by Thompson, Senfronia (relating to requirements for human trafficking awareness and prevention in commercial lodging establishments; authorizing a civil penalty.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

As the number of cases of noncompliance resulting in penalties is unknown, there may be an indeterminate amount of penalty revenue.

The bill would amend the Business & Commerce Code to require commercial lodging establishments to require that employees complete a state-approved annual training program in human trafficking awareness, as well as assign a civil penalty to commercial lodging establishments that violate the provisions laid out in Chapter 114 of the Business & Commerce Code.

According to the Office of the Attorney General and Office of Court Administration, no significant fiscal impact is anticipated.

The bill would take effect January 1, 2022.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, SZ, LCO, HGr

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 8, 2021

TO: Honorable Chris Turner, Chair, House Committee on Business & Industry

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB390** by Thompson, Senfronia (Relating to requirements for human trafficking awareness and prevention in commercial lodging establishments; authorizing a civil penalty.), **As Introduced**

No significant fiscal implication the State is anticipated.

The bill would amend the Business & Commerce Code to require commercial lodging establishments to require that employees complete a state-approved annual training program in human trafficking awareness, as well as assign a civil penalty to commercial lodging establishments that violate the provisions laid out in Chapter 114 of the Business & Commerce Code.

According to the Office of the Attorney General, no significant fiscal impact is anticipated.

The bill would take effect January 1, 2022.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JMc, SZ, LCO, HGr