

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

05-30-09

Date

Honorable David Dewhurst
President of the Senate

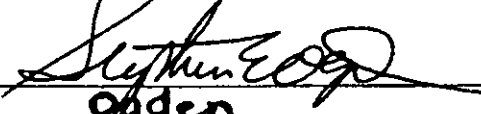
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

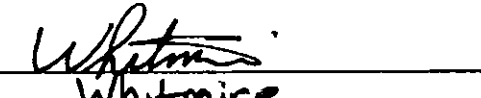
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 89 HB 4009 PKW have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



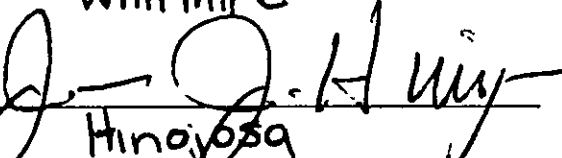
VANDE PUTTE




Ogden



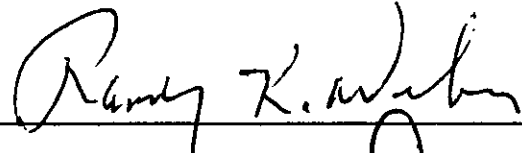
Whitmire



Hinojosa



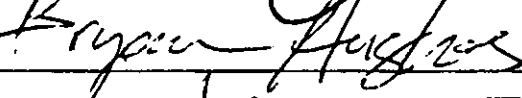
On the part of the Senate
Williams



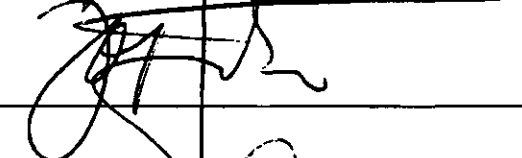
Randy K. Weber



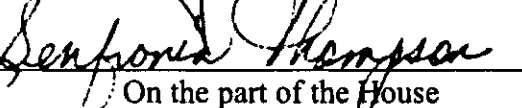
Bryan Hughes



[unclear]



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On the part of the House
Senfoned Thompson

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 4009

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of services to certain persons involved
3 in, and the prosecution, punishment, and prevention of, offenses
4 involving trafficking of persons or certain forced or sex-based
5 labor or services, and to law enforcement training related to
6 offenses involving that trafficking.

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

8 SECTION 1. Subchapter B, Chapter 402, Government Code, is
9 amended by adding Section 402.035 to read as follows:

10 Sec. 402.035. HUMAN TRAFFICKING PREVENTION TASK FORCE.

11 (a) In this section, "task force" means the human trafficking
12 prevention task force.

13 (b) The office of the attorney general shall establish the
14 human trafficking prevention task force to develop policies and
15 procedures to assist in the prevention and prosecution of human
16 trafficking crimes.

17 (c) The task force is composed of the following:

18 (1) the governor or the governor's designee;

19 (2) the attorney general or the attorney general's
20 designee;

21 (3) the executive commissioner of the Health and Human
22 Services Commission or the executive commissioner's designee;

23 (4) the commissioner of the Department of Family and
24 Protective Services or the commissioner's designee;

1 (5) the public safety director of the Department of
2 Public Safety or the director's designee;

3 (6) one representative from each of the following
4 state agencies, appointed by the chief administrative officer of
5 the respective agency:

6 (A) the Texas Workforce Commission;

7 (B) the Texas Department of Criminal Justice;

8 (C) the Texas Youth Commission;

9 (D) the Texas Juvenile Probation Commission; and

10 (E) the Texas Alcoholic Beverage Commission; and

11 (7) as appointed by the attorney general:

12 (A) a public defender, as defined by Article
13 26.044, Code of Criminal Procedure;

14 (B) an attorney representing the state;

15 (C) a representative of:

16 (i) a hotel and motel association;

17 (ii) a district and county attorneys
18 association; and

19 (iii) a state police association;

20 (D) representatives of sheriff's departments;

21 (E) representatives of local law enforcement
22 agencies affected by human trafficking; and

23 (F) representatives of nongovernmental entities
24 making comprehensive efforts to combat human trafficking by:

25 (i) identifying human trafficking victims;

26 (ii) providing legal or other services to
27 human trafficking victims;

- 1 (iii) participating in community outreach
2 or public awareness efforts regarding human trafficking;
3 (iv) providing or developing training
4 regarding the prevention of human trafficking; or
5 (v) engaging in other activities designed
6 to prevent human trafficking.

7 (d) The task force shall:

- 8 (1) collaborate, as needed to fulfill the duties of
9 the task force, with:
10 (A) United States attorneys for the districts of
11 Texas; and
12 (B) special agents or customs and border
13 protection officers and border patrol agents of:
14 (i) the Federal Bureau of Investigation;
15 (ii) the United States Drug Enforcement
16 Administration;
17 (iii) the Bureau of Alcohol, Tobacco,
18 Firearms and Explosives;
19 (iv) the United States Immigration and
20 Customs Enforcement Agency; or
21 (v) the United States Department of
22 Homeland Security;
23 (2) collect, organize, and periodically publish
24 statistical data on the nature and extent of human trafficking in
25 this state;
26 (3) solicit cooperation and assistance from state and
27 local governmental agencies, political subdivisions of the state,

1 nongovernmental organizations, and other persons, as appropriate,
2 for the purpose of collecting and organizing statistical data under
3 Subdivision (2);

4 (4) ensure that each state or local governmental
5 agency and political subdivision of the state that assists in the
6 prevention of human trafficking collects statistical data related
7 to human trafficking, including, as appropriate:

8 (A) the number of investigations concerning,
9 arrests and prosecutions for, and convictions of:

10 (i) the offense of trafficking of persons;
11 and

12 (ii) the offense of forgery or an offense
13 under Chapter 43, Penal Code, if committed as part of a criminal
14 episode involving the trafficking of persons;

15 (B) demographic information on persons who are
16 convicted of offenses described by Paragraph (A) and persons who
17 are the victims of those offenses;

18 (C) geographic routes by which human trafficking
19 victims are trafficked and geographic patterns in human
20 trafficking, including the country or state of origin and the
21 country or state of destination;

22 (D) means of transportation and methods used by
23 persons who engage in trafficking to transport their victims; and

24 (E) social and economic factors that create a
25 demand for the labor or services that victims of human trafficking
26 are forced to provide;

27 (5) work with the Commission on Law Enforcement

1 Officer Standards and Education to develop and conduct training for
2 law enforcement personnel, victim service providers, and medical
3 service providers to identify victims of human trafficking;

4 (6) on the request of a judge of a county court, county
5 court at law, or district court or a county attorney, district
6 attorney, or criminal district attorney, assist and train the judge
7 or the judge's staff or the attorney or the attorney's staff in the
8 recognition and prevention of human trafficking;

9 (7) examine training protocols related to human
10 trafficking issues, as developed and implemented by federal, state,
11 and local law enforcement agencies;

12 (8) collaborate with state and local governmental
13 agencies, political subdivisions of the state, and nongovernmental
14 organizations to implement a media awareness campaign in
15 communities affected by human trafficking; and

16 (9) develop recommendations on how to strengthen state
17 and local efforts to prevent human trafficking, protect and assist
18 human trafficking victims, and prosecute human trafficking
19 offenders.

20 (e) The presiding officer of the task force is the attorney
21 general or the attorney general's designee.

22 (f) The office of the attorney general shall supervise the
23 administration of the task force. The attorney general shall
24 provide the necessary staff and facilities to assist the task force
25 in performing its duties.

26 (g) Not later than December 1 of each even-numbered year,
27 the task force shall submit a report regarding the task force's

1 activities, findings, and recommendations, including any proposed
2 legislation, to the governor, the lieutenant governor, and the
3 legislature.

4 (h) This section expires September 1, 2013.

5 SECTION 2. Chapter 531, Government Code, is amended by
6 adding Subchapter J-1 to read as follows:

7 SUBCHAPTER J-1. ASSISTANCE PROGRAM FOR DOMESTIC VICTIMS OF
8 TRAFFICKING

9 Sec. 531.381. DEFINITIONS. In this subchapter:

10 (1) "Domestic victim" means a victim of trafficking
11 who is a permanent legal resident or citizen of the United States.

12 (2) "Victim of trafficking" has the meaning assigned
13 by 22 U.S.C. Section 7102.

14 Sec. 531.382. VICTIM ASSISTANCE PROGRAM ESTABLISHED. The
15 commission shall develop and implement a program designed to assist
16 domestic victims, including victims who are children, in accessing
17 necessary services. The program must consist of at least the
18 following components:

19 (1) a searchable database of assistance programs for
20 domestic victims, including programs that provide mental health
21 services, other health services, services to meet victims' basic
22 needs, case management services, and any other services the
23 commission considers appropriate, that may be used to match victims
24 with appropriate resources;

25 (2) the grant program described by Section 531.383;

26 (3) recommended training programs for judges,
27 prosecutors, and law enforcement personnel; and

1 (4) an outreach initiative to ensure that victims,
2 judges, prosecutors, and law enforcement personnel are aware of the
3 availability of services through the program.

4 Sec. 531.383. GRANT PROGRAM. (a) Subject to available
5 funds, the commission shall establish a grant program to award
6 grants to public and nonprofit organizations that provide
7 assistance to domestic victims, including organizations that
8 provide public awareness activities, community outreach and
9 training, victim identification services, and legal services.

10 (b) To apply for a grant under this section, an applicant
11 must submit an application in the form and manner prescribed by the
12 commission. An applicant must describe in the application the
13 services the applicant intends to provide to domestic victims if
14 the grant is awarded.

15 (c) In awarding grants under this section, the commission
16 shall give preference to organizations that have experience in
17 successfully providing the types of services for which the grants
18 are awarded.

19 (d) A grant recipient shall provide reports as required by
20 the commission regarding the use of grant funds.

21 (e) Not later than December 1 of each even-numbered year,
22 the commission shall submit a report to the legislature summarizing
23 the activities, funding, and outcomes of programs awarded a grant
24 under this section and providing recommendations regarding the
25 grant program.

26 Sec. 531.384. TRAINING PROGRAMS. The commission, with
27 assistance from the Office of Court Administration of the Texas

1 Judicial System, the Department of Public Safety, and local law
2 enforcement agencies, shall create training programs designed to
3 increase the awareness of judges, prosecutors, and law enforcement
4 personnel of the needs of domestic victims, the availability of
5 services under this subchapter, the database of services described
6 by Section 531.382, and potential funding sources for those
7 services.

8 Sec. 531.385. FUNDING. (a) The commission may use
9 appropriated funds and may accept gifts, grants, and donations from
10 any sources for purposes of the victim assistance program
11 established under this subchapter.

12 (b) The commission shall conduct a study regarding
13 additional funding strategies for the victim assistance program.
14 In conducting the study, the commission, in cooperation with
15 appropriate governmental entities, shall identify appropriate
16 revenue streams, which may include revenue derived from:

17 (1) revenue streams similar to those used to fund
18 crime victims' compensation under Subchapter B, Chapter 56, Code of
19 Criminal Procedure;

20 (2) imposing additional court costs on defendants on
21 conviction of certain offenses;

22 (3) imposing additional fees on the filing of civil
23 cases;

24 (4) acquiring from law enforcement agencies the
25 proceeds from assets seized or forfeited under state or federal
26 law; and

27 (5) any other source identified by the commission.

1 (c) The commission shall submit a report regarding the
2 results of the study conducted under Subsection (b) to the 82nd
3 Legislature not later than December 1, 2010. The report must
4 include the commission's findings regarding appropriate revenue
5 streams for the victim assistance program, proposed legislation
6 necessary to receive the revenue for that purpose, and proposed
7 legislation regarding the establishment of a dedicated account to
8 which the revenue may be credited.

9 (d) This subsection and Subsections (b) and (c) expire
10 January 1, 2011.

11 SECTION 3. Section 772.006, Government Code, is amended by
12 adding Subsections (d), (e), and (f) to read as follows:

13 (d) The trafficking of persons investigation and
14 prosecution account is created in the general revenue fund. The
15 account is composed of legislative appropriations and other money
16 required by law to be deposited in the account. Income from money
17 in the account shall be credited to the account. Sections 403.095
18 and 404.071 do not apply to the account.

19 (e) The legislature may appropriate money from the
20 trafficking of persons investigation and prosecution account
21 created under Subsection (d) only to the criminal justice division
22 for the purposes of this subsection. The division may use the
23 appropriated money solely to distribute grants to:

24 (1) counties that apply for the grants and that have
25 dedicated full-time or part-time personnel to identify, prevent,
26 investigate, or prosecute offenses under Chapter 20A, Penal Code;
27 and

1 (2) nongovernmental organizations that apply for the
2 grants and that provide comprehensive services in this state to
3 prevent the commission of offenses under Chapter 20A, Penal Code,
4 or to address the needs of victims of those offenses, including
5 public awareness activities, community outreach and training,
6 victim identification services, legal services, and other services
7 designed to assist victims.

8 (f) The total amount of grants that may be distributed to
9 counties and nongovernmental organizations from the trafficking of
10 persons investigation and prosecution account during each state
11 fiscal year may not exceed \$10 million.

12 SECTION 4. Subchapter C, Chapter 141, Human Resources Code,
13 is amended by adding Section 141.056 to read as follows:

14 Sec. 141.056. STUDY OF ALTERNATIVES TO JUVENILE JUSTICE
15 SYSTEM FOR CHILDREN WHO ENGAGE IN ACTS OF PROSTITUTION. (a) The
16 director shall establish a committee to evaluate alternatives to
17 the juvenile justice system, such as government programs,
18 faith-based programs, and programs offered by nonprofit
19 organizations, for children who are accused of engaging in acts of
20 prostitution.

21 (b) The director shall determine the size of the committee.
22 The committee must be composed of:

23 (1) members of the Texas Juvenile Probation
24 Commission, the Texas Youth Commission, and other relevant state
25 agencies as determined by the director;

26 (2) members of the legislature;

27 (3) members of nongovernmental organizations that

1 provide programs and services to combat and prevent trafficking of
2 persons as described by Section 20A.02, Penal Code, in this state,
3 including the following with respect to that trafficking:

- 4 (A) programs to promote public awareness;
5 (B) programs to identify and provide services to
6 victims;
7 (C) legal services; and
8 (D) community outreach and training programs;

9 and

10 (4) other juvenile justice experts.

11 (c) Not later than January 1, 2011, the committee shall
12 prepare and deliver to each member of the legislature a report that
13 includes the results of the study and recommendations for
14 alternatives to the juvenile justice system for children who are
15 accused of engaging in acts of prostitution.

16 (d) This section expires June 1, 2011.

17 SECTION 5. Subchapter F, Chapter 1701, Occupations Code, is
18 amended by adding Section 1701.258 to read as follows:

19 Sec. 1701.258. EDUCATION AND TRAINING PROGRAMS ON
20 TRAFFICKING OF PERSONS. (a) The commission by rule shall require
21 an officer first licensed by the commission on or after January 1,
22 2011, to complete within a reasonable time after obtaining the
23 license a one-time basic education and training program on the
24 trafficking of persons. The program must:

- 25 (1) consist of at least four hours of training; and
26 (2) include a review of the substance of Sections
27 20A.02 and 43.05, Penal Code.

1 (b) The commission shall make available to each officer a
2 voluntary advanced education, instruction, and training program on
3 the trafficking of persons and compelling prostitution prohibited
4 under Sections 20A.02 and 43.05, Penal Code.

5 (c) Not later than January 1, 2011, the commission shall
6 begin offering the basic and advanced programs established under
7 this section. This subsection expires September 1, 2011.

8 SECTION 6. Section 1701.402, Occupations Code, is amended
9 by adding Subsection (h) to read as follows:

10 (h) As a requirement for an intermediate or advanced
11 proficiency certificate issued by the commission on or after
12 January 1, 2011, an officer must complete the basic education and
13 training program on the trafficking of persons described by Section
14 1701.258(a).

15 SECTION 7. Subsections (a) and (b), Section 20A.02, Penal
16 Code, are amended to read as follows:

17 (a) A person commits an offense if the person knowingly:

18 (1) [~~knowingly~~] traffics another person with the
19 intent or knowledge that the trafficked person will engage
20 in forced labor or services; or

21 (2) [~~intentionally or knowingly~~] benefits from
22 participating in a venture that involves an activity described by
23 Subdivision (1), including by receiving labor or services the
24 person knows are forced labor or services.

25 (b) Except as otherwise provided by this subsection, an
26 offense under this section is a felony of the second degree. An
27 offense under this section is a felony of the first degree if:

1 (1) the applicable conduct constitutes an offense
2 under Section 43.05 or 43.25 [~~43.02~~] and the person who is
3 trafficked is a child younger than 18 years of age at the time of the
4 offense, regardless of whether the actor knows the age of the child
5 at the time the actor commits the offense; or

6 (2) the commission of the offense results in the death
7 of the person who is trafficked.

8 SECTION 8. Section 43.02, Penal Code, is amended by adding
9 Subsection (d) to read as follows:

10 (d) It is a defense to prosecution under this section that
11 the actor engaged in the conduct that constitutes the offense
12 because the actor was the victim of conduct that constitutes an
13 offense under Section 20A.02.

14 SECTION 9. Subsection (a), Section 43.05, Penal Code, is
15 amended to read as follows:

16 (a) A person commits an offense if the person [~~he~~]
17 knowingly:

18 (1) causes another by force, threat, or fraud to
19 commit prostitution; or

20 (2) causes by any means a child [~~person~~] younger than
21 18 [~~17~~] years to commit prostitution, regardless of whether the
22 actor knows the age of the child at the time the actor commits the
23 offense.

24 SECTION 10. (a) Not later than December 1, 2009, the
25 office of the attorney general shall establish the human
26 trafficking prevention task force as required by Section 402.035,
27 Government Code, as added by this Act.

1 (b) Not later than October 1, 2009, the executive director
2 of the Texas Juvenile Probation Commission shall establish a
3 committee to evaluate alternatives to the juvenile justice system
4 for children who are accused of engaging in acts of prostitution, as
5 required by Section 141.056, Human Resources Code, as added by this
6 Act.

7 (c) Not later than December 1, 2010, the Commission on Law
8 Enforcement Officer Standards and Education shall adopt the rules
9 necessary to implement Section 1701.258, Occupations Code, as added
10 by this Act.

11 (d) The changes in law made by this Act to Sections 20A.02,
12 43.02, and 43.05, Penal Code, apply only to an offense committed on
13 or after the effective date of this Act. An offense committed
14 before the effective date of this Act is covered by the law in
15 effect when the offense was committed, and the former law is
16 continued in effect for that purpose. For purposes of this section,
17 an offense was committed before the effective date of this Act if
18 any element of the offense was committed before that date.

19 SECTION 11. This Act does not make an appropriation. A
20 provision in this Act that creates a new governmental program,
21 creates a new entitlement, or imposes a new duty on a governmental
22 entity is not mandatory during a fiscal period for which the
23 legislature has not made a specific appropriation to implement the
24 provision.

25 SECTION 12. This Act takes effect September 1, 2009.

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No equivalent provision.

SENATE VERSION

SECTION __. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.035 to read as follows:

Sec. 402.035. HUMAN TRAFFICKING PREVENTION TASK FORCE. (a) In this section, "task force" means the human trafficking prevention task force.

(b) The office of the attorney general shall establish the human trafficking prevention task force to develop policies and procedures to assist in the prevention and prosecution of human trafficking crimes.

(c) The task force is composed of the following:

(1) the governor or the governor's designee;

(2) the attorney general or the attorney general's designee;

(3) the executive commissioner of the Health and Human Services Commission or the executive commissioner's designee;

(4) the commissioner of the Department of Family and Protective Services or the commissioner's designee;

(5) the public safety director of the Department of Public Safety or the director's designee;

(6) one representative from each of the following state agencies, appointed by the chief administrative officer of the respective agency:

(A) the Texas Workforce Commission;

(B) the Texas Department of Criminal Justice;

(C) the Texas Youth Commission;

(D) the Texas Juvenile Probation Commission; and

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SECTION 1. Same as Senate version.

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(E) the Texas Alcoholic Beverage Commission; and
(7) as appointed by the attorney general:
(A) a public defender, as defined by Article 26.044,
Code of Criminal Procedure;
(B) an attorney representing the state;
(C) a representative of:
(i) a hotel and motel association;
(ii) a district and county attorneys association; and
(iii) a state police association;
(D) representatives of sheriff's departments;
(E) representatives of local law enforcement agencies
affected by human trafficking; and
(F) representatives of nongovernmental entities making
comprehensive efforts to combat human trafficking by:
(i) identifying human trafficking victims;
(ii) providing legal or other services to human
trafficking victims;
(iii) participating in community outreach or public
awareness efforts regarding human trafficking;
(iv) providing or developing training regarding the
prevention of human trafficking; or
(v) engaging in other activities designed to prevent
human trafficking.
(d) The task force shall:
(1) collaborate, as needed to fulfill the duties of the task
force, with:
(A) United States attorneys for the districts of Texas;
and
(B) special agents or customs and border protection

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officers and border patrol agents of:
(i) the Federal Bureau of Investigation;
(ii) the United States Drug Enforcement Administration;
(iii) the Bureau of Alcohol, Tobacco, Firearms and Explosives;
(iv) the United States Immigration and Customs Enforcement Agency; or
(v) the United States Department of Homeland Security;
(2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state;
(3) solicit cooperation and assistance from state and local governmental agencies, political subdivisions of the state, nongovernmental organizations, and other persons, as appropriate, for the purpose of collecting and organizing statistical data under Subdivision (2);
(4) ensure that each state or local governmental agency and political subdivision of the state that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:
(A) the number of investigations concerning, arrests and prosecutions for, and convictions of:
(i) the offense of trafficking of persons; and
(ii) the offense of forgery or an offense under Chapter 43, Penal Code, if committed as part of a criminal episode involving the trafficking of persons;
(B) demographic information on persons who are convicted of offenses described by Paragraph (A) and persons who are the victims of those offenses;

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(C) geographic routes by which human trafficking victims are trafficked and geographic patterns in human trafficking, including the country or state of origin and the country or state of destination;

(D) means of transportation and methods used by persons who engage in trafficking to transport their victims; and

(E) social and economic factors that create a demand for the labor or services that victims of human trafficking are forced to provide;

(5) work with the Commission on Law Enforcement Officer Standards and Education to develop and conduct training for law enforcement personnel, victim service providers, and medical service providers to identify victims of human trafficking;

(6) on the request of a judge of a county court, county court at law, or district court or a county attorney, district attorney, or criminal district attorney, assist and train the judge or the judge's staff or the attorney or the attorney's staff in the recognition and prevention of human trafficking;

(7) examine training protocols related to human trafficking issues, as developed and implemented by federal, state, and local law enforcement agencies;

(8) collaborate with state and local governmental agencies, political subdivisions of the state, and nongovernmental organizations to implement a media awareness campaign in communities affected by human trafficking; and

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(9) develop recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, and prosecute human trafficking offenders.

(e) The presiding officer of the task force is the attorney general or the attorney general's designee.

(f) The office of the attorney general shall supervise the administration of the task force. The attorney general shall provide the necessary staff and facilities to assist the task force in performing its duties.

(g) Not later than December 1 of each even-numbered year, the task force shall submit a report regarding the task force's activities, findings, and recommendations, including any proposed legislation, to the governor, the lieutenant governor, and the legislature.

(h) This section expires September 1, 2013.

SECTION 1. Chapter 531, Government Code, is amended by adding Subchapter J-1 to read as follows:

SUBCHAPTER J-1. ASSISTANCE PROGRAM FOR DOMESTIC VICTIMS OF TRAFFICKING

Sec. 531.381. DEFINITIONS. In this subchapter:

(1) "Domestic victim" means a victim of trafficking who is a permanent legal resident or citizen of the United States.

(2) "Victim of trafficking" has the meaning assigned by 22 U.S.C. Section 7102.

Sec. 531.382. VICTIM ASSISTANCE PROGRAM

SECTION 1. Same as House version.

SECTION 2. Same as House version.

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ESTABLISHED. The commission shall develop and implement a program designed to assist domestic victims, including victims who are children, in accessing necessary services. The program must consist of at least the following components:

(1) a searchable database of assistance programs for domestic victims, including programs that provide mental health services, other health services, services to meet victims' basic needs, case management services, and any other services the commission considers appropriate, that may be used to match victims with appropriate resources;

(2) the grant program described by Section 531.383;

(3) recommended training programs for judges, prosecutors, and law enforcement personnel; and

(4) an outreach initiative to ensure that victims, judges, prosecutors, and law enforcement personnel are aware of the availability of services through the program.

Sec. 531.383. GRANT PROGRAM. (a) Subject to available funds, the commission shall establish a grant program to award grants to public and nonprofit organizations that provide assistance to domestic victims, including organizations that provide public awareness activities, community outreach and training, victim identification services, and legal services.

(b) To apply for a grant under this section, an applicant must submit an application in the form and manner prescribed by the commission. An applicant must describe in the application the services the applicant

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intends to provide to domestic victims if the grant is awarded.

(c) In awarding grants under this section, the commission shall give preference to organizations that have experience in successfully providing the types of services for which the grants are awarded.

(d) A grant recipient shall provide reports as required by the commission regarding the use of grant funds.

(e) Not later than December 1 of each even-numbered year, the commission shall submit a report to the legislature summarizing the activities, funding, and outcomes of programs awarded a grant under this section and providing recommendations regarding the grant program.

Sec. 531.384. TRAINING PROGRAMS. The commission, with assistance from the Office of Court Administration of the Texas Judicial System, the Department of Public Safety, and local law enforcement agencies, shall create training programs designed to increase the awareness of judges, prosecutors, and law enforcement personnel of the needs of domestic victims, the availability of services under this subchapter, the database of services described by Section 531.382, and potential funding sources for those services.

Sec. 531.385. FUNDING. (a) The commission may use appropriated funds and may accept gifts, grants, and donations from any sources for purposes of the victim assistance program established under this subchapter.

(b) The commission shall conduct a study regarding

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additional funding strategies for the victim assistance program. In conducting the study, the commission, in cooperation with appropriate governmental entities, shall identify appropriate revenue streams, which may include revenue derived from:

(1) revenue streams similar to those used to fund crime victims' compensation under Subchapter B, Chapter 56, Code of Criminal Procedure;

(2) imposing additional court costs on defendants on conviction of certain offenses;

(3) imposing additional fees on the filing of civil cases;

(4) acquiring from law enforcement agencies the proceeds from assets seized or forfeited under state or federal law; and

(5) any other source identified by the commission.

(c) The commission shall submit a report regarding the results of the study conducted under Subsection (b) to the 82nd Legislature not later than December 1, 2010. The report must include the commission's findings regarding appropriate revenue streams for the victim assistance program, proposed legislation necessary to receive the revenue for that purpose, and proposed legislation regarding the establishment of a dedicated account to which the revenue may be credited.

(d) This subsection and Subsections (b) and (c) expire January 1, 2011.

No equivalent provision.

SECTION __. Section 772.006, Government Code, is

SECTION 3. Same as Senate version.

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amended by adding Subsections (d), (e), and (f) to read as follows:

(d) The trafficking of persons investigation and prosecution account is created in the general revenue fund. The account is composed of legislative appropriations and other money required by law to be deposited in the account. Income from money in the account shall be credited to the account. Sections 403.095 and 404.071 do not apply to the account.

(e) The legislature may appropriate money from the trafficking of persons investigation and prosecution account created under Subsection (d) only to the criminal justice division for the purposes of this subsection. The division may use the appropriated money solely to distribute grants to:

(1) counties that apply for the grants and that have dedicated full-time or part-time personnel to identify, prevent, investigate, or prosecute offenses under Chapter 20A, Penal Code; and

(2) nongovernmental organizations that apply for the grants and that provide comprehensive services in this state to prevent the commission of offenses under Chapter 20A, Penal Code, or to address the needs of victims of those offenses, including public awareness activities, community outreach and training, victim identification services, legal services, and other services designed to assist victims.

(f) The total amount of grants that may be distributed to counties and nongovernmental organizations from the

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trafficking of persons investigation and prosecution account during each state fiscal year may not exceed \$10 million.

No equivalent provision.

SECTION __. Subchapter C, Chapter 141, Human Resources Code, is amended by adding Section 141.056 to read as follows:

Sec. 141.056. STUDY OF ALTERNATIVES TO JUVENILE JUSTICE SYSTEM FOR CHILDREN WHO ENGAGE IN ACTS OF PROSTITUTION. (a)

The director shall establish a committee to evaluate alternatives to the juvenile justice system, such as government programs, faith-based programs, and programs offered by nonprofit organizations, for children who are accused of engaging in acts of prostitution.

(b) The director shall determine the size of the committee. The committee must be composed of:

(1) members of the Texas Juvenile Probation Commission, the Texas Youth Commission, and other relevant state agencies as determined by the director;

(2) members of the legislature;

(3) members of nongovernmental organizations that provide programs and services to combat and prevent trafficking of persons as described by Section 20A.02, Penal Code, in this state, including the following with respect to that trafficking:

(A) programs to promote public awareness;

(B) programs to identify and provide services to victims;

SECTION 4. Same as Senate version.

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(C) legal services; and
(D) community outreach and training programs; and
(4) other juvenile justice experts.
(c) Not later than January 1, 2011, the committee shall prepare and deliver to each member of the legislature a report that includes the results of the study and recommendations for alternatives to the juvenile justice system for children who are accused of engaging in acts of prostitution.
(d) This section expires June 1, 2011.

No equivalent provision.

SECTION __. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.258 to read as follows:

Sec. 1701.258. EDUCATION AND TRAINING PROGRAMS ON TRAFFICKING OF PERSONS. (a) The commission by rule shall require an officer first licensed by the commission on or after January 1, 2011, to complete within a reasonable time after obtaining the license a one-time basic education and training program on the trafficking of persons. The program must:
(1) consist of at least four hours of training; and
(2) include a review of the substance of Sections 20A.02 and 43.05, Penal Code.
(b) The commission shall make available to each officer a voluntary advanced education, instruction, and training program on the trafficking of persons and compelling prostitution prohibited under Sections 20A.02 and 43.05.

SECTION 5. Same as Senate version.

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Penal Code.

(c) Not later than January 1, 2011, the commission shall begin offering the basic and advanced programs established under this section. This subsection expires September 1, 2011.

No equivalent provision.

SECTION __. Section 1701.402, Occupations Code, is amended by adding Subsection (h) to read as follows:

SECTION 6. Same as Senate version.

(h) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2011, an officer must complete the basic education and training program on the trafficking of persons described by Section 1701.258(a).

No equivalent provision.

SECTION __. Subsections (a) and (b), Section 20A.02, Penal Code, are amended to read as follows:

SECTION 7. Same as Senate version.

(a) A person commits an offense if the person knowingly:

(1) [~~knowingly~~] traffics another person with the intent or knowledge that the trafficked person will engage in forced labor or services; or

(2) [~~intentionally or knowingly~~] benefits from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services.

(b) Except as otherwise provided by this subsection, an

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offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(1) the applicable conduct constitutes an offense under Section 43.05 or 43.25 [~~43.02~~] and the person who is trafficked is a child younger than 18 years of age at the time of the offense, regardless of whether the actor knows the age of the child at the time the actor commits the offense; or

(2) the commission of the offense results in the death of the person who is trafficked.

No equivalent provision.

SECTION __. Section 43.02, Penal Code, is amended by adding Subsection (d) to read as follows:

(d) It is a defense to prosecution under this section that the actor engaged in the conduct that constitutes the offense because the actor was the victim of conduct that constitutes an offense under Section 20A.02.

SECTION 8. Same as Senate version.

No equivalent provision.

SECTION __. Subsection (a), Section 43.05, Penal Code, is amended to read as follows:

(a) A person commits an offense if the person [~~he~~] knowingly:

(1) causes another by force, threat, or fraud to commit prostitution; or

(2) causes by any means a child [~~person~~] younger than 18 [~~17~~] years to commit prostitution, regardless of

SECTION 9. Same as Senate version.

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whether the actor knows the age of the child at the time the actor commits the offense.

No equivalent provision.

SECTION __. (a) Not later than December 1, 2009, the office of the attorney general shall establish the human trafficking prevention task force as required by Section 402.035, Government Code, as added by this Act.

(b) Not later than October 1, 2009, the executive director of the Texas Juvenile Probation Commission shall establish a committee to evaluate alternatives to the juvenile justice system for children who are accused of engaging in acts of prostitution, as required by Section 141.056, Human Resources Code, as added by this Act.

(c) Not later than December 1, 2010, the Commission on Law Enforcement Officer Standards and Education shall adopt the rules necessary to implement Section 1701.258, Occupations Code, as added by this Act.

(d) The changes in law made by this Act to Sections 20A.02, 43.02, and 43.05, Penal Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 10. Same as Senate version.

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No equivalent provision.

SECTION 2. This Act takes effect September 1, 2009.

SENATE VERSION

No equivalent provision.

SECTION 2. Same as House version.

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SECTION 11. Specifies that this Act does not make an appropriation and that certain provisions are not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION 12. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4009 by Weber (Relating to the provision of services to certain persons involved in, and the prosecution, punishment, and prevention of, offenses involving trafficking of persons or certain forced or sex-based labor or services, and to law enforcement training related to offenses involving that trafficking.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4009, Conference Committee Report: a negative impact of (\$22,810,893) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$11,627,519)
2011	(\$11,183,374)
2012	(\$10,971,179)
2013	(\$11,168,944)
2014	(\$10,000,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2009
2010	(\$11,627,519)	9.0
2011	(\$11,183,374)	11.0
2012	(\$10,971,179)	11.0
2013	(\$11,168,944)	11.0
2014	(\$10,000,000)	0.0

Fiscal Analysis

The bill would amend the Government Code to establish within the Office of the Attorney General (OAG) a human trafficking prevention task force that would develop policies, procedures, data collection, and training to assist in the prevention and prosecution of human trafficking crimes. Representatives from various state, local, and non-governmental entities would be on the task force. The bill would also create an account in the general revenue fund to fund the investigation, prosecution, and prevention of human trafficking activities, with a cap of \$10 million per fiscal year.

The bill would amend the Human Resources Code to require the director of the Texas Juvenile

Probation Commission to establish a committee to evaluate and report on alternatives to the juvenile justice system for children who are accused of engaging in acts of prostitution.

The bill would amend the Occupations Code to authorize the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to require newly licensed officers to take a one-time basic education and training program on the trafficking of persons, and would require the commission to make available to each peace officer a voluntary training program.

The bill would amend the Penal Code to provide separate offenses and sentencing for sex trafficking of an adult and sex trafficking of a child; and would allow for prosecution of offenses committed under this chapter as well as offenses that may be committed under other sections of the Penal Code. The bill would also increase protections for underage prostitutes and would increase penalties for compelling underage prostitution.

The bill would require the OAG to establish the human trafficking prevention task force not later than December 1, 2009, and would require the director of the Texas Juvenile Probation Commission to establish, not later than October 1, 2009, a committee to evaluate alternatives to the juvenile justice system for children accused of engaging in acts of prostitution. It would also require TCLEOSE to adopt the necessary rules not later than December 1, 2010.

The bill would require the Health and Human Services Commission (HHSC) to create a victim assistance grant program to provide services to domestic victims of trafficking. The program must have a searchable database of assistance programs for victims of domestic trafficking. The database must include mental health services, other health services, services to meet victim's basic needs, case management services, and any other services HHSC deems reasonable. The bill would require HHSC to implement an outreach program to victims about the availability of services.

The bill would require HHSC to create and provide training to judges, prosecutors, and law enforcement personnel about the needs of domestic trafficking victims, the availability of services, the database of services, and potential funding sources for those services.

Methodology

The majority of the bill's fiscal impact would come from the Governor's Criminal Justice Division for making grants to eligible organizations. The remaining fiscal impact would be with the OAG due to increased workload from:

- researching policies and procedures of other state task forces;
- conducting and attending Task Force meetings, both in state and out of state;
- reviewing existing internal and external human trafficking database systems and reports;
- creating and maintaining a database (estimate 500 to 1000 human trafficking incidents per year);
- reviewing existing training protocols with judges, attorneys, law enforcement, sexual assault programs, and human trafficking related coalitions;
- developing, scheduling and conducting training;
- implementing a media awareness campaign; and
- preparing biennial reports on data analysis and recommendations.

The OAG would require additional administrative, graphics, information, research, programming, database system, and investigative FTE positions as a result of this increased workload.

Select members of the Task Force would require travel, including out of state travel for meetings with Federal officials, and per diem reimbursements to attend meetings and participate in Task Force duties. An additional rider would need to be added to the OAG's bill pattern to authorize the reimbursement of travel expenses for select members of the task force.

The four hour classroom and online training courses provided by TCLEOSE would have a fiscal impact of \$42,000 in FY2010, \$2,000 in FY2012, and \$2,000 for each subsequent biennium.

The bill would create or recreate a dedicated account in the General Revenue Fund, create or recreate

a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication would be subject to funds consolidation review.

It is assumed that the legislature will appropriate up to \$10.0 million in General Revenue per fiscal year to the new GR-Dedicated Trafficking of Persons Investigation and Prosecution Account for grants to be awarded by the Governor's Criminal Justice Division to counties and non-governmental organizations.

It is assumed that the number of offenders convicted under the provisions of the bill would not result in a significant fiscal impact on the programs and workload of state corrections agencies.

The bill would require HHSC to award grants to private and nonprofit organizations that provide services to domestic trafficking victims. This grant program is required only if funds are available. HHSC would be permitted to fund the grant program with any appropriated funds and may accept gifts, grants and donations from any source. Although the agency states that it would not implement the legislation without an appropriation, it is assumed that HHSC would have resources to draw upon to meet some of the bill's provisions related to grant programs for victims of trafficking.

Other responding agencies reported that any costs associated with either providing representation on the Task Force or preparing reports could be absorbed within existing resources.

Technology

Technology related items for the OAG include \$18,636 in FY2010 and \$3,430 in FY2011 for network stations, software, printers, a laptop and a projector. Other costs include \$19,000 in FY2010-2013 for Data Center storage.

Local Government Impact

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

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 665 Juvenile Probation Commission, 694 Youth Commission, 696 Department of Criminal Justice

LBB Staff: JOB, ESi, SD, PJK, TP, MN, JM, GG

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 4009 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Randy K. Weber

(name)

05/30/09

(date)