

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Weber, Anchia, Thompson, Naishtat,  
Alvarado, et al.

H.B. No. 4009

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a victim assistance program to  
provide services to domestic victims of trafficking.

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

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 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;

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

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

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

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

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

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

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

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

1 grant program.

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

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

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

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

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

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

27 (4) acquiring from law enforcement agencies the

1 proceeds from assets seized or forfeited under state or federal  
2 law; and

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

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

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

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

ADOPTED

MAY 23 2009

*Atty. Gen. Paul*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: Vandurutte

1 Amend H.B. No. 4009 by adding the following appropriately  
2 numbered SECTIONS to the bill and renumbering subsequent SECTIONS  
3 of the bill accordingly:

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

6 Sec. 402.035. HUMAN TRAFFICKING PREVENTION TASK FORCE.

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

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

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

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

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

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

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

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

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

26 (A) the Texas Workforce Commission;

27 (B) the Texas Department of Criminal Justice;

28 (C) the Texas Youth Commission;

29 (D) the Texas Juvenile Probation Commission; and

- 1                   (E) the Texas Alcoholic Beverage Commission; and  
2           (7) as appointed by the attorney general:  
3                   (A) a public defender, as defined by Article  
4 26.044, Code of Criminal Procedure;  
5                   (B) an attorney representing the state;  
6                   (C) a representative of:  
7                         (i) a hotel and motel association;  
8                         (ii) a district and county attorneys  
9 association; and  
10                        (iii) a state police association;  
11                   (D) representatives of sheriff's departments;  
12                   (E) representatives of local law enforcement  
13 agencies affected by human trafficking; and  
14                   (F) representatives of nongovernmental entities  
15 making comprehensive efforts to combat human trafficking by:  
16                         (i) identifying human trafficking victims;  
17                         (ii) providing legal or other services to  
18 human trafficking victims;  
19                         (iii) participating in community outreach  
20 or public awareness efforts regarding human trafficking;  
21                         (iv) providing or developing training  
22 regarding the prevention of human trafficking; or  
23                         (v) engaging in other activities designed  
24 to prevent human trafficking.  
25           (d) The task force shall:  
26                   (1) collaborate, as needed to fulfill the duties of  
27 the task force, with:  
28                         (A) United States attorneys for the districts of  
29 Texas; and  
30                         (B) special agents or customs and border  
31 protection officers and border patrol agents of:

26

- 1                   (i) the Federal Bureau of Investigation;  
2                   (ii) the United States Drug Enforcement  
3 Administration;  
4                   (iii) the Bureau of Alcohol, Tobacco,  
5 Firearms and Explosives;  
6                   (iv) the United States Immigration and  
7 Customs Enforcement Agency; or  
8                   (v) the United States Department of  
9 Homeland Security;

10           (2) collect, organize, and periodically publish  
11 statistical data on the nature and extent of human trafficking in  
12 this state;

13           (3) solicit cooperation and assistance from state and  
14 local governmental agencies, political subdivisions of the state,  
15 nongovernmental organizations, and other persons, as appropriate,  
16 for the purpose of collecting and organizing statistical data under  
17 Subdivision (2);

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

22                   (A) the number of investigations concerning,  
23 arrests and prosecutions for, and convictions of:

24                           (i) the offense of trafficking of persons;  
25 and

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

29                   (B) demographic information on persons who are  
30 convicted of offenses described by Paragraph (A) and persons who  
31 are the victims of those offenses;

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

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

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

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

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

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

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

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

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



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

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

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

11       SECTION \_\_\_\_\_. Section 772.006, Government Code, is amended  
12 by 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

28           (2) nongovernmental organizations that apply for the  
29 grants and that provide comprehensive services in this state to  
30 prevent the commission of offenses under Chapter 20A, Penal Code,  
31 or to address the needs of victims of those offenses, including

1 public awareness activities, community outreach and training,  
2 victim identification services, legal services, and other services  
3 designed to assist victims.

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

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

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

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

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

22 (2) members of the legislature;

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

27 (A) programs to promote public awareness;

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

30 (C) legal services; and

31 (D) community outreach and training programs;

1 and

2 (4) other juvenile justice experts.

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

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

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

11 Sec. 1701.258. EDUCATION AND TRAINING PROGRAMS ON  
12 TRAFFICKING OF PERSONS. (a) The commission by rule shall require  
13 an officer first licensed by the commission on or after January 1,  
14 2011, to complete within a reasonable time after obtaining the  
15 license a one-time basic education and training program on the  
16 trafficking of persons. The program must:

17 (1) consist of at least four hours of training; and

18 (2) include a review of the substance of Sections  
19 20A.02 and 43.05, Penal Code.

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

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

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

29 (h) As a requirement for an intermediate or advanced  
30 proficiency certificate issued by the commission on or after  
31 January 1, 2011, an officer must complete the basic education and

1 training program on the trafficking of persons described by Section  
2 1701.258(a).

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

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

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

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

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

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

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

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

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

29 SECTION \_\_\_\_\_. Subsection (a), Section 43.05, Penal Code, is  
30 amended to read as follows:

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

1 knowingly:

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

4 (2) causes by any means a child [~~person~~] younger than  
5 18 [~~17~~] years to commit prostitution, regardless of whether the  
6 actor knows the age of the child at the time the actor commits the  
7 offense.

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

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

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

22 (d) The changes in law made by this Act to Sections 20A.02,  
23 43.02, and 43.05, Penal Code, apply only to an offense committed on  
24 or after the effective date of this Act. An offense committed  
25 before the effective date of this Act is covered by the law in  
26 effect when the offense was committed, and the former law is  
27 continued in effect for that purpose. For purposes of this section,  
28 an offense was committed before the effective date of this Act if  
29 any element of the offense was committed before that date.



**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** 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 establishment of a victim assistance program to provide services to domestic victims of trafficking. ), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB4009, As Passed 2nd House: 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



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 21, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: HB4009** by Weber (Relating to the establishment of a victim assistance program to provide services to domestic victims of trafficking.), **As Engrossed**

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

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.

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 estimates that \$110,400 would be required for the grants in fiscal year 2011 to serve 48 victims, rising to \$165,600 to serve 72 victims in fiscal year 2014.

HHSC would be permitted to fund the grant program with any appropriated funds and may accept gifts, grants and donations from any source. The bill requires HHSC to conduct a study to identify additional revenue streams. HHSC must submit a report on the study by December 1, 2010.

No later than December 1 of each even numbered year HHSC would be required to submit a report to the legislature summarizing the activities, funding, and outcomes of the programs.

The bill would take effect September 1, 2009.

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. The fiscal impact could be absorbed within existing resources.

**Local Government Impact**

The bill would create a Victim Assistance Program to provide services to victims of human trafficking provided they are a permanent legal resident or a citizen of the United States. The program would include a grant program, training programs for judges, prosecutors, and law enforcement personnel; and an outreach initiative to ensure that victims, judges, prosecutors, and law enforcement personnel are aware of the availability of services through the program. Local governmental entities that provide assistance to domestic victims would be eligible to apply for a grant as defined by the provisions of the bill.



The fiscal impact to local governments that are awarded grants could be positive depending on the amount of the grant that would offset costs for services provided to victims; however, according to the Texas Association of Counties, the fiscal impact is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 529 Health and Human Services Commission

**LBB Staff:** JOB, ESi, CL, BM, MB, TP





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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 29, 2009**

**TO:** Honorable Patrick M. Rose, Chair, House Committee on Human Services

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

**IN RE: HB4009** by Weber (Relating to the establishment of a victim assistance program to provide services to domestic victims of trafficking.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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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.

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 estimates that \$110,400 would be required for the grants in fiscal year 2011 to serve 48 victims, rising to \$165,600 to serve 72 victims in fiscal year 2014.

HHSC would be permitted to fund the grant program with any appropriated funds and may accept gifts, grants and donations from any source. The bill requires HHSC to conduct a study to identify additional revenue streams. HHSC must submit a report on the study by December 1, 2010.

No later than December 1 of each even numbered year HHSC would be required to submit a report to the legislature summarizing the activities, funding, and outcomes of the programs.

The bill would take effect September 1, 2009.

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. The fiscal impact could be absorbed within existing resources.

**Local Government Impact**

The bill would create a Victim Assistance Program to provide services to victims of human trafficking provided they are a permanent legal resident or a citizen of the United States. The program would include a grant program, training programs for judges, prosecutors, and law enforcement personnel; and an outreach initiative to ensure that victims, judges, prosecutors, and law enforcement personnel are aware of the availability of services through the program. Local governmental entities that provide assistance to domestic victims would be eligible to apply for a grant as defined by the provisions of the bill.



The fiscal impact to local governments that are awarded grants could be positive depending on the amount of the grant that would offset costs for services provided to victims; however, according to the Texas Association of Counties, the fiscal impact is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 529 Health and Human Services Commission

**LBB Staff:** JOB, CL, BM, MB, TP



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 22, 2009**

**TO:** Honorable Patrick M. Rose, Chair, House Committee on Human Services

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

**IN RE: HB4009** by Weber (Relating to the establishment of a victim assistance program to provide services to domestic victims of trafficking.), **As Introduced**

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

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.

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 estimates that \$110,400 would be required for the grants in fiscal year 2011 to serve 48 victims, rising to \$165,600 to serve 72 victims in fiscal year 2014.

HHSC would be permitted to fund the grant program with any appropriated funds and may accept gifts, grants and donations from any source. The bill requires HHSC to conduct a study to identify additional revenue streams. HHSC must submit a report on the study by December 1, 2010.

No later than December 1 of each even numbered year HHSC would be required to submit a report to the legislature summarizing the activities, funding, and outcomes of the programs.

The bill would take effect September 1, 2009.

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. The fiscal impact could be absorbed within existing resources.

**Local Government Impact**

The bill would create a Victim Assistance Program to provide services to victims of human trafficking provided they are a permanent legal resident or a citizen of the United States. The program would include a grant program, training programs for judges, prosecutors, and law enforcement personnel; and an outreach initiative to ensure that victims, judges, prosecutors, and law enforcement personnel are aware of the availability of services through the program. Local governmental entities that provide assistance to domestic victims would be eligible to apply for a grant as defined by the provisions of the bill.



The fiscal impact to local governments that are awarded grants could be positive depending on the amount of the grant that would offset costs for services provided to victims; however, according to the Texas Association of Counties, the fiscal impact is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 529 Health and Human Services Commission

**LBB Staff:** JOB, CL, BM, MB, TP





**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**81ST LEGISLATIVE REGULAR SESSION**

**May 21, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: HB4009** by Weber (Relating to the establishment of a victim assistance program to provide services to domestic victims of trafficking.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, LM

