

BILL ANALYSIS

C.S.H.B. 2070
By: Thompson, Senfronia
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the lack of resources and victim services with respect to human trafficking victims is well-documented and that the number of trafficking victims in Texas far exceeds the number of safe houses available. Currently, the parties note, before a foster group home or foster family home may be opened in certain counties, the applicant must disclose the home's location through a public notice and in a public hearing. The parties suggest that homes that provide shelter to victims of human trafficking should be exempt from these notification and hearing requirements. C.S.H.B. 2070 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2070 amends the Human Resources Code to require the Department of Family and Protective Services (DFPS), in order to protect the safety and well-being of residents and employees of a general residential operation that provides comprehensive residential services to children who are victims of trafficking, to waive the notice and hearing requirements for foster group or foster family homes located in certain counties who submit to DFPS an application to provide trafficking victim services at the applicant's general residential operation.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2070 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 42.0461, Human Resources Code, is amended by adding Subsection (h) to read as follows:

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision. (*But see SECTION 1, below.*)

84R 26306

15.118.456

Substitute Document Number: 84R 20163

(h) The department may waive the notice and hearing requirements imposed by Subsections (a), (b), and (f) for an applicant that:

(1) demonstrates to the department in the manner prescribed by department rule that:

(A) a local, state, or federal law enforcement official has determined that the majority of the children to be served by the applicant's facility will be victims of human trafficking; and

(B) disclosure of the address or location of the applicant's facility in the notice or at a public hearing will compromise the safety and well-being of the residents and staff members of the facility; and

(2) in the manner prescribed by department rule, provides written confirmation from a local, state, or federal law enforcement official of the potential security concerns for the facility.

No equivalent provision. (*But see SECTION 1, above.*)

SECTION 2. The executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 42.0461(h), Human Resources Code, as added by this Act, not later than December 1, 2015.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0462 to read as follows:

Sec. 42.0462. WAIVER OF NOTICE AND HEARING REQUIREMENTS. To protect the safety and well-being of residents and employees of a general residential operation that provides comprehensive residential services to children who are victims of trafficking, the department shall waive the notice and hearing requirements imposed under Section 42.0461 for an applicant who submits to the department an application to provide trafficking victim services at the applicant's general residential operation.

No equivalent provision.

SECTION 2. Same as introduced version.