

BILL ANALYSIS

C.S.H.B. 3800
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that the state would benefit from the uniform reporting and centralized collection of information regarding human trafficking cases in Texas. C.S.H.B. 3800 seeks to ensure that policy makers, law enforcement, and prosecutors are equipped with the information needed to successfully engage in the fight against trafficking by requiring applicable law enforcement entities to report certain information relating to a trafficking of persons offense or a prostitution offense to the attorney general.

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 rulemaking authority is expressly granted to the attorney general in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3800 amends the Code of Criminal Procedure to require an applicable entity that investigates, and an attorney representing the state who prosecutes, the alleged commission of a trafficking of persons offense or a prostitution offense which may involve human trafficking to submit to the attorney general a report containing certain information regarding the offense, suspects, victims, and disposition of the investigation or prosecution, as applicable. The bill requires the attorney general to enter into a contract with a university that provides for the university's assistance in the collection and analysis of that information.

C.S.H.B. 3800 applies only with respect to the Department of Public Safety (DPS) and a municipal police department, sheriff's department, constable's office, county attorney's office, district attorney's office, criminal district attorney's office, as applicable, in a county with a population of more than 50,000. The bill authorizes the attorney general, in consultation with those entities, to adopt rules to administer the bill's provisions, including rules prescribing the form and manner of submission of either report and any additional information to include in the reports. The bill specifies that DPS and an applicable entity located in a county with a population of more than 500,000 are not required to comply with the bill's provisions until August 1, 2020, and that an applicable entity located in a county with a population of 500,000 or less is not required to comply until August 1, 2021.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3800 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the actor required to report certain information concerning human trafficking cases from a peace officer employed by an applicable local law enforcement entity to the entity itself, expands the applicable reporting entities to include DPS, and includes the alleged commission of a prostitution-related offense which may involve human trafficking among the reportable cases. The substitute changes the recipient of such information from a university designated by the attorney general to the attorney general.

The substitute does not include a provision requiring such information to be submitted by means of a written report and revises the information required to be submitted.

The substitute requires the attorney general to enter into a contract with a university that provides for the university's assistance in the collection and analysis of information received under the bill's provisions.

The substitute does not include an authorization for the attorney general to prescribe the form and manner of submission of a report and additional information to be included in a report. The substitute includes a provision that instead requires the attorney general, in consultation with applicable entities, to adopt rules to administer the bill's provisions, including prescribing such things.

The substitute includes a procedural provision providing for the delayed and staggered applicability of the bill's provisions.