

## **BILL ANALYSIS**

C.S.H.B. 2633  
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Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There are concerns that the severe lack of shelters for victims of human trafficking can facilitate the recruitment of at-risk children, youth, and young adults into sophisticated trafficking operations, because children recovered from trafficking who may once have been groomed as recruiters are often placed into facilities with child abuse victims and others, themselves at high risk of being trafficked. As a result, many of these recovered children revert to recruiting new victims, making abused children in nonspecialized facilities easy prey for traffickers. There have been calls for the state to assist in the establishment of standalone facilities dedicated to the recovery and protection of these uniquely vulnerable populations. C.S.H.B. 2633 seeks to answer these calls by establishing a trafficked persons grant program to provide funding for these facilities.

### **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 executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill and to the secretary of state in SECTION 4 of this bill.

### **ANALYSIS**

C.S.H.B. 2633 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC) to establish the trafficked persons grant program to provide grants to applicants for dedicated housing and treatment facilities provided to human trafficking victims. The bill requires HHSC by rule to establish and publish on its website eligibility criteria for grant recipients, which must be developed using research-based best practices and which must require a recipient to provide the following:

- immediate trauma support to a human trafficking victim on the victim's initial rescue or recovery from trafficking;
- wraparound services to facilitate a continuity of care for human trafficking victims placed in the recipient's facility as assisted by the child sex trafficking prevention unit within the criminal justice division of the governor's office or the governor's program for victims of child sex trafficking; and
- safe and constitutionally secure shelter that considers the clear and present danger of organized crime to the children and youth housed in the facility.

C.S.H.B. 2633 requires a grant applicant to provide HHSC with plans that include certain details about the applicable shelter or facility and the services the applicant will provide. In determining

whether to award a grant, HHSC is to prioritize applicants operating a shelter or facility that, as follows:

- satisfies the requirements under the Human Resources Code for child-care facilities, homes, and agencies;
- provides dedicated housing or shelter space for the exclusive use of human trafficking victims; and
- has not adopted a policy that allows the facility to refuse for any reason to provide facility services to persons presented to the facility by any person involved in the recovery of human trafficking victims.

C.S.H.B. 2633 requires HHSC to enter into a written agreement with a grant recipient before awarding a grant specifying the following:

- that if HHSC finds that the recipient has not complied with the standards required by the bill's provisions and rules adopted thereunder:
  - the recipient must repay the grant or a prorated portion of the grant to the state at an agreed rate and on agreed terms; and
  - HHSC will not distribute any outstanding grant money to the recipient;
- that if, as of a date provided in the agreement, the recipient has not used grant money for the purposes for which the grant was intended, the recipient must repay that amount to the state at an agreed rate and on agreed terms; and
- that the recipient may not use grant money for administrative or overhead expenses.

C.S.H.B. 2633 establishes the trafficked persons program account as a dedicated account in the general revenue fund. The account consists of the following:

- contributions made through the state electronic Internet portal;
- contributions made from the voluntary contribution for trafficked persons program account under the bill's provisions as follows:
  - a contribution made on the registration or registration renewal of a motor vehicle;
  - a contribution made on application for an original, renewal, corrected, or duplicate driver's license or personal identification certificate; and
  - a contribution made on application for an original, renewal, corrected, or duplicate commercial driver's license;
- fees for the issuance of certain specialty license plates;
- gifts, grants, and donations received for the account; and
- interest, dividends, and other income of the account.

C.S.H.B. 2633 restricts the purposes for which money in the account may be appropriated to the following:

- the trafficked persons grant program;
- certain sex trafficking prevention and victim treatment programs;
- a trafficked persons program established by a juvenile board; and
- the administration of certain HHSC programs to provide care and recovery to children and youth who are human trafficking victims.

Provisions of law relating to the reallocation of interest accrued on certain dedicated revenue do not apply to the account. The bill prohibits the legislature from using money in the account to offset any other appropriations designated to the Department of Family and Protective Services (DFPS) or to HHSC. The purpose of the trafficked persons program account is to provide money as follows:

- to substantiate the state's interest in publicly operated and funded shelter and treatment for victims of an offense of trafficking of persons;
- to prevent the recruitment of human trafficking victims within mixed-status child, youth, and young adult shelters;
- for consistent and recurring funding of long-term solutions for providing research-based treatment and safe and secure shelter to child, youth, and young adult victims of human trafficking;

- for financial stability of local governments, private partners, and medical facilities in planning, building, and maintaining dedicated housing and recovery programs for victims of human trafficking; and
- to raise awareness of the account among businesses and philanthropists in Texas and to strengthen public and private partnerships established to end the practice of human trafficking.

C.S.H.B. 2633 requires HHSC to administer the account and by rule to establish guidelines for distributing money in accordance with the bill's provisions. The bill requires HHSC to distribute money from the account to the grant program until HHSC determines that the grant program's purposes are satisfied statewide. Following that determination, HHSC may then distribute money from the account for another authorized purpose. The bill authorizes HHSC to distribute to itself money from the account for the purposes of providing the services otherwise provided under the grant program if HHSC determines it has the resources and personnel necessary to provide those services in the requisite manner. The bill authorizes the comptroller of public accounts to audit money distributed from the account.

C.S.H.B. 2633 amends the Family Code to authorize HHSC to use money appropriated from the trafficked persons program account to establish, maintain, and operate facilities to provide care and recovery and to ensure the general well-being of children and youth who are victims of an offense of trafficking of persons.

C.S.H.B. 2633 requires HHSC, using money from the trafficked persons program account, to conduct a study to determine the needs and best practices of establishing permanent, safe, and secure housing for child and youth human trafficking victims. The bill requires HHSC to develop a written report of the study's results and to provide the report to the governor and applicable standing legislative committees not later than December 1, 2022.

C.S.H.B. 2633 amends the Government Code to expand the scope of the secretary of state's rulemaking authority over the human trafficking prevention business partnership by requiring the secretary to use the program to inform participating corporations and other private entities of the opportunity to support the trafficked persons program account by making a donation to the account. The bill requires the secretary, as part of the office's regular operations, to inform the public using email, notices posted on the secretary's website, or other publications of the opportunity to support the trafficked persons program account and caps the amount that the secretary may spend to promote awareness of the program at \$100,000.

C.S.H.B. 2633 requires the Department of Information Resources (DIR) to provide an opportunity for a person to make a contribution to the trafficked persons program account when the person accesses the state electronic internet portal for a prescribed purpose. The bill authorizes DIR to deduct from the donations an amount equal to DIR's reasonable expenses associated with administering that requirement and requires any money contributed to be deposited to the credit of the account. The bill requires DIR to collaborate with the Texas Department of Motor Vehicles (TxDMV), the Department of Public Safety (DPS), and any other state agency to maximize donations to the account.

C.S.H.B. 2633 amends the Human Resources Code to expand the trafficking-related offenses for which a trafficked persons program established by a juvenile board may provide services to include the following, in addition to continuous sexual abuse of a young child or children, indecency with a child, sexual assault, aggravated sexual assault, and prostitution:

- continuous trafficking of persons;
- promotion of prostitution;
- aggravated promotion of prostitution;
- compelling prostitution;
- conduct involving sexual performance by a child;
- employment harmful to children; and

- possession or promotion of child pornography.

The bill includes among the children for whom a juvenile board may establish such a program children who have been referred to the program by the child sex trafficking prevention unit or the governor's program for victims of child sex trafficking. The bill authorizes a facility qualified to provide one or more services under such a program to apply for a grant from the trafficked persons grant program for the limited purpose of providing constitutionally secure shelter and research-based treatment services to human trafficking victims.

C.S.H.B. 2633 amends the Transportation Code to require TxDMV and DPS, as applicable, to direct, in a conspicuous manner, a person to the opportunity to donate to the trafficked persons program account through the state electronic Internet portal when the person does any of the following:

- registers or renews a motor vehicle registration; or
- applies for an original, renewal, corrected, or duplicate driver's license, including a commercial driver's license, or personal identification certificate.

If a person makes a contribution and does not pay the full amount of a registration fee, the county assessor-collector may credit all or a portion of the contribution to the person's registration fee. The bill authorizes TxDMV and DPS to deduct applicable administrative expenses from the donations.

C.S.H.B. 2633 requires TxDMV to issue specialty license plates to support the trafficked persons program account and requires TxDMV to design the license plates in consultation with an organization involved in the support and recovery of human trafficking victims. The bill requires the amount of the fee for issuance of those license plates remaining after deducting administrative costs to be deposited to the credit of the account.

Certain recently enacted legislation provides for a phased transition of the health and human services system, including the abolishment and consolidation of various state agencies and entities. To the extent practicable, this bill analysis is written to accurately reflect rulemaking authority within the health and human services system, which Section 531.0055, Government Code, expressly grants to the executive commissioner of HHSC, and to update outdated references as necessary to reflect an agency's or entity's current authority with respect to a particular health and human services program or function.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2633 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 transfers all powers and duties relating to administering the trafficked persons grant program and the associated account from DFPS, as in the original, to HHSC. With respect to the account, the substitute does the following:

- changes the language with regard to the purposes for the account and updates a statutory cross-reference, as set out in the original; and
- does not include legislative appropriations among the components of the account, as in the original.

The substitute makes the requirement for a grant applicant to submit a certain plan applicable to all applicants, whereas the original subjected only an applicant who proposes to construct a new shelter or treatment facility to that requirement. The substitute includes as an additional criterion for prioritization in awarding grants to include priority based on the grant applicant operating a

shelter or facility that has not adopted a policy allowing the facility to refuse for any reason to provide services to persons presented to the facility by any person involved in the recovery of human trafficking victims.

Both the substitute and the original expand the trafficking-related offenses a victim of which may receive services from a trafficked persons program established by a juvenile board. However, the substitute does not include online promotion of prostitution or the aggravated online promotion of prostitution among the expanded offenses, as in the original. The substitute also revises the original's authorization for HHSC to use money from the trafficked persons program account to establish, maintain, and operate facilities to provide care and recovery and to ensure the general well-being of children and youth who are victims of a trafficking-related offense to omit those two offenses from the applicable trafficking-related offenses.

The substitute requires the secretary of state by rule to inform corporations and other private entities participating in the human trafficking prevention business partnership of the opportunity to support the account by making a donation to the account, whereas the original required the secretary to solicit the donations as part of the partnership.

The substitute revises the original's provisions regarding a public awareness campaign for the trafficked persons program account by the secretary of state to do the following:

- remove the requirement for the campaign to be established and implemented by rule; and
- authorize the secretary, as part of the office's regular operations, to inform the public of the opportunity to support the account using email, notices posted on the secretary's website, or other publications, rather than to distribute information about that opportunity as part of its public service advertisements, as in the original.

The substitute includes provisions not included in the original that do the following:

- authorize DIR to deduct administrative expenses from the contributions received through the state electronic Internet portal for the trafficked persons program account; and
- require DIR to collaborate with TxDMV, DPS, and any other state agencies to maximize donations to the account.

The substitute revises the original's provisions regarding voluntary contributions for the trafficked persons program account from persons registering or renewing a motor vehicle registration or applying for an original, renewal, corrected, or duplicate driver's license, including a commercial driver's license, or personal identification certificate to provide for those donations to be made through the state electronic Internet portal, rather than as part of the actual payment of fees for the registration or application to then be sent to the comptroller for deposit into the account. The substitute omits the \$1 donation minimum from the original provisions.