

SUBJECT: Adding human trafficking to definition of “victim” for victims’ rights

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Gallego, Fletcher, Kent, Miklos, Moody, Pierson, Vaught
0 nays
4 absent — Christian, Hodge, Riddle, Vo

WITNESSES: For — None
Against — None
On — Eric Nichols, Office of Attorney General

BACKGROUND: Code of Criminal Procedure, ch. 56 provides for the rights of crime victims. Article 56.01(3) defines “victim” as a person who is a victim of sexual assault, kidnapping, aggravated robbery, or injury to a child, elderly, or disabled individual or who has suffered bodily injury or death as a result of a criminal action.

DIGEST: HB 1372 would amend the definition of “victim” in Code of Criminal Procedure, article 56.01(3) to include a person who is the victim of human trafficking.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

SUPPORTERS SAY: Every year, between 14,500 and 17,500 men, women, and children are trafficked into the United States from Asia, Central and South America, and Eastern Europe. This does not include the number of individuals trafficked domestically within the United States. The U.S. State Department reports that 80 percent of those trafficked internationally are female, and 50 percent are children. Human trafficking victims are often “hiding in plain sight,” working in hotels, restaurants and private homes,

while others are less visible — for example, when forced into the sex trade.

Texas is a major corridor of human trafficking, constituting approximately 20 percent of all human trafficking victims in the United States, with Houston and El Paso listed among the U.S. Department of Justice’s most intense U.S. trafficking areas. The Texas Attorney General’s Office, at the request of the 80th Legislature, studied the issue and released its findings in “The Texas Response to Human Trafficking.” The report offers 21 recommendations intended to reduce human trafficking and improve services to victims.

HB 1372 would address one of the attorney general’s recommendations by amending the definition of crime victim in the Code of Criminal Procedure to include victims of human trafficking. The bill would allow the victims of human trafficking to be eligible for benefits and protections provided under Code of Criminal Procedure, ch. 56, which include:

- the right to receive police protection from harm or threats arising from the crime;
- the right to be informed about processes involving the defendant, such as bail or parole, and;
- the right to present a victim impact statement to the court.

Also included in ch. 56 is the Crime Victims’ Compensation Act, which allows for financial assistance to help victims and their families living in Texas with the financial costs of crime, such as medical bills, psychiatric care or counseling, loss of earnings or support, job training, vocational rehabilitation, and transportation and housing needs.

The Crime Victims’ Compensation Fund, by statute, applies to victims who are residents of Texas, so human trafficking victims residing and working in the state would be eligible for financial assistance from the fund. HB 1372 would provide much needed protection and assistance to victims of human trafficking within the state of Texas.

**OPPONENTS
SAY:**

While HB 1372 would help innocent victims of human trafficking, it should go farther and recognize the unique circumstances that apply to victims of this crime. The Crime Victims’ Compensation Act provides benefits to victims who are residents of Texas and were victimized in the state and, in certain situations, Texans who were victimized in another

state or country. Victims of human trafficking who were discovered immediately upon entry into the state would not be eligible for aid from the Crime Victims' Compensation Fund because they would not meet the residency requirement.