

SUBJECT: Victim assistance program for domestic victims of human trafficking

COMMITTEE: Human Services — committee substitute recommended

VOTE: 9 ayes — Rose, Herrero, Darby, Elkins, Hernandez, Hughes, Legler,
Naishtat, Walle

0 nays

WITNESSES: For — Shelton Green, Christian Life Commission of the Texas Baptist Convention; Dennis Mark, Redeemed Ministries, Not For Sale Campaign; *(Registered, but did not testify: Jennifer Allmon, The Texas Catholic Conference, The Roman Catholic Bishops of Texas; Noelita Lugo, Texans Care for Children; Ryan Paylor, Texas Conservative Coalition; Judy Powell, Parent Guidance Center; Jonathan Saenz, Free Market Foundation; Olga Sinitsyn, Children at Risk)*

Against — None

On — Sasha Rasco, Department of Family and Protective Services; *(Registered, but did not testify: Caitriona Lyons, Health and Human Services Commission)*

BACKGROUND: Federal law, in 22 U.S.C. sec. 7102, defines “victim of trafficking” as a person subjected to:

- sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act has not reached the age of 18; or
- the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Human trafficking is the third largest criminal industry in the world. With 20 percent of the U.S. trafficking victims located in the state, Texas has successfully established services for victims of international trafficking, largely through federal funding. However, services for domestic victims are lacking.

Every year, 450,000 U.S. children run away from home and many become victims of human trafficking. These domestic victims are usually girls between the ages of 12 and 15 who are trafficked almost exclusively for the sex trade. A U.S. Department of Justice report, published in January 2009, stated that 74 percent of sex trafficking victims were American citizens. Most are forced into drug addiction as a means of keeping them compliant. The amount of control via fear and torture is also much greater for domestic victims than international victims.

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, including that domestic victims of human trafficking be as vigorously identified, protected, and assisted as foreign nationals.

DIGEST:

CSHB 4009 would amend Government Code, ch. 531 by adding subchapter J-1 to establish an assistance program for domestic victims of human trafficking. A "victim of trafficking" would have the meaning assigned by 22 U.S.C. sec. 7102, and a "domestic victim" would be a victim of trafficking who was a permanent legal resident or citizen of the United States.

The Health and Human Services Commission (HHSC) would develop and implement a program to assist domestic victims, including children, in accessing needed services. The program would consist of at least the following components:

- a searchable database of assistance programs for domestic victims that may be used to match victims with appropriate resources;
- recommended training programs for judges, prosecutors, and law enforcement personnel;
- an outreach initiative to ensure that victims, judges, prosecutors, and law enforcement personnel were aware of the availability of services through the program; and
- a grant program.

Subject to available funds, the required grant program would award grants to public and nonprofit organizations that provided assistance to domestic victims. When awarding grants, the commission would have to give preference to organizations that had experience in providing assistance to domestic victims. HHSC would submit a report to the Legislature, no later

than December 1 of each even-numbered year, summarizing the activities, funding, and outcomes of programs awarded a grant and providing recommendations regarding the grant program.

HHSC, with the assistance of the Department of Public Safety (DPS), the Office of Court Administration, and local law enforcement agencies, would create training programs designed to increase the awareness of judges, prosecutors, and law enforcement personnel of the needs of domestic victims, the database, availability of services, and potential funding sources for those services.

HHSC could use appropriated funds and could accept gifts, grants, and donations from any sources for the victim assistance program. In addition, HHSC would have to conduct a study regarding additional funding strategies to identify appropriate revenue streams. The commission would submit a report regarding the results of the study to the 82nd Legislature no later than December 1, 2010. The report would have to include the findings regarding revenue streams for the victims assistance program, proposed legislation necessary to receive the revenue, and proposed legislation regarding the establishment of a dedicated account to which the revenue could be credited.

The bill would take effect September 1, 2009.