

- SUBJECT:** Requiring law enforcement training relating to the trafficking of persons
- COMMITTEE:** Public Safety —favorable, without amendment
- VOTE:** 7 ayes — Merritt, Frost, Burnam, Driver, P. King, Mallory Caraway, Vo
0 nays
2 absent — Lewis, Rodriguez
- WITNESSES:** For — Chris Burchell, Texas Anti-Trafficking in Persons Coalition; Laura Martin, ACLU of Texas; Jennifer Solak, Children at Risk; (*Registered, but did not testify:* Ana Defrates; Shelton Green, Christian Life Commission; Johnny King; Maria Martinez, Immigration and Reform Coalition of Texas; Andrew Rivas, Texas Catholic Conference; Charley Wilkison, CLEAT-Combined Law Enforcement Associations of Texas)

Against — None

On — Timothy Braaten, Texas Commission on Law Enforcement Officers Standards and Education; (*Registered, but did not testify:* Ron Joy, DPS; Joel Moreno, TABC)
- BACKGROUND:** Penal Code, sec. 20A.02 defines the offense of trafficking of persons as:
- knowingly trafficking another person with the intent or knowledge that the trafficked person will engage in forced labor or services; or
 - intentionally or knowingly benefitting from participation in a venture involving trafficking of persons, including receiving labor or services the individual knows are forced.
- The penalty for trafficking of persons is a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000), unless the trafficking involves a minor who was forced into prostitution as defined by Penal Code, sec. 43.02, or the offense resulted in the death of the person who was trafficked, in which case the penalty is a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000).

An individual commits the offense of compelling prostitution under Penal Code, sec. 43.05 if the individual knowingly causes another by force, threat, or fraud to commit prostitution, or causes a person younger than 17 years to commit prostitution. The penalty for compelling prostitution is a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000).

Occupations Code, ch. 1701 lays out requirements related to law enforcement officers, including required training subject areas.

DIGEST:

HB 530 would amend the Occupations Code, ch. 1701 to require the Commission on Law Enforcement Officer Standards and Education to develop education and training programs for law enforcement officers on trafficking of persons no later than December 1, 2010.

The bill would require all new officers licensed after January 1, 2011, to complete, within a reasonable time, a one-time basic education and training program on trafficking of persons, including at least four hours of training and a review of Penal Code sections 20A.02 and 43.05.

HB 530 also would require that a voluntary advanced education, instruction, and training program on the trafficking of persons, sex trafficking, and compelling prostitution be made available to all officers no later than January 1, 2011.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 530 would provide law enforcement officers with the skills necessary to recognize the victims of human trafficking, take appropriate action to secure their safety, and pursue the traffickers.

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 about 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 530 would address one of the attorney general's recommendations by requiring training in human trafficking for law enforcement officers. Many officers are not aware of the offense of human trafficking or how to recognize the crime. Because local law enforcement is often the first point of contact for victims, the training provided by the bill would be vital in instructing officers on how to identify victims of human trafficking and address their needs. Unless law enforcement officers understand the many facets of this crime and are trained on the victim-centered approach, victims of human trafficking often are treated and prosecuted as criminals, rather than aided as victims.

A recent study found that in 11 out of 12 cases, law enforcement officers failed to recognize victims of human trafficking and failed to provide safety measures. Human trafficking is a fairly new and extremely complex crime, so law enforcement officers simply are not as experienced in recognizing it. HB 530 would address that problem by providing the education and training officers need to recognize the signs of human trafficking, identify the victims, and get them the services they need.

Little cost will be required to produce the training because it already exists. The commission has produced a 200-page manual and eight-hour program on the issue, but very few officers have taken advantage of the voluntary course. HB 530 simply would require law enforcement personnel to take advantage of a shortened version of the existing course to better combat the escalating crime of human trafficking in Texas.

OPPONENTS
SAY:

No apparent opposition.