

SUBJECT: Requiring human trafficking signs at abortion facilities

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 10 ayes — Cook, Giddings, Craddick, Geren, Guillen, K. King, Kuempel, Meyer, Paddie, E. Rodriguez

1 nay — Farrar

2 absent — Oliveira, Smithee

WITNESSES: For — Dottie Laster, Heidi Search Center; Judy Vatterott, Life Advocates; Herman Jadloski, Life Advocates, Foundation for Life; Jenny Andrews and Joe Pojman, Texas Alliance for Life; Kathryn Freeman, Texas Baptists Christian Life Commission; Greg Terra, Texas Center for Defense of Life; Jennifer Allmon, The Texas Catholic Conference of Bishops; Kyleen Wright, Texans for Life; (*Registered, but did not testify:* Ann Hettinger, Center for the Preservation of American Ideals; Linda Townsend, CHRISTUS Health; Emily Ponte, Foundation for Life; Deirdre Cooper and Elisabeth Wheatley, Texas Alliance for Life; Linda Townsend, Texas Catholic Health Association)

Against — (*Registered, but did not testify:* Jane McFarland, League of Women Voters of Texas; Dana Blanton; Alexa Garcia-Ditta; Steven Hernandez; Sarah Norris)

On — Andy Prior, Equal Protection for Posterity; Emily Horne and John Seago, Texas Right to Life; Susan Hays; Lena Levario; (*Registered, but did not testify:* Jonathan Huss and Patrick Waldron, Texas Department of State Health Services)

DIGEST: CSHB 2858 would require abortion facilities to display signs containing information about human trafficking. It also would enhance certain criminal offenses for abortions that were coerced.

Signage. An abortion facility would be required to display signs in each

restroom and patient consulting room with the following information:

- no person, including an individual's parents, may force any individual to have an abortion;
- it is illegal for a person to force an individual to engage in sexual acts; and
- a woman who needs help may call or text a state or national organization that assists victims of human trafficking and forced abortions and the organization's toll-free number.

The signs would be required in English, Spanish, and any other language required for ballot purposes in a political subdivision. The signs would have to be at least letter paper size and displayed in a conspicuous manner clearly visible to the public and employees of an abortion facility. The executive commissioner of the Health and Human Services Commission would be required to adopt rules for the signs.

Criminal offenses. The bill would make it a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000) to commit a human trafficking offense listed in Penal Code, sec. 20A.02 if the offense resulted in the death of an unborn child of the person who is trafficked.

The bill would amend the Penal Code related to assaults to classify the offense of causing bodily harm against a pregnant person to force that person to have an abortion as a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000). It also would amend the Penal Code related to assaults to classify the offenses of threatening or causing physical contact with a pregnant person to force the person to have an abortion as a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

The bill would take effect September 1, 2017, and would apply only to offenses committed on or after that date.

SUPPORTERS CSHB 2858 would help protect human trafficking victims by requiring the

SAY: posting of information at abortion facilities in bathrooms and patient consulting rooms where girls or women in danger would have privacy to read the signs and call the hotline. The signs would not be in a common area such as the waiting room where they could be read by a trafficker who was accompanying the girl or woman. Sex trafficking hotlines are coordinated with law enforcement and could provide immediate help to a caller.

The bill also would enhance penalties when trafficking victims were forced to have abortions. Coerced abortions are a serious problem, and many are believed to involve young victims of sex trafficking. Seventeen other states have enacted anti-coercion laws and CSHB 2858 would enhance penalties for existing crimes involving human trafficking and assault in which an abortion was involved.

OPPONENTS SAY: CSHB 2858 would do little to address the complex problem of sex trafficking by adding yet another mandated sign at abortion facilities. Sex crime victims seeking emergency care should be instructed to call 911 instead of a hotline. Treating a trafficking victim who may have suffered repeated sexual assault as someone who was being coerced into an abortion could further victimize a person who did not want to continue a pregnancy.

NOTES: A companion bill, SB 1377 by Buckingham, was referred to the Senate State Affairs Committee on March 16.