

BILL ANALYSIS

Senate Research Center
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H.B. 2633
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. Children recovered from trafficking, who may once have been groomed as recruiters, are often placed into facilities with child abuse victims. As a result, many of these recovered children revert to recruiting new trafficking victims, making abused children in nonspecialized facilities easy prey for traffickers.

H.B. 2633 seeks to assist in the establishment of standalone facilities dedicated to the recovery and protection of these uniquely vulnerable populations. Specifically, H.B. 2633 would create the trafficked persons grant program to give grants to applicants to provide dedicated housing and treatment facilities for certain human trafficking victims. The bill would establish an account to fund the grant program and provisions for making and administering the grants.

H.B. 2633 amends current law relating to resources provided to human trafficking victims and the establishment of the trafficked persons grant program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Health and Human Services Commission in SECTION 1 (Sections 50.0154 and 50.0155, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the secretary of state is modified in SECTION 4 (Section 405.023, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 50, Health and Safety Code, as added by Chapter 413 (S.B. 20), Acts of the 86th Legislature, Regular Session, 2019, by adding Subchapter D, as follows:

SUBCHAPTER D. TRAFFICKED PERSONS GRANT PROGRAM

Sec. 50.0151. DEFINITIONS. Defines "account," "department," and "grant program."

Sec. 50.0152. PURPOSE. Provides that the purpose of the trafficked persons program account (account) is to provide money:

(1) to substantiate this state's interest in publicly operated and funded shelter and treatment for victims of an offense of trafficking of persons as defined by Article 56B.003 (Definitions), Code of Criminal Procedure;

(2) to prevent the recruitment of human trafficking victims within mixed-status child, youth, and young adult shelters;

(3) 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;

(4) 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

(5) to raise awareness of the account among businesses and philanthropists in this state and to strengthen public and private partnerships established to end the practice of human trafficking.

Sec. 50.0153. ESTABLISHMENT OF ACCOUNT. (a) Provides that the account is a dedicated account in the general revenue fund.

(b) Provides that the account consists of:

(1) contributions made under Section 2054.252 (State Electronic Internet Portal Project), Government Code;

(2) contributions made under Sections 502.416, 521.013, and 522.0296, Transportation Code;

(3) fees for the specialty license plates issued under Section 504.675, Transportation Code;

(4) gifts, grants, and donations received for the account; and

(5) interest, dividends, and other income of the account.

(c) Provides that Section 403.0956 (Reallocation of Interest Accrued on Certain Dedicated Revenue), Government Code, does not apply to the account.

(d) Authorizes money in the account to be appropriated only to:

(1) the trafficked persons grant program (grant program);

(2) the sex trafficking prevention and victim treatment programs established under this chapter;

(3) the trafficked persons program established under Section 54.04012 (Trafficked Persons Program), Family Code; and

(4) the administration of a program described by Section 264.004(d), Family Code.

(e) Prohibits the legislature from using money in the account to offset any other appropriations designated to the Department of Family and Protective Services or the Health and Human Services Commission (HHSC).

Sec. 50.0154. ACCOUNT ADMINISTRATION. (a) Requires HHSC to administer the account and by rule establish guidelines for distributing money from the account in accordance with this subchapter.

(b) Requires HHSC to distribute money from the account to the grant program until HHSC determines that the grant program's purposes are satisfied statewide. Authorizes HHSC, following that determination, to distribute money from the account to a program described by Section 50.0153(d)(2), (3), or (4).

(c) Authorizes the Comptroller of Public Accounts of the State of Texas to audit money distributed under this section.

Sec. 50.0155. TRAFFICKED PERSONS GRANT PROGRAM. (a) Requires HHSC to establish the grant program to provide grants to applicants for dedicated housing and treatment facilities provided to human trafficking victims.

(b) Requires HHSC by rule to establish and publish on its Internet website eligibility criteria for grant recipients. Requires HHSC to develop the criteria using research-based best practices and require the recipient to provide:

(1) immediate trauma support to a human trafficking victim on the victim's initial rescue or recovery from trafficking;

(2) wraparound services to facilitate a continuity of care for human trafficking victims placed in the recipient's facility as assisted by:

(A) the Child Sex Trafficking Prevention Unit established under Section 772.0062 (Child Sex Trafficking Prevention Unit), Government Code; or

(B) the governor's program for victims of child sex trafficking established under Section 772.0063 (Governor's Program for Victims of Child Sex Trafficking), Government Code; and

(3) 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) Requires a grant applicant to provide to HHSC plans that include:

(1) a process for obtaining the consent of a qualified guardian of a human trafficking victim for the applicant's services and treatment;

(2) a strategy for addressing the spectrum of needs for human trafficking victims, including victims whose history of trauma poses a risk to other residents of the shelter or facility;

(3) a statement on whether the shelter or facility will provide:

(A) acute or subacute services to address the immediate medical or treatment needs of the victims;

(B) short-term housing services following initial rescue or recovery of victims; and

(C) residential treatment services to meet long-term needs of victims; and

(4) a statement on whether the shelter or facility will provide separate housing space according to age, risk, and medical or mental health needs of victims.

(d) Requires HHSC, in determining whether to award a grant under this section, to prioritize applicants operating a shelter or facility that:

(1) satisfies the requirements under Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services), Human Resources Code;

(2) provides dedicated housing or shelter space for the exclusive use of human trafficking victims; and

(3) 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.

Sec. 50.0156. **REQUIRED GRANT CONTRACT.** Requires HHSC, before awarding a grant under this subchapter, to enter into a written agreement with the recipient specifying that:

(1) if HHSC finds that the recipient has not complied with the standards required by this subchapter and rules adopted under this subchapter:

(A) the recipient is required to repay the grant or a prorated portion of the grant to this state at an agreed rate and on agreed terms; and

(B) HHSC will not distribute to the recipient any grant money that remains to be distributed to the recipient;

(2) if, as of a date provided in the agreement, the recipient has not used grant money awarded under this section for the purposes for which the grant was intended, the recipient is required to repay that amount to this state at an agreed rate and on agreed terms; and

(3) the recipient is prohibited from using grant money for administrative or overhead expenses.

Sec. 50.0157. **COMMISSION PROVISION OF SERVICES.** Authorizes HHSC to distribute money from the account to HHSC for the purposes of providing services described by Section 50.0155 if HHSC determines it has the resources and personnel necessary to provide those services in accordance with this subchapter and rules adopted under this subchapter.

SECTION 2. Amends Section 54.04012(b), Family Code, to authorize a juvenile court to require a child adjudicated to have engaged in delinquent conduct or conduct indicating a need for supervision and who is believed to be a victim of an offense of trafficking of persons as defined by Article 56B.003, Code of Criminal Procedure, rather than a victim of conduct that constitutes an offense under Section 20A.02, Penal Code, to participate in a program established under Section 152.0017 (Trafficked Persons Program), Human Resources Code.

SECTION 3. Amends Section 264.004, Family Code, by adding Subsection (d), as follows:

(d) Authorizes HHSC to use money appropriated from the trafficked persons program account established under Section 50.0153, Health and Safety Code, 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 as defined by Article 56B.003, Code of Criminal Procedure.

SECTION 4. Amends Section 405.023(b), Government Code, to require the secretary of state (SOS) by rule to establish and implement a program designated as the human trafficking prevention business partnership to inform participating corporations and other private entities of the opportunity to support the trafficked persons program account established under Section 50.0153, Health and Safety Code, by making a donation to the account. Makes nonsubstantive changes.

SECTION 5. Amends Subchapter B, Chapter 405, Government Code, by adding Section 405.024, as follows:

Sec. 405.024. **PUBLIC AWARENESS CAMPAIGN FOR TRAFFICKED PERSONS PROGRAM ACCOUNT.** Requires SOS, as part of the office's regular operations, to inform the public using e-mail, notices posted on SOS's Internet website, or other publications of the opportunity to support the trafficked persons program account

established under Section 50.0153, Health and Safety Code. Prohibits SOS from spending more than \$100,000 to promote awareness of the program account as provided by this section.

SECTION 6. Amends Section 2054.252, Government Code, by adding Subsections (h) and (i), as follows:

(h) Requires the Department of Information Resources (DIR) to provide an opportunity for a person to make a contribution to the trafficked persons program account (account) established under Section 50.0153, Health and Safety Code, when the person accesses the state electronic Internet portal for a purpose described by Subsection (a) (relating to requiring DIR to implement a state Internet portal project that establishes a common electronic infrastructure for state agencies and local governments) that involves submitting a payment to this state. Authorizes DIR to deduct from the donations made under this subsection an amount equal to DIR's reasonable expenses associated with administering this subsection. Requires that money contributed under this subsection be deposited to the credit of the account.

(i) Requires DIR to collaborate with the Texas Department of Motor Vehicles (TxDMV), the Department of Public Safety of the State of Texas, and any other state agency to maximize donations to the trafficked persons program account established under Section 50.0153, Health and Safety Code.

SECTION 7. Amends Section 152.0017, Human Resources Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes a juvenile board to establish a trafficked persons program under Section 152.0017 for the assistance, treatment, and rehabilitation of children who may be victims of an offense of trafficking of persons as defined by Article 56B.003, Code of Criminal Procedure, rather than conduct that constitutes an offense under Section 20A.02, Penal Code, and have been referred to the program by the Child Sex Trafficking Prevention Unit established under Section 772.0062, Government Code, or the governor's program for victims of child sex trafficking established under Section 772.0063, Government Code. Makes nonsubstantive changes.

(c) Authorizes a facility qualified to provide one or more services under Section 152.0017 to apply for a grant under Section 50.0155, Health and Safety Code, only for the purposes of providing constitutionally secure shelter and research-based treatment services to human trafficking victims.

SECTION 8. Amends Subchapter H, Chapter 502, Transportation Code, by adding Section 502.416, as follows:

Sec. 502.416. VOLUNTARY CONTRIBUTION FOR TRAFFICKED PERSONS PROGRAM ACCOUNT. (a) Requires TxDMV, when a person registers or renews the registration of a motor vehicle under Chapter 502 (Registration of Vehicles), to, in a conspicuous manner, direct that person to the opportunity to donate to the trafficked persons program account established under Section 50.0153, Health and Safety Code, through the state's electronic Internet portal described by Section 2054.252(h), Government Code.

(b) Authorizes the county assessor-collector, if a person makes a contribution under this section and does not pay the full amount of a registration fee, to credit all or a portion of the contribution to the person's registration fee.

(c) Authorizes TxDMV to deduct from the donations made under this section an amount equal to TxDMV's reasonable expenses associated with administering this section.

SECTION 9. Amends Subchapter G, Chapter 504, Transportation Code, by adding Section 504.675, as follows:

Sec. 504.675. STOP HUMAN TRAFFICKING LICENSE PLATES. (a) Requires TxDMV to issue specialty license plates to support the trafficked persons program account established under Section 50.0153, Health and Safety Code. Requires TxDMV to design the license plates in consultation with an organization involved in the support and recovery of human trafficking victims.

(b) Requires that after deduction of TxDMV's administrative costs the remainder of the fee for issuance of the license plates be deposited to the credit of the trafficked persons program account established under Section 50.0153, Health and Safety Code.

SECTION 10. Amends Subchapter A, Chapter 521, Transportation Code, by adding Section 521.013, as follows:

Sec. 521.013. VOLUNTARY CONTRIBUTION FOR TRAFFICKED PERSONS PROGRAM ACCOUNT. (a) Requires TxDMV, when a person applies for an original, renewal, corrected, or duplicate driver's license or personal identification certificate under Chapter 521 (Driver's Licenses and Certificates), to , in a conspicuous manner, direct that person to the opportunity to donate to the trafficked persons program account established under Section 50.0153, Health and Safety Code, through the state's electronic Internet portal described by Section 2054.252(h), Government Code.

(b) Authorizes TxDMV to deduct from the donations made under this section an amount equal to TxDMV's reasonable expenses associated with administering this section.

SECTION 11. Amends Subchapter C, Chapter 552, Transportation Code, by adding Section 522.0296, as follows:

Sec. 522.0296. VOLUNTARY CONTRIBUTION FOR TRAFFICKED PERSONS PROGRAM ACCOUNT. (a) Requires TxDMV, when a person applies for an original, renewal, corrected, or duplicate commercial driver's license under Chapter 522 (Commercial Driver's Licenses), to, in a conspicuous manner, direct that person to the opportunity to donate to the trafficked persons program account established under Section 50.0153, Health and Safety Code, through the state's electronic Internet portal described by Section 2054.252(h), Government Code.

(b) Authorizes TxDMV to deduct from the donations made under this section an amount equal to TxDMV's reasonable expenses associated with administering this section.

SECTION 12. (a) Requires HHSC, from money appropriated under Subchapter D, Chapter 50, Health and Safety Code, as added by this Act, to conduct a study to determine the needs and best practices of establishing permanent, safe, and secure housing for child and youth victims of an offense of trafficking of persons as defined by Article 56B.003, Code of Criminal Procedure.

(b) Requires HHSC to develop a written report from the results of the study conducted under Subsection (a) of this section. Requires HHSC, not later than December 1, 2022, to provide the report to the governor and the standing committees of the legislature with jurisdiction over HHSC.

SECTION 13. Effective date: September 1, 2021.