

1-1 By: A. Johnson of Harris, et al. H.B. No. 2633
 1-2 (Senate Sponsor - Huffman, Powell)
 1-3 (In the Senate - Received from the House May 10, 2021;
 1-4 May 14, 2021, read first time and referred to Committee on Health &
 1-5 Human Services; May 21, 2021, reported favorably by the following
 1-6 vote: Yeas 9, Nays 0; May 21, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to resources provided to human trafficking victims and the
 1-21 establishment of the trafficked persons grant program.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 50, Health and Safety Code, as added by
 1-24 Chapter 413 (S.B. 20), Acts of the 86th Legislature, Regular
 1-25 Session, 2019, is amended by adding Subchapter D to read as follows:

1-26 SUBCHAPTER D. TRAFFICKED PERSONS GRANT PROGRAM

1-27 Sec. 50.0151. DEFINITIONS. In this subchapter:

1-28 (1) "Account" means the trafficked persons program
 1-29 account established under Section 50.0153.

1-30 (2) "Department" means the Department of Family and
 1-31 Protective Services.

1-32 (3) "Grant program" means the trafficked persons grant
 1-33 program established under Section 50.0155.

1-34 Sec. 50.0152. PURPOSE. The purpose of the trafficked
 1-35 persons program account is to provide money:

1-36 (1) to substantiate this state's interest in publicly
 1-37 operated and funded shelter and treatment for victims of an offense
 1-38 of trafficking of persons as defined by Article 56B.003, Code of
 1-39 Criminal Procedure;

1-40 (2) to prevent the recruitment of human trafficking
 1-41 victims within mixed-status child, youth, and young adult shelters;

1-42 (3) for consistent and recurring funding of long-term
 1-43 solutions for providing research-based treatment and safe and
 1-44 secure shelter to child, youth, and young adult victims of human
 1-45 trafficking;

1-46 (4) for financial stability of local governments,
 1-47 private partners, and medical facilities in planning, building, and
 1-48 maintaining dedicated housing and recovery programs for victims of
 1-49 human trafficking; and

1-50 (5) to raise awareness of the account among businesses
 1-51 and philanthropists in this state and to strengthen public and
 1-52 private partnerships established to end the practice of human
 1-53 trafficking.

1-54 Sec. 50.0153. ESTABLISHMENT OF ACCOUNT. (a) The
 1-55 trafficked persons program account is a dedicated account in the
 1-56 general revenue fund.

1-57 (b) The account consists of:

1-58 (1) contributions made under Section 2054.252,
 1-59 Government Code;

1-60 (2) contributions made under Sections 502.416,
 1-61 521.013, and 522.0296, Transportation Code;

2-1 (3) fees for the specialty license plates issued under
 2-2 Section 504.675, Transportation Code;
 2-3 (4) gifts, grants, and donations received for the
 2-4 account; and
 2-5 (5) interest, dividends, and other income of the
 2-6 account.
 2-7 (c) Section 403.0956, Government Code, does not apply to the
 2-8 account.
 2-9 (d) Money in the account may be appropriated only to:
 2-10 (1) the grant program;
 2-11 (2) the sex trafficking prevention and victim
 2-12 treatment programs established under this chapter;
 2-13 (3) the trafficked persons program established under
 2-14 Section 54.04012, Family Code; and
 2-15 (4) the administration of a program described by
 2-16 Section 264.004(d), Family Code.
 2-17 (e) The legislature may not use money in the account to
 2-18 offset any other appropriations designated to the department or
 2-19 commission.
 2-20 Sec. 50.0154. ACCOUNT ADMINISTRATION. (a) The commission
 2-21 shall administer the account and by rule establish guidelines for
 2-22 distributing money from the account in accordance with this
 2-23 subchapter.
 2-24 (b) The commission shall distribute money from the account
 2-25 to the grant program until the commission determines that the grant
 2-26 program's purposes are satisfied statewide. Following that
 2-27 determination, the commission may distribute money from the account
 2-28 to a program described by Section 50.0153(d)(2), (3), or (4).
 2-29 (c) The comptroller may audit money distributed under this
 2-30 section.
 2-31 Sec. 50.0155. TRAFFICKED PERSONS GRANT PROGRAM. (a) The
 2-32 commission shall establish the trafficked persons grant program to
 2-33 provide grants to applicants for dedicated housing and treatment
 2-34 facilities provided to human trafficking victims.
 2-35 (b) The commission by rule shall establish and publish on
 2-36 its Internet website eligibility criteria for grant recipients.
 2-37 The commission must develop the criteria using research-based best
 2-38 practices and require the recipient to provide:
 2-39 (1) immediate trauma support to a human trafficking
 2-40 victim on the victim's initial rescue or recovery from trafficking;
 2-41 (2) wraparound services to facilitate a continuity of
 2-42 care for human trafficking victims placed in the recipient's
 2-43 facility as assisted by:
 2-44 (A) the Child Sex Trafficking Prevention Unit
 2-45 established under Section 772.0062, Government Code; or
 2-46 (B) the governor's program for victims of child
 2-47 sex trafficking established under Section 772.0063, Government
 2-48 Code; and
 2-49 (3) safe and constitutionally secure shelter that
 2-50 considers the clear and present danger of organized crime to the
 2-51 children and youth housed in the facility.
 2-52 (c) A grant applicant must provide to the commission plans
 2-53 that include:
 2-54 (1) a process for obtaining the consent of a qualified
 2-55 guardian of a human trafficking victim for the applicant's services
 2-56 and treatment;
 2-57 (2) a strategy for addressing the spectrum of needs
 2-58 for human trafficking victims, including victims whose history of
 2-59 trauma poses a risk to other residents of the shelter or facility;
 2-60 (3) a statement on whether the shelter or facility
 2-61 will provide:
 2-62 (A) acute or subacute services to address the
 2-63 immediate medical or treatment needs of the victims;
 2-64 (B) short-term housing services following
 2-65 initial rescue or recovery of victims; and
 2-66 (C) residential treatment services to meet
 2-67 long-term needs of victims; and
 2-68 (4) a statement on whether the shelter or facility
 2-69 will provide separate housing space according to age, risk, and

3-1 medical or mental health needs of victims.

3-2 (d) In determining whether to award a grant under this
3-3 section, the commission shall prioritize applicants operating a
3-4 shelter or facility that:

3-5 (1) satisfies the requirements under Chapter 42, Human
3-6 Resources Code;

3-7 (2) provides dedicated housing or shelter space for
3-8 the exclusive use of human trafficking victims; and

3-9 (3) has not adopted a policy that allows the facility
3-10 to refuse for any reason to provide facility services to persons
3-11 presented to the facility by any person involved in the recovery of
3-12 human trafficking victims.

3-13 Sec. 50.0156. REQUIRED GRANT CONTRACT. Before awarding a
3-14 grant under this subchapter, the commission shall enter into a
3-15 written agreement with the recipient specifying that:

3-16 (1) if the commission finds that the recipient has not
3-17 complied with the standards required by this subchapter and rules
3-18 adopted under this subchapter:

3-19 (A) the recipient shall repay the grant or a
3-20 prorated portion of the grant to this state at an agreed rate and on
3-21 agreed terms; and

3-22 (B) the commission will not distribute to the
3-23 recipient any grant money that remains to be distributed to the
3-24 recipient;

3-25 (2) if, as of a date provided in the agreement, the
3-26 recipient has not used grant money awarded under this section for
3-27 the purposes for which the grant was intended, the recipient shall
3-28 repay that amount to this state at an agreed rate and on agreed
3-29 terms; and

3-30 (3) the recipient may not use grant money for
3-31 administrative or overhead expenses.

3-32 Sec. 50.0157. COMMISSION PROVISION OF SERVICES. The
3-33 commission may distribute money from the account to the commission
3-34 for the purposes of providing services described by Section 50.0155
3-35 if the commission determines it has the resources and personnel
3-36 necessary to provide those services in accordance with this
3-37 subchapter and rules adopted under this subchapter.

3-38 SECTION 2. Section 54.04012(b), Family Code, is amended to
3-39 read as follows:

3-40 (b) A juvenile court may require a child adjudicated to have
3-41 engaged in delinquent conduct or conduct indicating a need for
3-42 supervision and who is believed to be a victim of an offense of
3-43 trafficking of persons as defined by Article 56B.003, [conduct that
3-44 constitutes an offense under Section 20A.02, Penal] Code of
3-45 Criminal Procedure, to participate in a program established under
3-46 Section 152.0017, Human Resources Code.

3-47 SECTION 3. Section 264.004, Family Code, is amended by
3-48 adding Subsection (d) to read as follows:

3-49 (d) The Health and Human Services Commission may use money
3-50 appropriated from the trafficked persons program account
3-51 established under Section 50.0153, Health and Safety Code, to
3-52 establish, maintain, and operate facilities to provide care and
3-53 recovery and to ensure the general well-being of children and youth
3-54 who are victims of an offense of trafficking of persons as defined
3-55 by Article 56B.003, Code of Criminal Procedure.

3-56 SECTION 4. Section 405.023(b), Government Code, is amended
3-57 to read as follows:

3-58 (b) The secretary of state by rule shall establish and
3-59 implement a program designated as the human trafficking prevention
3-60 business partnership to:

3-61 (1) inform participating corporations and other
3-62 private entities of the opportunity to support the trafficked
3-63 persons program account established under Section 50.0153, Health
3-64 and Safety Code, by making a donation to the account; and

3-65 (2) engage participating corporations and other
3-66 private entities in voluntary efforts to prevent and combat human
3-67 trafficking.

3-68 SECTION 5. Subchapter B, Chapter 405, Government Code, is
3-69 amended by adding Section 405.024 to read as follows:

4-1 Sec. 405.024. PUBLIC AWARENESS CAMPAIGN FOR TRAFFICKED
 4-2 PERSONS PROGRAM ACCOUNT. The secretary of state shall, as part of
 4-3 the office's regular operations, inform the public using e-mail,
 4-4 notices posted on the secretary of state's Internet website, or
 4-5 other publications of the opportunity to support the trafficked
 4-6 persons program account established under Section 50.0153, Health
 4-7 and Safety Code. The secretary of state may not spend more than
 4-8 \$100,000 to promote awareness of the program account as provided by
 4-9 this section.

4-10 SECTION 6. Section 2054.252, Government Code, is amended by
 4-11 adding Subsections (h) and (i) to read as follows:

4-12 (h) The department shall provide an opportunity for a person
 4-13 to make a contribution to the trafficked persons program account
 4-14 established under Section 50.0153, Health and Safety Code, when the
 4-15 person accesses the state electronic Internet portal for a purpose
 4-16 described by Subsection (a) that involves submitting a payment to
 4-17 this state. The department may deduct from the donations made under
 4-18 this subsection an amount equal to the department's reasonable
 4-19 expenses associated with administering this subsection. Money
 4-20 contributed under this subsection shall be deposited to the credit
 4-21 of the account.

4-22 (i) The department shall collaborate with the Texas
 4-23 Department of Motor Vehicles, the Department of Public Safety, and
 4-24 any other state agency to maximize donations to the trafficked
 4-25 persons program account established under Section 50.0153, Health
 4-26 and Safety Code.

4-27 SECTION 7. Section 152.0017, Human Resources Code, is
 4-28 amended by amending Subsection (a) and adding Subsection (c) to
 4-29 read as follows:

4-30 (a) A juvenile board may establish a trafficked persons
 4-31 program under this section for the assistance, treatment, and
 4-32 rehabilitation of children who:

4-33 (1) are alleged to have engaged in or adjudicated as
 4-34 having engaged in delinquent conduct or conduct indicating a need
 4-35 for supervision; ~~and~~

4-36 (2) may be victims of an offense of trafficking of
 4-37 persons as defined by Article 56B.003, ~~[conduct that constitutes an~~
 4-38 ~~offense under Section 20A.02, Penal]~~ Code of Criminal Procedure;
 4-39 and

4-40 (3) have been referred to the program by the Child Sex
 4-41 Trafficking Prevention Unit established under Section 772.0062,
 4-42 Government Code, or the governor's program for victims of child sex
 4-43 trafficking established under Section 772.0063, Government Code.

4-44 (c) A facility qualified to provide one or more services
 4-45 under this section may apply for a grant under Section 50.0155,
 4-46 Health and Safety Code, only for the purposes of providing
 4-47 constitutionally secure shelter and research-based treatment
 4-48 services to human trafficking victims.

4-49 SECTION 8. Subchapter H, Chapter 502, Transportation Code,
 4-50 is amended by adding Section 502.416 to read as follows:

4-51 Sec. 502.416. VOLUNTARY CONTRIBUTION FOR TRAFFICKED
 4-52 PERSONS PROGRAM ACCOUNT. (a) When a person registers or renews the
 4-53 registration of a motor vehicle under this chapter, the department
 4-54 shall, in a conspicuous manner, direct that person to the
 4-55 opportunity to donate to the trafficked persons program account
 4-56 established under Section 50.0153, Health and Safety Code, through
 4-57 the state's electronic Internet portal described by Section
 4-58 2054.252(h), Government Code.

4-59 (b) If a person makes a contribution under this section and
 4-60 does not pay the full amount of a registration fee, the county
 4-61 assessor-collector may credit all or a portion of the contribution
 4-62 to the person's registration fee.

4-63 (c) The department may deduct from the donations made under
 4-64 this section an amount equal to the department's reasonable
 4-65 expenses associated with administering this section.

4-66 SECTION 9. Subchapter G, Chapter 504, Transportation Code,
 4-67 is amended by adding Section 504.675 to read as follows:

4-68 Sec. 504.675. STOP HUMAN TRAFFICKING LICENSE PLATES. (a)
 4-69 The department shall issue specialty license plates to support the

5-1 trafficked persons program account established under Section
5-2 50.0153, Health and Safety Code. The department shall design the
5-3 license plates in consultation with an organization involved in the
5-4 support and recovery of human trafficking victims.

5-5 (b) After deduction of the department's administrative
5-6 costs the remainder of the fee for issuance of the license plates
5-7 shall be deposited to the credit of the trafficked persons program
5-8 account established under Section 50.0153, Health and Safety Code.

5-9 SECTION 10. Subchapter A, Chapter 521, Transportation Code,
5-10 is amended by adding Section 521.013 to read as follows:

5-11 Sec. 521.013. VOLUNTARY CONTRIBUTION FOR TRAFFICKED
5-12 PERSONS PROGRAM ACCOUNT. (a) When a person applies for an
5-13 original, renewal, corrected, or duplicate driver's license or
5-14 personal identification certificate under this chapter, the
5-15 department shall, in a conspicuous manner, direct that person to
5-16 the opportunity to donate to the trafficked persons program account
5-17 established under Section 50.0153, Health and Safety Code, through
5-18 the state's electronic Internet portal described by Section
5-19 2054.252(h), Government Code.

5-20 (b) The department may deduct from the donations made under
5-21 this section an amount equal to the department's reasonable
5-22 expenses associated with administering this section.

5-23 SECTION 11. Subchapter C, Chapter 522, Transportation Code,
5-24 is amended by adding Section 522.0296 to read as follows:

5-25 Sec. 522.0296. VOLUNTARY CONTRIBUTION FOR TRAFFICKED
5-26 PERSONS PROGRAM ACCOUNT. (a) When a person applies for an
5-27 original, renewal, corrected, or duplicate commercial driver's
5-28 license under this chapter, the department shall, in a conspicuous
5-29 manner, direct that person to the opportunity to donate to the
5-30 trafficked persons program account established under Section
5-31 50.0153, Health and Safety Code, through the state's electronic
5-32 Internet portal described by Section 2054.252(h), Government Code.

5-33 (b) The department may deduct from the donations made under
5-34 this section an amount equal to the department's reasonable
5-35 expenses associated with administering this section.

5-36 SECTION 12. (a) From money appropriated under Subchapter
5-37 D, Chapter 50, Health and Safety Code, as added by this Act, the
5-38 Health and Human Services Commission shall conduct a study to
5-39 determine the needs and best practices of establishing permanent,
5-40 safe, and secure housing for child and youth victims of an offense
5-41 of trafficking of persons as defined by Article 56B.003, Code of
5-42 Criminal Procedure.

5-43 (b) The Health and Human Services Commission shall develop a
5-44 written report from the results of the study conducted under
5-45 Subsection (a) of this section. Not later than December 1, 2022, the
5-46 commission shall provide the report to the governor and the
5-47 standing committees of the legislature with jurisdiction over the
5-48 commission.

5-49 SECTION 13. This Act takes effect September 1, 2021.

5-50 * * * * *