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H.B. No. 628

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of a human trafficking prevention
3 task force and the creation of a trafficking victim database.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter B, Chapter 402, Government Code, is
6 amended by adding Section 402.0282 to read as follows:

7 Sec. 402.0282. TRAFFICKING VICTIM DATABASE. (a) In this
8 section:

9 (1) "Trafficking victim" means a person who is the
10 victim of conduct that, regardless of whether the conduct at issue
11 is the subject of a prosecution, constitutes:

12 (A) a severe form of trafficking in persons, as
13 defined by 22 U.S.C. Section 7102(8); or

14 (B) an offense under Section 20A.02, Penal Code.

15 (2) "Trafficking victim advocacy organization" means
16 an advocacy organization that has been certified by the attorney
17 general in accordance with this section.

18 (b) The attorney general shall establish and maintain a
19 computerized database regarding persons who are trafficking
20 victims.

21 (c) The database must contain the following information:

22 (1) the name, date of birth, place of birth, and
23 country of origin of the trafficking victim;

24 (2) the date, location, and description of the conduct

1 to which the trafficking victim was subjected; and

2 (3) any other pertinent information regarding the
3 conduct involved or the trafficking victim, other than information
4 related to the immigration status of the trafficking victim.

5 (d) The attorney general shall certify as a trafficking
6 victim advocacy organization a local or statewide advocacy
7 organization that serves trafficking victims in this state and
8 meets other requirements established by attorney general rule.

9 (e) A trafficking victim advocacy organization shall report
10 to the attorney general information regarding each trafficking
11 victim identified by the trafficking victim advocacy organization.

12 (f) A state or local law enforcement agency shall report to
13 the attorney general information regarding each trafficking victim
14 identified by the agency.

15 (g) The attorney general shall analyze information under
16 this section to assist in identifying:

17 (1) a person engaging in conduct described by
18 Subsection (a)(1);

19 (2) patterns in trafficking throughout the state; and

20 (3) any other information that would be useful to a law
21 enforcement agency in apprehending persons engaging in conduct
22 described by Subsection (a)(1).

23 (h) The attorney general shall make the analysis required by
24 this section available to any political subdivision or local,
25 state, or federal law enforcement agency to the extent the analysis
26 is reasonably necessary or useful to the subdivision or agency in
27 carrying out duties imposed by law on the subdivision or agency.

1 The attorney general may make available to the subdivision or
2 agency any relevant personally identifiable information
3 corresponding to the analysis. This subsection may not be
4 construed to enable direct access by a person to information
5 analyzed by the attorney general under this section if the person
6 does not otherwise have direct access to that information.
7 Dissemination of the analysis required by this section is subject
8 to all confidentiality requirements imposed by other law.

9 (i) Except as authorized by Subsection (h), the attorney
10 general may not release or distribute information in the database
11 in a form that contains personally identifiable information related
12 to a trafficking victim.

13 (j) Using information collected under this section, the
14 attorney general shall produce and release statistical data in a
15 biennial report to the governor, lieutenant governor, and speaker
16 of the house of representatives. The attorney general shall make
17 the report available to the public on the attorney general's
18 website. A report under this subsection may not include any
19 personally identifiable information related to a trafficking
20 victim.

21 (k) The attorney general shall adopt rules to implement this
22 section.

23 SECTION 2. Subchapter B, Chapter 402, Government Code, is
24 amended by adding Section 402.035 to read as follows:

25 Sec. 402.035. HUMAN TRAFFICKING PREVENTION TASK FORCE. (a)
26 In this section, "task force" means the human trafficking
27 prevention task force.

1 (b) The office of the attorney general shall establish the
2 human trafficking prevention task force to develop policies and
3 procedures to assist in the prevention and prosecution of human
4 trafficking crimes.

5 (c) The task force is composed of the following:

6 (1) the attorney general or the attorney general's
7 designee;

8 (2) the executive commissioner of the Health and Human
9 Services Commission or the executive commissioner's designee;

10 (3) the commissioner of the Department of Family and
11 Protective Services or the commissioner's designee;

12 (4) the public safety director of the Department of
13 Public Safety or the director's designee; and

14 (5) as appointed by the attorney general:

15 (A) a public defender, as defined by Article
16 26.044, Code of Criminal Procedure;

17 (B) an attorney representing the state;

18 (C) representatives of local law enforcement
19 agencies affected by human trafficking; and

20 (D) representatives of nongovernmental entities
21 making comprehensive efforts to combat human trafficking by:

22 (i) identifying human trafficking victims;

23 (ii) providing legal or other services to
24 human trafficking victims;

25 (iii) participating in community outreach
26 or public awareness efforts regarding human trafficking;

27 (iv) providing or developing training

1 regarding the prevention of human trafficking; or

2 (v) engaging in other activities designed
3 to prevent human trafficking.

4 (d) The task force shall:

5 (1) collaborate with United States attorneys for the
6 districts of Texas and special agents, customs and border
7 protection officers, and border patrol agents of the United States
8 Department of Homeland Security as needed to fulfill the duties of
9 the task force;

10 (2) collect and organize data on the nature and extent
11 of human trafficking in Texas;

12 (3) develop and conduct training for law enforcement
13 personnel and victim service providers to identify victims of human
14 trafficking;

15 (4) on the request of a judge of a county court, county
16 court at law, or district court or a county attorney, district
17 attorney, or criminal district attorney, assist and train the judge
18 or the judge's staff or the attorney or the attorney's staff in the
19 recognition and prevention of human trafficking;

20 (5) examine training protocols related to human
21 trafficking issues, as developed and implemented by federal, state,
22 and local law enforcement agencies;

23 (6) implement a media awareness campaign in
24 communities affected by human trafficking; and

25 (7) develop recommendations on how to strengthen state
26 and local efforts to prevent human trafficking, protect and assist
27 human trafficking victims, and prosecute human trafficking

1 offenders.

2 (e) The presiding officer of the task force is the attorney
3 general or the attorney general's designee.

4 (f) The office of the attorney general shall supervise the
5 administration of the task force. The attorney general shall
6 provide the necessary staff and facilities to assist the task force
7 in performing its duties.

8 (g) Not later than December 1 of each even-numbered year,
9 the task force shall submit a report regarding the task force's
10 activities, findings, and recommendations, including any proposed
11 legislation, to the governor, the lieutenant governor, and the
12 speaker of the house of representatives.

13 (h) This section expires September 1, 2013.

14 SECTION 3. (a) Not later than December 1, 2009, the
15 attorney general shall adopt the rules required by Section
16 402.0282, Government Code, as added by this Act.

17 (b) Not later than December 1, 2009, the office of the
18 attorney general shall establish the human trafficking prevention
19 task force as required by Section 402.035, Government Code, as
20 added by this Act.

21 SECTION 4. This Act takes effect September 1, 2009.