

Human Trafficking in Texas: A Legislative Response to New Challenges


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Nationwide Overview


As of 2006,

- ◆ 27 States have criminalized trafficking
- ◆ 10 States have created statewide interagency task forces
- ◆ Recent Poll by Center For Women Policy Studies estimates that
 - 65% believe that states should act to combat trafficking
 - 72% believe the federal government should act
 - 23% are aware of the issue and state legislation

The Scope of Human Trafficking in Texas

- ◆ Texas is a major hub for human trafficking, ranking 2nd only to California
 - ◆ I-10 has been designated as the main route for traffickers by the Department of Justice
 - ◆ Houston is considered a main trafficking hub city and a major destination for traffickers
 - ◆ In 2001, around 3,600 victims has been located in Texas
 - ◆ The 2nd Largest trafficking bust in US History occurred in Houston
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Four Myths about Human Trafficking

- ◆ Myth 1: Slavery ended hundreds of year ago
 - ◆ Myth 2: Trafficking Requires transportation across borders
 - ◆ Myth 3: Force or confinement must be involved
 - ◆ Myth 4: This is a problem in foreign countries, not in the US
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- A decorative graphic of a teal mountain range is located in the bottom right corner of the slide.

An Overview of State Initiatives

Historical Overview

Anti-Human Trafficking Act of 2003

- ◆ Established the first definition of Human Trafficking for Texas
 - ◆ Created an offense for Human Trafficking
 - ◆ Provided penalties for those who trafficked children 14 or younger
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80th Legislative Session 2007

Legislative Reforms to Human-Trafficking Statutes

Changes to Definition

◆ Helping Prosecutors (SB 1283)

Issue

- Current State definition of trafficking was flawed
- Result was there had been *zero* prosecutions of traffickers at the state level

Solution

- The term "Traffic" is no longer dependent on the element of "transport;"
- The term "forced labor or services" now includes the use of threats against a victim or family member of a victim
- Includes and clarifies the idea of "Exerting Financial Control over a victim"

Trafficking Offense Reforms

◆ Perpetrators (SB 1283)

Issue:

- Current statutes target only the traffickers and fail to include those who harbor victims

Solution:

- New provisions target those who maintain or harbor victims, not just the transporters
- Also, there are greater penalties for severe forms of trafficking where the victim is younger than 18 years old.

Outreach Provisions

- ◆ Provisions Passed in the 80th Session:
SB 1287, SB 1288, HB 1121
 - FACT: Victims are often identified by community members
 - LEGISLATIVE ACTION:
 - Bars, Liquor Stores, and Adult Entertainment Venues must post the nationally recognized Covenant House Hotline
 - Certain Hotel and Lodging Establishments will also post the Hotline

Judicial Findings

- ◆ Issue: Fear of Retribution causes many victims to not aid in the prosecution of their perpetrators
- ◆ Solution: HB 1121 Anchia/ Van de Putte
 - Essentially, this provision serves as an incentive for victims to aid in the prosecution of their trafficker
 - Judge will be required to issue a judicial finding that the person is a victim of a severe form of trafficking
 - In turn, this finding can be used as supporting documentation in a victim's case for accessing federal benefits and certain visas

Funding for Programs Assisting Victims

- ◆ Funding Opportunities thru HB 1751
 - Grants from
 - The Attorney General
 - The Texas Department of State Health Services
 - The Office of the Governor
 - For
 - Improving programs that assist victims with mental health services and prosecutorial assistance

Study on Human Trafficking

- ◆ The Attorney General in Consultation with the Health and Human Services Commission will report by September 1, 2008:
 - How existing laws address or fail to address the needs of victims
 - How existing social service programs address or fail to address the needs of victims
 - How existing social service programs and federally funded victims programs work together to meet the needs of victims
 - Make recommendations on how to improve on each item above

Goals for the 81st Legislative Session and Expectations

◆ Goals

- Legislation aimed at peace officer training
- Improvements to existing code based on new findings

◆ Future Expectations

- Increased prosecution of perpetrators
- Improved Access to Social Services for Victims
- United, statewide efforts to combat trafficking

Partners

- ◆ Partners in Drafting Legislation for 80th Session
 - Children at Risk of Houston, TX
 - Houston Rescue and Restore Coalition
 - University of Houston Law Clinic
 - Texas Catholic Conference
 - Concerned Women for America
 - Bexar County Sherriff's Department
 - Texas Police Chief's Association
 - Harris County District Attorney's Office

Questions and Answers

