



UPDATE on Issues

League of Women Voters of Houston Education Fund

HUMAN TRAFFICKING

The U.N. estimates that more than 12 million men, women, and children are trafficked for forced labor and sexual exploitation.¹ The U.S. State Department's 2010 *Trafficking in Persons Report* (discussed in *Facts and Issues Human Trafficking*, January 2011) reported slightly fewer than 50,000 victims identified as of 2009. Statistics on identified victims, however, are assumed to be inaccurate because they are based on what can be counted, namely on calls to hotlines and crime reports. Therefore, one should read what our study found for Houston's statistics in this context: the numbers reported and prosecuted most likely reflect only a small subset of the real number of victims. To date, the Houston Trafficking Rescue Alliance (HTRA) has rescued 177 victims, investigated more than 67 cases, charged 37 defendants federally in 15 different indictments, and charged nine defendants under state law in two different cases. The U.S. Attorney's Office oversees the HTRA. The Harris County Attorney's Office has closed down 18 facilities conducting human trafficking under the nuisance statutes. The Harris County District Attorney has filed over eight cases relating to aggravated promotion of prostitution or compelling prostitution which related to human trafficking and three cases in the past two years on human trafficking.

In late January 2011, the Office of Attorney General published the legislatively mandated *Texas Human Trafficking Prevention Task Force Report to the Texas Legislature*.² The Report reviews state-wide statistics on investigations, prosecutions, and convictions for human trafficking-related offenses³ and an overview of the Task Force itself along with a summary of its different working groups. In Texas since January 1, 2007 there have been 554 human trafficking investigations, leading to 132 arrests, of which 113 were indicted, and 22 charged under federal law and 72 under state law. Currently, there are eight inmates in the Texas prison system, four of which are serving terms of 75, 8, 5, and 2 years on human trafficking offenses and four with other "crimes of record."

Legislative recommendations cover prevention strategies; identification of victims and offenders; protection for adult victims; protection for child victims; and law enforcement. Amendments and changes proposed include the Civil Practices and Remedies Code; the Texas Alcoholic Beverage Code; the Penal Code; Code of Criminal Procedure; Family Code; Government Code; and the Probate Code. A general discussion for each proposed change explains how the amendment increases or improves protection, enforcement, or services, along with the chapter and section to be altered.

Sample proposed changes are: include human trafficking in the list of what constitutes a common nuisance; include Penal Code 20A (human trafficking) in the list of offenses to deny a liquor license; allow "contraband forfeiture" for any felony, including human trafficking by expanding definition of contraband to include items used to facilitate commission of a felony under Penal Code 20A; increase costs imposed on convicted traffickers to provide for victim services; clarify definitions of sexual acts that constitute human trafficking; add human trafficking and compelling prostitution to offenses ("3g" offenses under Code of Criminal Procedure 42.12(3g)) for which there is no probation, no reduction of bail without notice and a hearing, no bail while appeal is pending, or eligibility for parole until time served is at least one-half of the sentence or 30 years; subject a convicted trafficker to registration in the Sex Offender Registry; increase penalties, including changing the current second degree felony for compelling prostitution of a minor to a first degree felony; change certain testimony and evidentiary rules; allow involuntary termination parent-child relationship in certain cases; and create a statutory mechanism and appropriate facility for diversion of children involved in prostitution. Looking to Georgia's successful Care Connection Office that provides housing and services to minor victims, the Report recommends that the Texas Legislature "identify the appropriate statutory language to serve children involved in prostitution without necessarily creating a criminal status" along with identifying "a secure therapeutic facility to house and treat these children." The Report calls for a review of age

definitions and limits for minors and children; currently different codes specify protections and requirements at different ages.

Bills based on the Report have been filed with the 82nd Legislature. In general, the bills increase civil and criminal consequences; clarify definitions of trafficking; and apply trafficking-related offenses more rigorously (such as denying a liquor license or bail or committing a “common nuisance”). The number of bills and the number of codes affected are evidence of the difficulty in providing the statutory tools to prevent and prosecute human trafficking.

List of Bills (as of this writing) Proposed to the Texas 82nd Legislature

Bill No. (Sponsor)	Description
SB 98 (van de Putte)	Amends a number of different codes to redefine “forced labor or services”; to increase criminal penalties for certain trafficking offenses; to add new sections to the Penal Code regarding child trafficking and continuous trafficking of persons; to modify bail, parole, and sentencing requirements; to provide for protective orders for certain trafficking and sexual assault victims; and to allow within five years of the date of offense lawsuits for personal injury.
HB 1121 (Weber)	Adds a definition of “continuous trafficking of persons” to Penal Code 20A; adds Penal Code 20A offenses to the list of “3g” offenses in the Criminal Procedure Code; and adds additional civil and criminal consequences of trafficking to several Codes.
HB 1122 (Weber)	Amends Penal Code 20A to include forced labor and services “obtained through an actor’s force, fraud, or coercion” and “sexual services” and “continuous sexual abuse”; defines a “child” as a person under the age of 18; and provides certain protections for victims.
HB 195 (Nelson)	Amends Civil Practices and Remedies Code 125.0015(a) to include prostitution, compelling prostitution, and aggravated promotion of prostitution to list of what constitutes a “common nuisance.”
HB 289 (Jackson)	Amends Civil Practices and Remedies Code 125.0015 to include compelling prostitution as prohibited in the Penal Code in the list of “common nuisances.”
HB 36 (Menendez)	Amends Penal Code 43.02 to make conviction of compelling prostitution, sexual performance by a child, and possession or promotion of child pornography a reportable conviction.
SB 170 (Ellis)	Amends Government Code 402.035(c) that defines the composition of the Human Trafficking Prevention Task Force to include public defenders and NGO representatives involved in enforcement and services related to human trafficking offenses.
HB 594 (Raymond)	Amends Penal Code 71.02(a) (regarding organized crime) to change from a Class A misdemeanor to a state jail felony if a “combination” (a group of three or more conspiring to carry out criminal activities) or a member of a street gang conspires to promote prostitution, aggravated promotion of prostitution, or compels prostitution.
HB 296 (Berman)	Amends Code of Civil Procedure 6 to allow officer to stop and detain operator of a motor vehicle if there is objectively reasonable suspicion of human trafficking offenses.

¹ See the Polaris Project website at <http://www.polarisproject.org/>.

² https://www.oag.state.tx.us/ag_publications/pdfs/human_trafficking.pdf.

³ The Report makes reference to the Human Trafficking Reporting System, a national database, which is found at <http://www.humantrafficking.neu.edu>.