
IMPROVE THE STATE RESPONSE TO HUMAN TRAFFICKING

Human trafficking, often referred to as modern slavery, is the trade of adults or children for forced labor or sex. The state's response to human trafficking consists of anti-trafficking legislation and activities undertaken by state agencies working individually and collaboratively with each other, law enforcement agencies and local government, and nongovernmental organizations. These activities vary by agency and organization, but typically consist of training, investigation, prosecution, research, and victim services. The Office of the Governor and Office of the Attorney General have statutorily-mandated units dedicated to anti-trafficking and support anti-trafficking activities at other agencies. Despite ongoing efforts, human trafficking remains a considerable problem, due to challenges inherent to the crime and challenges facing the state response. This overview of state anti-trafficking efforts includes options for improving discrete elements of these efforts.

FACTS AND FINDINGS

- ◆ Many state anti-trafficking activities originate from or involve three statutorily mandated entities: the Child Sex Trafficking Team within the Office of the Governor, the Human Trafficking and Transnational/Organized Crime Section within the Office of the Attorney General, and the Texas Human Trafficking Prevention Task Force coordinated through the Office of the Attorney General.
- ◆ The Texas Human Trafficking Prevention Task Force, statutorily composed of 17 state agencies and other nonagency appointments made by the Attorney General, has been a driver of anti-trafficking legislation. The task force is required by statute and the General Appropriations Act to make legislative recommendations.
- ◆ According to the Institute on Domestic Violence and Sexual Assault at the University of Texas at Austin, there are an estimated 234,000 labor trafficking victims and 79,000 minor and youth sex trafficking victims in Texas.

CONCERNS

- ◆ Changes in the membership of the Texas Human Trafficking Prevention Task Force must be made by

amending statute, which may delay or impede the participation of prospective state agency members.

- ◆ One of the two task force reporting requirements asks for recommendations to enhance efforts to prevent human trafficking annually, which, in odd-numbered years, doesn't provide enough time for previously enacted recommendations to be implemented and assessed for potential corrections.
- ◆ The Human Trafficking and Transnational/Organized Crime Section has prosecutorial expertise and resources for human-trafficking cases that some local prosecutors may lack, but the circumstances within which it can participate in these cases are limited.
- ◆ Inadequate data collection and a lack of services for trafficking victims are persistent challenges facing the state response to human trafficking, but no lasting solutions have been implemented.

OPTIONS

- ◆ **Option 1:** Amend statute to authorize the Office of the Attorney General to set the membership of the Texas Human Trafficking Prevention Task Force, which should include any members specified by the Legislature.
- ◆ **Option 2:** Remove the requirement that the Texas Human Trafficking Prevention Task Force's annual report includes recommendations to enhance efforts to prevent human trafficking from the 2020–21 General Appropriations Bill.
- ◆ **Option 3:** Amend statute to grant the Office of the Attorney General concurrent jurisdiction in human-trafficking cases with the consent of the appropriate county or district attorney.
- ◆ **Option 4:** Amend statute to direct the Texas Human Trafficking Prevention Task Force to consider recommendations specifically targeting the improvement of human trafficking data collection and the expanded provision of services for trafficking victims.

DISCUSSION

Human trafficking, along with trafficking in persons and modern slavery, are umbrella terms used to refer to both sex and labor trafficking. The Office of the Attorney General (OAG), paraphrasing the Texas Penal Code, Chapter 20A, Trafficking of Persons, describes the following four types of trafficking:

- trafficking of adults for forced labor, such as in agriculture, food service, factory work, or sales;
- trafficking of adults for sex, such as in strip clubs, brothels, or massage parlors, or via street or Internet prostitution;
- trafficking of children age 17 or younger for forced labor; and
- trafficking of children age 17 or younger for sex.

An individual can be trafficked into any industry or type of work and need not be transported physically from one location to another to be trafficked. An individual is trafficked if force, fraud, or coercion is used to make the individual work, or if a minor is trafficked for sex by any means, regardless of a trafficker's use of force, fraud, or coercion. The circumstances of victims can vary considerably. Sex trafficking victims may consent to romantic involvement with someone who then coerces them into prostitution. Some are forced into prostitution by family members or lured in with false promises of a job such as modeling or dancing. Labor trafficking victims may face debt bondage or forced labor. In debt bondage, labor is demanded as a means of repayment of a debt for which the full value of the victims' labor is not applied toward the debt's liquidation. In forced labor, victims' freedom is restricted, and they are forced to work against their will under threat of violence or other forms of punishment. Common labor trafficking victims include domestic servants; migrant farmworkers; factory, construction, and restaurant workers; and health and beauty industry employees, among others.

The characteristics of human trafficking victims also vary, and not all victims share a defining characteristic. Traffickers frequently target individuals who are poor, vulnerable, living in an unsafe situation, or in search of a better life. In the U.S., these populations often include American Indian and Alaska Native communities; lesbian, gay, bisexual, transgender, or gender-questioning individuals; individuals with disabilities; undocumented immigrants; runaway and homeless youth; and low-income individuals.

CHALLENGE INHERENT TO HUMAN TRAFFICKING

The hidden nature of human trafficking poses a significant challenge to those seeking to ascertain the scope of the crime and address it. In other types of criminal cases, police often are alerted to the existence of the crime by victims or witnesses affected by it. This type of reactive identification is less common in cases of human trafficking, because victims often are unwilling to seek help or are hidden by their exploiters and by others who come into contact with them and benefit from their exploitation. Some victims fear law enforcement and do not trust authority figures, due to past experiences or conditioning from their traffickers. Others fear retaliation against themselves or loved ones or shame if the activities in which they have been forced to engage are revealed. Many international trafficking victims are brought into the U.S. illegally, and traffickers use victims' illegal entry as a form of control. These victims may be unaware of their rights and unable to understand U.S. laws or the language spoken, all of which aid traffickers to keep the crimes and the victims hidden. Domestic and international victims often are isolated, and traffickers control victims' limited contact with anyone else, which can make victims dependent on traffickers and unaware that they are victims. **Figure 1** shows common barriers to identifying human trafficking victims compiled by the Polaris Project, a nongovernmental organization (NGO) that operates the National Human Trafficking Hotline.

The hidden nature of human trafficking is compounded by a lack of awareness and understanding of the crime and is complicated further when human trafficking cases involve or overlap with other crimes, such as kidnapping, prostitution, and smuggling. A 2014 survey found that, although most respondents understood human trafficking to be a form of slavery, most also held incorrect beliefs about the crime. These incorrect beliefs include that trafficking victims are almost always female and that trafficking mostly involves undocumented immigrants and requires movement across state or national borders. Without awareness, even if a victim is visible, he or she may not be recognized as a victim.

PREVALENCE OF HUMAN TRAFFICKING IN TEXAS

According to a 2016 report by the Institute on Domestic Violence and Sexual Assault at the University of Texas at Austin, funded by a grant from the Office of the Governor, approximately 79,000 minors and youth are victims of sex trafficking, and 234,000 individuals are victims of labor trafficking in Texas, for a total of 313,000 trafficking victims. The report's authors cited these as conservative estimates

FIGURE 1
COMMON BARRIERS TO IDENTIFYING HUMAN TRAFFICKING VICTIMS, 2018

Captivity or confinement	Distrust of law enforcement or service providers
Frequent accompaniment or being guarded	Isolation
Use and threat of violence	False promises
Use of reprisals and threats of reprisals against loved ones or third parties	Hopelessness and resignation
Fear	Facilitated drug addiction
Shame	Lack of awareness of available resources
Self-blame	Psychological trauma
Debt bondage	Not self-identifying as trafficking victims
Traumatic bonding to the trafficker, commonly called Stockholm syndrome	Normalization of exploitation
Language and social barriers	

SOURCE: The Polaris Project.

considering the limited data and statistics for trafficking and the difficulty of collecting data. The second and final phase of the institute's research in accordance with the grant, at the direction of the Office of the Governor, will focus specifically on the regional prevalence of domestic minor sex trafficking.

STATE ANTI-TRAFFICKING LEGISLATION

After passage of the federal Trafficking Victims Protection Act in 2000, which followed a period of increased publicity about trafficking, the U.S. Department of Justice encouraged states to pass uniform anti-trafficking laws that fostered criminal prosecution, victim protection, and prevention at the state level. Texas was the second state to pass such laws, with its anti-trafficking statute, House Bill 2096, Seventy-eighth Legislature, Regular Session, 2003. This legislation made the trafficking of persons a felony offense and established definitions for forced labor or services and traffic in the context of the offense. The Eightieth Legislature, 2007, passed five pieces of legislation that involved human trafficking, including one that required OAG to issue a report concerning the needs of human trafficking victims and recommended areas of improvement and modifications to laws and rules. In that report, published in 2008, OAG recommended the establishment of a statewide human trafficking task force. The Eighty-first Legislature, Regular Session, 2009, established the Texas Human Trafficking Prevention Task Force.

OAG presides over the Texas Human Trafficking Prevention Task Force, which develops and reports recommendations to strengthen state and local efforts to prevent human trafficking, protect and assist victims, and prosecute offenders. As of fiscal year 2018, 65 of the task force's 70

recommendations have become law. According to the OAG, the number of task force recommendations is decreasing as the state's approach to human trafficking is established. **Figure 2** shows select anti-human trafficking legislation from the Seventh-eighth Legislature, Regular Session, 2003, to the Eighty-fifth Legislature, Regular Session, 2017.

STATE ANTI-TRAFFICKING ACTIVITIES

Multiple state agencies are responsible for implementing the state's anti-trafficking legislation and other anti-trafficking activities that are not set out by statute. These agencies work independently and collaboratively with each other, with law enforcement agencies and local government, and with NGOs. **Figure 3** shows examples of state anti-trafficking activities by category. Much of the collaboration among anti-trafficking stakeholders occurs in regionally organized coalitions and task forces. The composition and structure of these coalitions and task forces vary, but at a minimum they serve to bring federal, state, and local stakeholders involved in anti-trafficking efforts together to meet and collaborate. Although the state plays no formal role in organizing these groups, the Human Trafficking and Transnational/Organized Crime Section (HTTOC) within OAG has encouraged their development, and representatives from several state agencies participate on them.

OFFICE OF THE ATTORNEY GENERAL

At the state level, many anti-trafficking activities involve or originate from OAG and the Office of the Governor. OAG has two main initiatives that address human trafficking: the Texas Human Trafficking Prevention Task Force and HTTOC. The establishment of both was required by statute. The Texas Human Trafficking Prevention Task Force consists

FIGURE 2
SELECT ENACTED ANTI-TRAFFICKING LEGISLATION, CALENDAR YEARS 2003 TO 2017

YEAR	BILL	SUMMARY
2003	House Bill 2096	Established the felony offense of trafficking of persons.
2007	House Bill 1121	Amended the trafficking of persons offense and required trafficking-related reports from the Office of the Attorney General (OAG) and the Health and Human Services Commission (HHSC).
2007	Senate Bill 11	Amended the trafficking of persons offense, included trafficking as an offense for which a wiretap could be authorized, and required trafficking-related reports from OAG and HHSC.
2007	House Bill 1751	Imposed a fee on certain sexually oriented businesses, with a portion of the revenue deposited to the credit of General Revenue–Dedicated Account No. 5010, Sexual Assault Program, and included human trafficking-related grants among the approved uses of the fund.
2009	House Bill 533	Made a defendant who engages in the trafficking of persons or intentionally or knowingly benefits from participating in a venture that traffics another person liable in a civil court to the person trafficked for damages arising from the trafficking or venture.
2009	House Bill 4009	Established the Texas Human Trafficking Prevention Task Force, required HHSC to establish a victim's assistance program for domestic victims of trafficking, and provided separate offenses for sex trafficking of an adult and sex trafficking of a child.
2011	House Bill 2014	Added mandatory restitution for child trafficking victims, added certain trafficking-related reporting requirements, and added the trafficking of a child to the list of offenses for which bail could be revoked for a violation, for which a child safety zone could be established, and for which contraband could be seized.
2011	House Bill 2329	Provided for the confidentiality of certain information regarding trafficking victims and the enforcement of protective orders to protect trafficking victims.
2011	House Bill 3000	Established the felony offense of continuous trafficking of persons.
2011	Senate Bill 24	Enacted certain of the legislative changes recommended in the 2011 Texas Human Trafficking Prevention Task Force Report, including establishing separate definitions for sex trafficking and labor trafficking and adding human trafficking offenses to those for which registration as a sex offender is required.
2013	House Bill 8	Enacted the legislative changes recommended in the 2012 Texas Human Trafficking Prevention Task Force Report, including the resolution of conflicting protective order statutes and the inclusion of trafficking among the crimes eligible to receive reimbursement for relocation expenses pursuant to the state Crime Victims' Compensation Act.
2013	House Bill 1272	Continued the Human Trafficking Prevention Task Force and expanded its duties.
2013	House Bill 2725	Exempted information maintained by a victims of trafficking shelter center from state public information law and required the establishment of minimum standards for certain facilities that provide services to trafficking victims.
2013	House Bill 3241	Established a cause of action authorizing the state to bring suit against a person or enterprise for racketeering related to trafficking of persons.
2013	Senate Bill 92	Authorized a juvenile board to establish a trafficked persons program for the assistance, treatment, and rehabilitation of children who may be the victims of human trafficking.
2015	House Bill 10	Enacted the legislative changes recommended in the 2014 Texas Human Trafficking Prevention Task Force Report, including the establishment of the Child Sex Trafficking Team within the Office of the Governor.
2015	House Bill 11	Established the Human Trafficking and Transnational/Organized Crime Section within the OAG.
2015	House Bill 188	Continued the Human Trafficking Prevention Task Force and expanded its membership and duties.
2015	House Bill 2455	Established a task force at the Office of Court Administration to promote uniformity in the collection and reporting of information on family violence, sexual assault, stalking, and human trafficking.
2017	House Bill 29	Enacted the legislative changes recommended in the 2016 Texas Human Trafficking Prevention Task Force Report, expanded the task force's membership, and made the task force permanent by repealing its expiration date.
2017	House Bill 2552	Set out measures to address and deter human trafficking, including the required display of human trafficking signs at abortion facilities, emergency rooms, and licensed cosmetology facilities.

NOTE: Summaries are not comprehensive.
 SOURCE: Texas Legislature Online.

FIGURE 3
EXAMPLES OF STATE ANTI-TRAFFICKING ACTIVITIES, FISCAL YEAR 2018

CATEGORY	EXAMPLES
Training	<p>Anti-trafficking training typically consists of awareness training for law enforcement, healthcare personnel, or the public and skills training for professionals tasked with investigating and prosecuting human trafficking or caring for its victims. Examples include:</p> <ul style="list-style-type: none"> the <i>Be the One</i> documentary training tool produced by the Office of the Attorney General (OAG), which is intended to equip state employees and the public with an understanding of sex and labor trafficking, the red flags for recognizing either, and a protocol for reporting; the Interdiction for the Protection of Children program developed by the Department of Public Safety (DPS), which teaches law enforcement officers to identify children who may be victims of crime, especially trafficking; and Texas Rise to the Challenge training, which is an introduction to human trafficking for education professionals developed in part by the Texas Human Trafficking Prevention Task Force.
Investigation	<p>Investigations of human trafficking cases are undertaken by DPS and the Texas Alcoholic Beverage Commission (TABC), Special Investigations Unit. TABC's unit is limited to human trafficking at TABC-licensed premises or involving TABC permittees. The Human Trafficking and Transnational/Organized Crime Section (HTTOC) within OAG also has investigators with statewide jurisdiction.</p>
Prosecution	<p>HTTOC has prosecutors who work on human trafficking cases and assist local prosecutors on human trafficking cases. The Office of the Governor, Child Sex Trafficking Team (CSTT), has issued grants to fund a dedicated human trafficking unit, including a prosecutor, within the Bexar County District Attorney's office.</p>
Research	<p>Research-related activities typically consist of funding academic research of human trafficking and the collection and reporting of human trafficking data. Examples include:</p> <ul style="list-style-type: none"> the CSTT funded a human trafficking prevalence study at the University of Texas at Austin; the Office of Court Administration collects the number of cases filed by district courts or county courts of law for the trafficking of persons; and the Texas Human Trafficking Prevention Task Force collects and periodically reports statistical data regarding the nature and extent of human trafficking in Texas, including information from DPS's Computerized Criminal History system.
Victim services	<p>The provision of services to human trafficking victims (which can include housing, mental health treatment, and job skills training) has been an initial point of emphasis for CSTT's grant funding. Other agencies do not provide trafficking-specific victim services, but do count trafficking victims among the populations they serve as part of their missions. For example, DPS has a victims services program with staff psychologists and case managers to connect trafficking victims with local services; the Department of Family and Protective Services does the same for children within the agency's conservatorship who may be trafficking victims.</p>

SOURCE: Legislative Budget Board.

of more than 50 members, including representatives from 17 statutorily required state agencies and OAG-appointed local law enforcement entities, district attorneys, and nonprofit organizations. OAG's Crime Victim Services Division staff provide support to the task force in addition to their primary roles within the agency. The task force is required to collect data, provide training, and produce legislative recommendations that will enhance the state's anti-trafficking efforts. The task force also summarizes member-reported anti-trafficking activities for publication in the task force's annual report to the Governor, Lieutenant Governor, and Legislature. **Figure 4** shows the state agency members of the Texas Human Trafficking Prevention Task Force as of fiscal year 2018.

Because task force members are identified in statute, formal changes in membership require amendment of statute, which may impede or delay the participation of prospective agency members of the task force. Option 1 would amend the Texas Government Code, Section 402.035, to authorize the OAG to set the task force's membership, but with a provision including members specified by the Legislature to authorize the Legislature to compel agencies to participate on the task force at its discretion.

HTTOC, which was established in January 2016, consists of 11.0 full-time-equivalent positions: 6.0 positions for prosecution, and 5.0 positions for law enforcement. HTTOC describes its approach as holistic, considering all victim categories (child and adult, domestic and international, sex trafficking and labor trafficking). HTTOC team members

**FIGURE 4
STATE AGENCY MEMBERS OF THE TEXAS HUMAN TRAFFICKING PREVENTION TASK FORCE, AS OF FISCAL YEAR 2018**

Office of the Governor	Texas Juvenile Justice Department
Office of the Attorney General	Texas Education Agency
Health and Human Services Commission	Texas Alcoholic Beverage Commission
Department of Family and Protective Services	Texas Parks and Wildlife Department
Department of State Health Services	Texas Department of Licensing and Regulation
Department of Public Safety	Office of Court Administration, Texas Judicial System
Texas Workforce Commission	Secretary of State
Texas Department of Criminal Justice	Texas Commission on Law Enforcement
	Supreme Court of Texas, Permanent Judicial Commission for Children, Youth, and Families

SOURCE: The Texas Government Code, Section 402.035.

prosecute human trafficking cases; provide assistance and consultation to other prosecutors, investigators, and state and local agencies on trafficking-related cases and inquiries; and provide anti-trafficking training for stakeholders. HHTOC also works with the statewide task force to provide resource testimony and background information for the task force’s legislative recommendations.

OFFICE OF THE GOVERNOR

The Office of the Governor also has a statutorily mandated team dedicated to human trafficking. The Child Sex Trafficking Team (CSTT) within the Criminal Justice Division (CJD) consists of 5.0 FTE positions and expects to add 4.0 more positions within calendar year 2018. As its name indicates, CSTT focuses on child sex trafficking by issuing CJD grants to anti-trafficking stakeholders seeking to prevent and combat child sex trafficking and serve victims. CSTT also provides anti-trafficking training across the state. More information on CJD grants appears below. CSTT grantees include the following recipients:

- local governments, such as Harris County for purposes of funding a dedicated human trafficking investigator position in the Harris County Constable’s Office, and Bexar County for a project that provides victims services including case management and counseling to victims of child sex trafficking and abuse; and
- NGOs, such as Arrow Child and Family Ministries for a care and recovery center called Freedom Place.

Before CSTT was established, the Office of the Governor primarily awarded grants through the CJD to service providers, law enforcement, and prosecutors and through the

Budget and Policy Division for research addressing trafficking and policy initiatives.

OTHER AGENCIES

Other agencies’ activities include training, investigation, research, and victim services and typically depend on agency mission, statute, leadership initiative, or a combination of these functions.

The Department of Public Safety (DPS), for example, conducts human trafficking investigations and has teams focusing on that crime in the agency’s Dallas and El Paso regions. DPS also provides trafficking-specific training to Criminal Investigation Division agents and assists trafficking victims through its Crime Victim Services Program. The Texas Alcoholic Beverage Commission (TABC) also investigates crimes, deploying the criminal and administrative authority of TABC peace officers to investigate human trafficking at TABC-licensed premises or involving TABC permittees. TABC estimates that 13.7 percent of the organized criminal activity cases the agency opens have a human trafficking allegation. TABC also has devised a training program for drivers employed by alcoholic beverage distributors so that they are equipped to notice signs of trafficking while making deliveries at TABC-licensed establishments.

The Secretary of State (SOS) operates a statutorily mandated Human Trafficking Prevention Business Partnership program that enables corporations and other private entities to apply for certificates of recognition if they take steps to prevent and combat human trafficking. SOS plans to develop a database of best practices from program participants when the program has a sufficient number of participants.

The Department of Family and Protective Services (DFPS) provides services to human trafficking survivors through contracts with service providers. DFPS has a Human Trafficking and Child Exploitation division funded through an interagency CJD grant that collaborates with other state agencies and NGOs on activities including conducting trainings and executing memoranda of understanding with certain service providers to standardize the system of care for children in DFPS conservatorship who may be trafficking victims.

Other agency-reported anti-trafficking activities are documented in the Texas Human Trafficking Prevention Task Force's annual report, but the provision of that information is voluntary and at the agencies' discretion. Therefore, the documentation may not be complete.

STATE ANTI-TRAFFICKING FUNDING

The Eighty-second Legislature, General Appropriations Act (GAA), 2012–13 Biennium, made the first appropriation specifically for anti-trafficking. The Legislature has made anti-trafficking-specific appropriations for each subsequent biennium. **Figure 5** shows a history of appropriations for anti-trafficking in the GAA with the rider or provision making the appropriation and the method of finance. **Figure 6** shows the same history with total appropriations by agency.

Most of the anti-trafficking appropriations in Texas have been to DPS and the Office of the Governor. OAG does not receive anti-trafficking-specific appropriations, but the agency did receive CJD grants from fiscal years 2012 to 2017 and currently pays for anti-trafficking activities out of General Revenue Funds and Other Funds (Appropriated Receipts in its GAA bill pattern in Strategy A.1.1, Legal Services). The Legislature also appropriates OAG money for crime victims' compensation and victims assistance, both of which can include human trafficking victims. For the 2018–19 biennium, appropriations in OAG's bill pattern in Strategy C.1.1, Crime Victims' Compensation, totaled approximately \$131.3 million; appropriations in Strategy C.1.2, Victims Assistance, totaled approximately \$66.6 million. **Figure 7** shows estimated human trafficking-specific expenditures at OAG and the methods of finance for fiscal years 2012 to 2018.

Human trafficking-specific appropriations at DPS were \$9.9 million for the 2016–17 and 2018–19 biennia and consisted exclusively of appropriations from General Revenue–Dedicated Account No. 5010, Sexual Assault Program (Account No. 5010).

Figure 8 shows human trafficking-specific appropriations at the Office of the Governor for fiscal years 2012 to 2019. The Office of the Governor is the administering agency for multiple Federal Funds, including Victims of Crime Act (VOCA) and Violence Against Women Act (VAWA) funding. Most of CSTT's programs are funded from this federal funding. The use of VOCA and VAWA funding is limited by law; CSTT reports that it reserves appropriated state funds for initiatives that require more flexibility, such as using Account No. 5010 funds to pay for staffing and travel costs. The Office of the Governor has issued approximately \$22.9 million in 73 human trafficking-specific grants since fiscal year 2012 and, therefore, influences statewide anti-trafficking efforts. The Office of the Governor has focused efforts on addressing domestic minor sex trafficking in statewide anti-trafficking efforts.

In addition to OAG, 10 other agencies on the Texas Human Trafficking Prevention Task Force receive no specific anti-trafficking funding: TABC; SOS; the Health and Human Services Commission; the Texas Workforce Commission; the Texas Department of Criminal Justice; the Texas Education Agency; the Texas Parks and Wildlife Department; the Supreme Court of Texas, Permanent Judicial Commission for Children, Youth, and Families; the Texas Department of Licensing and Regulation; and the Texas Commission on Law Enforcement. Three other agencies that receive anti-trafficking funding receive it in the form of interagency CJD grants from the Office of the Governor. DFPS received a \$822,831 grant to implement its Human Trafficking and Child Exploitation division. The Office of Court Administration (OCA) of the Texas Judicial Council received a \$161,123 grant that was used in part to preside over a task force to promote uniformity in the collection and reporting of court information relating to human trafficking, among other crimes. The Texas Juvenile Justice Department (TJJD) received a \$113,715 grant to fund the acquisition of a screening tool used by TJJD and county probation departments to identify victims of sex trafficking among the youth they serve.

The remaining agency on the Texas Human Trafficking Prevention Task Force, the Department of State Health Services (DSHS), received appropriations of \$20,000 in General Revenue Funds for each of fiscal years 2014 to 2018, and \$30,000 in General Revenue Funds for fiscal year 2019. The appropriations were for training regarding awareness of and responding to child sex trafficking victims for the public and regional DSHS staff.

**FIGURE 5
HUMAN TRAFFICKING-RELATED APPROPRIATIONS IN THE GENERAL APPROPRIATIONS ACT BY RIDER OR PROVISION AND
METHOD OF FINANCE
2012–13 TO 2018–19 BIENNIA**

BIENNIUM	AGENCY	RIDER OR PROVISION	METHOD OF FINANCE (IN MILLIONS)	
			GENERAL REVENUE FUNDS	GENERAL REVENUE–DEDICATED FUNDS, ACCOUNT NO. 5010
2012–13	Office of the Attorney General (OAG)	Article IX, Section 18.06, for activities related to sexual trafficking contingent on sufficient excess collections of the Adult Entertainment Fee to cover the cost of the appropriation		\$1.0
2014–15	Office of Court Administration, Texas Judicial Council	Rider 15, to conduct a study during fiscal year 2014 on the financial impact on local governments of statewide Department of Public Safety (DPS) sting operations, including those involving human trafficking	\$0.04	
2016–17	Office of the Governor	Rider 30, included in the amounts appropriated in Strategy B.1.1, Criminal Justice, to implement legislation establishing the Child Sex Trafficking Team and expanding the allowable use of General Revenue–Dedicated Account No. 5010, Sexual Assault Program (Account No. 5010)		\$2.0
2016–17	Office of the Governor	Article IX, Section 18.24, included in the amounts appropriated in Strategy B.1.1, Criminal Justice, to provide grants to support victim services contingent on enactment of legislation establishing a program for victims of child sex trafficking within the Office of the Governor, Criminal Justice Division	\$2.5	
2016–17	Office of the Governor	Article IX, Section 18.33, included in the amounts appropriated in Strategy B.1.1, Criminal Justice, to implement legislation establishing the Child Sex Trafficking Team and increase the number of full-time-equivalent positions by 11.0 positions each year of the biennium	\$1.1	
2016–17	DPS	Rider 56, included in the amounts appropriated in Strategy A.1.1, Organized Crime, to provide funding for human trafficking enforcement contingent on enactment of legislation expanding the allowable use of Account No. 5010		\$9.9
2018–19	Office of the Governor	Rider 25, included in the amounts appropriated in Strategy B.1.1, Criminal Justice, for the purpose of operating the Child Sex Trafficking Team	\$1.1	\$2.0
2018–19	Office of the Governor	Rider 25, included in the amounts appropriated in Strategy B.1.1, Criminal Justice, to provide grants to support victim services for child sex trafficking victims	\$2.5	
2018–19	DPS	Rider 46, included in the amounts appropriated in Strategy A.1.1, Organized Crime, for human trafficking enforcement		\$9.9

SOURCE: Legislative Budget Board.

TEXAS HUMAN TRAFFICKING PREVENTION TASK FORCE REPORTING

The Texas Human Trafficking Prevention Task Force’s annual report is the result of two reporting requirements. The Texas Government Code, Section 402.035(g), requires a biennial report regarding the task force’s activities, findings, and recommendations in the following section:

Not later than December 1 of each even-num-

bered year, the task force shall submit a report regarding the task force’s activities, findings, and recommendations, including any proposed legislation, to the governor, the lieutenant governor, and the legislature.

The Eighty-fifth Legislature, GAA, 2018–19 Biennium, Article I, OAG, Rider 29, requires an annual report regarding

**FIGURE 6
HUMAN TRAFFICKING-RELATED APPROPRIATIONS IN THE GENERAL APPROPRIATIONS ACT BY AGENCY
2012–13 TO 2018–19 BIENNIA**

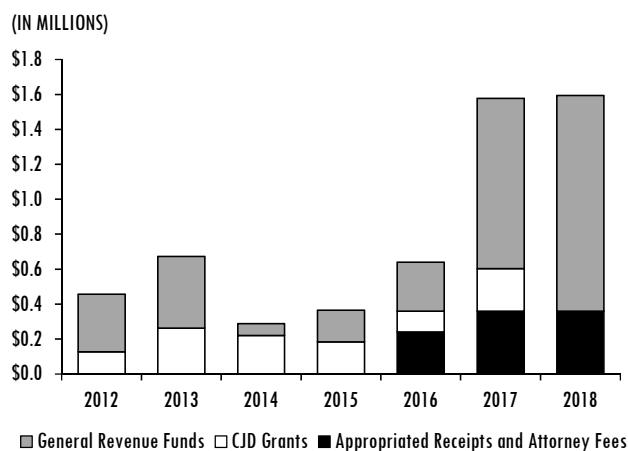
(IN MILLIONS) BIENNIUM	OFFICE OF THE ATTORNEY GENERAL	OFFICE OF COURT ADMINISTRATION	OFFICE OF THE GOVERNOR	DEPARTMENT OF PUBLIC SAFETY	TOTAL
2012–13	\$1.0	\$0.0	\$0.0	\$0.0	\$1.0
2014–15	\$0.0	\$0.04	\$0.0	\$0.0	\$0.04
2016–17	\$0.0	\$0.0	\$5.7	\$9.9	\$15.6
2018–19	\$0.0	\$0.0	\$5.7	\$9.9	\$15.6
Total	\$1.0	\$0.04	\$11.3	\$19.8	\$32.1

NOTES:

- (1) Amounts may not sum due to rounding.
- (2) The Office of the Governor was appropriated an additional 11.0 full-time-equivalent positions for each of fiscal years 2016 and 2017 to implement legislation establishing the Child Sex Trafficking Team.

SOURCE: Legislative Budget Board.

**FIGURE 7
HUMAN TRAFFICKING-SPECIFIC EXPENDITURES AT THE
OFFICE OF THE ATTORNEY GENERAL
FISCAL YEARS 2012 TO 2018**

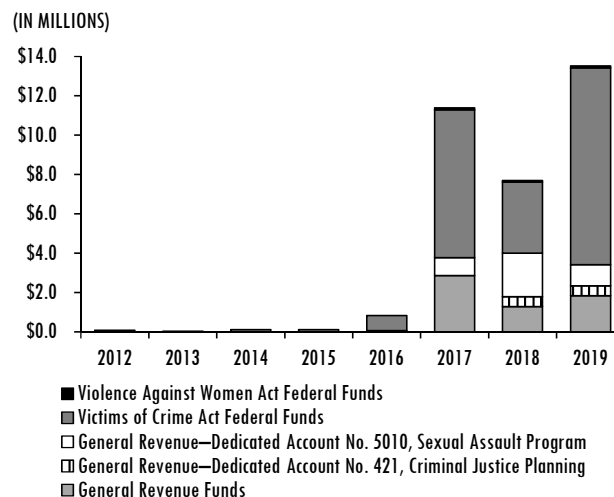


NOTE: CJD=Office of the Governor, Criminal Justice Division.
SOURCE: Office of the Attorney General.

the task force’s activities that also includes recommendations in the following section:

Out of funds appropriated above, the Office of the Attorney General shall report annually the activities of the Human Trafficking Prevention Task Force, as established by Government Code, Section 402.035. The report shall include information on collaborations with federal, state, and local partners, statistical data on the nature and extent of human trafficking in the state, and recommendations to enhance efforts to prevent

**FIGURE 8
HUMAN TRAFFICKING-SPECIFIC APPROPRIATIONS TO
THE OFFICE OF THE GOVERNOR
FISCAL YEARS 2012 TO 2019**



SOURCE: Office of the Governor.

human trafficking. The Office of the Attorney General shall provide the report to the Governor, Lieutenant Governor, and Legislature not later than December 1 each fiscal year.

The overlapping reporting requirements are an administrative burden on OAG staff tasked with compiling information from the task force members. OAG staff reported that the requirement for legislative recommendations is unnecessary during odd-numbered years because legislation from the previous session has not been implemented fully or evaluated. Option 2 would amend the 2020–21 General Appropriations

Bill, Article I, OAG, Rider 29, to remove the requirement that the Texas Human Trafficking Prevention Task Force's report includes recommendations to enhance efforts to prevent human trafficking, which results in an annual report of ongoing task force activities. The statutory reporting requirement would remain unchanged, including the requirement for any proposed legislative changes.

CHALLENGES FACING THE STATE RESPONSE TO HUMAN TRAFFICKING

State efforts to address human trafficking are faced with multiple challenges beyond those inherent to the crime. Data collection and reporting of human trafficking are limited by the hidden nature of human trafficking and the fact that human trafficking crimes often co-occur with, or are misidentified as, other crimes. Data collection is challenged further by the inaccessibility of some of collected data and a lack of mechanisms to share data among stakeholders. The task force to promote uniformity in the collection and reporting of trafficking information, presided over by OCA, found that, although multiple federal and state agencies and national NGOs collect data related to human trafficking, none collect data that reveal the full scope of the crime in Texas, and that no statewide process exists to identify and track cases from the time of initial identification or reporting through the conclusion of prosecution. The task force sought to address the data collection challenge by issuing multiple recommendations. One recommendation was for development of a pilot data project to track trafficking-related cases from investigation to disposition, with the goal of evaluating the feasibility and effectiveness of such tracking. That recommendation was not adopted.

Prosecuting human trafficking can be difficult. Law enforcement agencies do not prioritize human trafficking uniformly, which can decrease the number of cases referred. Additionally, some local prosecutors lack the expertise and resources necessary to prosecute effectively a trafficking case that is referred. Some prosecutors are more likely to prosecute a trafficking case as other charges that may be easier to prove in court and that carry a similar sentence. This prosecution for other charges contributes to the difficulty of tracking and reporting trafficking. OAG's HTTOC has trafficking-specific expertise and resources and is able to accept problematic cases with a high-risk threshold, but can do so only within the following circumstances:

- the district attorney with jurisdiction over the case recuses himself or herself, after which OAG, at its

discretion, can serve as an independent attorney pro tem; or

- the district attorney with jurisdiction over the case invites OAG to serve as a special assistant or to consult.

State law grants OAG concurrent jurisdiction with local prosecutors for certain offenses, such as an abuse of public office, civil racketeering related to the trafficking of persons, criminal offenses prescribed by state election law, and any offense pursuant to the Texas Penal Code involving state property. The extent of that jurisdiction varies, but often it requires the consent of the appropriate local attorney. To encourage the involvement of HTTOC in human trafficking cases and facilitate cooperative working arrangements between OAG and local prosecutors, Option 3 would amend statute to grant OAG concurrent jurisdiction in human trafficking cases with the consent of the appropriate county or district attorney.

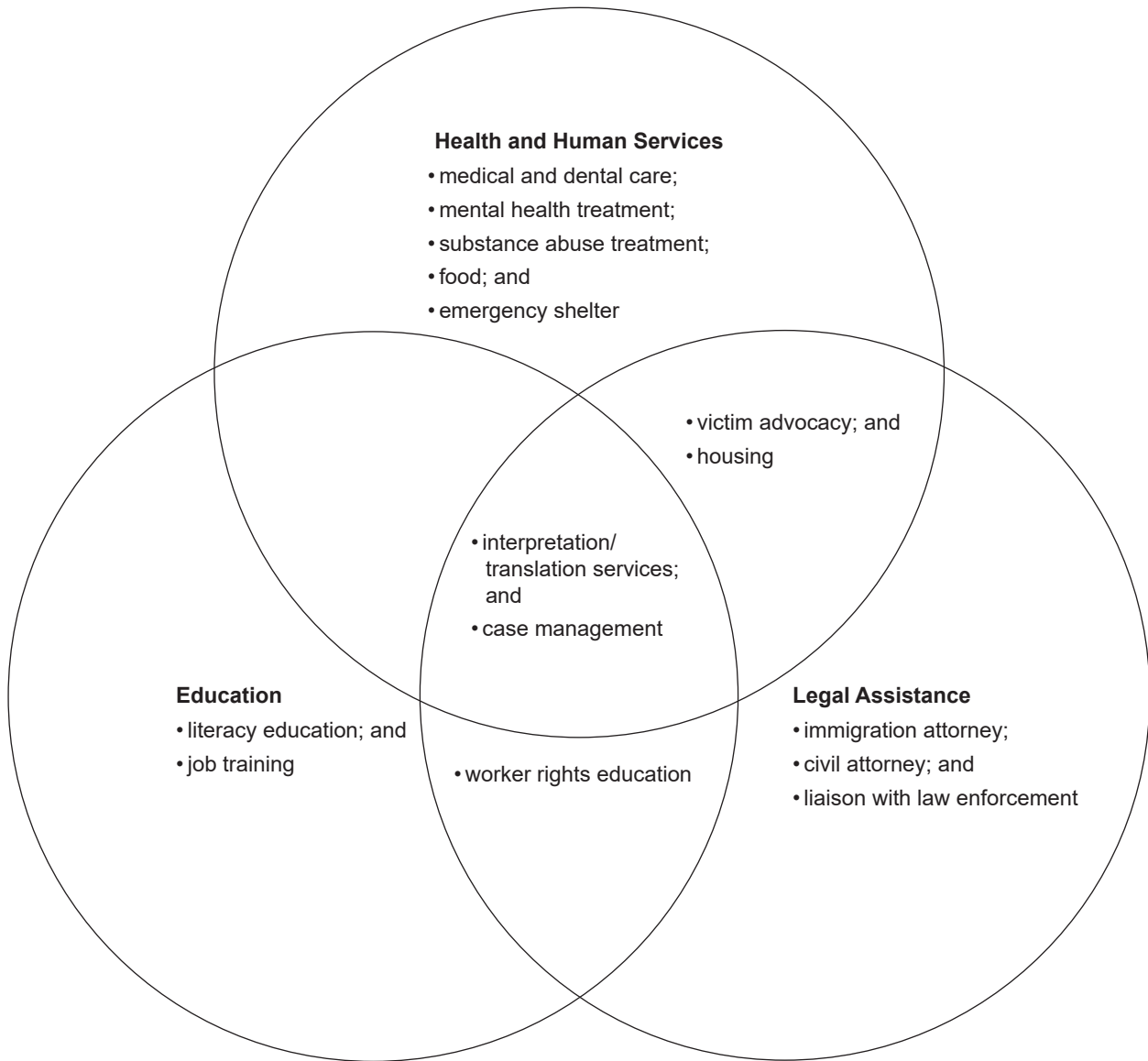
The provision of services to victims of human trafficking is another ongoing challenge. Although the Office of the Governor is advancing victim services for child sex trafficking victims, placement options overall are lacking, according to DFPS. Additionally, according to HTTOC, no structured resources specifically for child labor trafficking victims or adult victims of labor or sex trafficking are available. Trafficking victims require intensive services in multiple focus areas, and services can be disrupted if victims return to their traffickers, which is common. The number of focus areas and service disruptions can increase costs for service providers. **Figure 9** shows services commonly needed by human trafficking victims.

Option 4 would amend statute to direct the Texas Human Trafficking Prevention Task Force to consider recommendations that specifically address challenges relating to human trafficking data collection and the provision of services to trafficking victims, particularly adult victims and labor trafficking victims.

FISCAL IMPACT OF THE OPTIONS

Option 1 would amend the Texas Government Code to authorize OAG to set the membership of the Texas Human Trafficking Prevention Task Force and to include within that membership the current state agency members and any others at the Legislature's discretion. Option 2 would amend the 2020–21 General Appropriations Bill, Article I, OAG, Rider 29, to remove the requirement that the task force's

FIGURE 9
SERVICES COMMONLY NEEDED BY HUMAN TRAFFICKING VICTIMS
OCTOBER 2018



SOURCE: Legislative Budget Board staff analysis of information from various victim services stakeholders, including the federal Office of Justice, Office for Victims of Crime.

annual report includes recommendations to enhance efforts to prevent human trafficking, maintaining the provision of recommendations only in the biennial report required by statute. Option 4 would direct the Texas Human Trafficking Prevention Task Force to target data collection and victim services in its recommendations. No significant fiscal impact is anticipated as a result of any of these options.

Option 3 would amend statute to grant OAG concurrent jurisdiction in human trafficking cases with the consent of the appropriate county or district attorney. This option has the potential to increase human trafficking cases prosecuted by OAG, but it is assumed that caseloads could be adjusted within existing resources without resulting in a significant fiscal impact.

The introduced 2020–21 General Appropriations Bill implements Option 2.