

BILL ANALYSIS

Senate Research Center

H.B. 888
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the Texas Attorney General, there are more than 75,000 minors in Texas who are currently victims of sex trafficking. This number includes minors only, and does not reflect the more than 200,000 victims of labor trafficking in Texas. These child victims are often tricked by their captors to coerce them to cooperate and not run to law enforcement, being told, for example, that they are going to Disney World. Therefore, when the opportunity arises for a child to speak up to authorities at a port of entry, they remain silent as their captor tells the customs officer the child is their son or daughter.

Texas has taken steps to combat human trafficking across the state. One of the first big steps occurred in 2009, when the 81st Legislature created Texas Human Trafficking Prevention Task Force to develop legislative recommendations to attack the crime and policies to protect victims. Many of these recommendations turned into legislation, aiding the state in its fight against this heinous crime. In 2007, 34 human trafficking arrests were made in Texas, compared to 127 arrests in 2017. While it is clear the state has greatly improved its ability to fight human trafficking, interested parties contend there is still much work to be done.

H.B. 888 seeks to aid in this fight by bringing state statute in line with federal law to make it a crime to misrepresent a minor as family member at a port of entry. Under the provisions of the bill, such an act would be punishable as a Class B misdemeanor.

H.B. 888 amends current law relating to creating the criminal offense of misrepresenting a child as a family member at a port of entry and providing certain benefits to the misrepresented child.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.0991, as follows:

Sec. 531.0991. AUTOMATIC PROVISION OF MEDICAID BENEFITS. Requires the Health and Human Services Commission, to the extent permitted by federal law and regardless of the nationality of the child, to ensure a child who is used in the commission of an offense under Section 37.082, Penal Code, is provided Medicaid benefits.

SECTION 2. Amends Chapter 37, Penal Code, by adding Section 37.082, as follows:

Sec. 37.082. MISREPRESENTING CHILD AS FAMILY MEMBER AT PORT OF ENTRY. (a) Defines "child," "family member," and "port of entry" for purposes of this section.

(b) Provides that a person commits an offense if the person, with intent to engage in trafficking of persons, as defined by Section 20A.02 (Trafficking of Persons),

knowingly misrepresents a child as a family member of the person to a peace officer or federal special investigator at a port of entry.

(c) Provides that an offense under this section is a Class B misdemeanor.

(d) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under another law, to be prosecuted under this section, the other law, or both.

SECTION 3. Effective date: September 1, 2019.