



Human Trafficking Legislative Agenda

RTC PROTECTIONS

Residential treatment facilities (RTCs) provide mental health treatment services, counseling, and education services to children and young adults who are experiencing difficulty with emotional disorders. Traffickers are keenly aware of the vulnerable clientele seeking services at RTCs and there have been numerous cases of minors being 'recruited' by pimps on or near RTC premises. We propose heightening protections by: requiring the posting of no trespassing signs on all RTC property and parking lots, thereby automatically giving law enforcement reasonable suspicion to stop persons on RTC grounds, and linking trespass on an RTC to higher penalties; making RTCs gang- and drug-free zones (but exempting clients and their guardians from the higher zone penalties), and making recruiting from an RTC an aggravating factor with respect to human trafficking.

SMALL BUSINESS PROTECTION

Illegal Massage Businesses (IMBs) are fronts for prostitution and sex trafficking. Because they are often cash-only businesses, they are also magnets for armed robbery. Over 35,000 Texas schoolchildren attend a school that is within 1000 feet of an IMB. Most IMBs occupy leased commercial space, and many are adjacent to businesses frequented by families—sometimes even daycares. For their protection and for the safety of their customers, legitimate businesses need the ability to void their leases if the person or entity leasing to them also leases to an unlicensed IMB within their commercial vicinity. See SB 498 (Huffman) from the 86th legislative Session.

IMBS & THE DTPA

In 2017, the legislature passed HB 2552 which made operating a massage establishment (ME) without being properly licensed or in violation of any local code or ordinance a deceptive trade practice under Texas's Deceptive Trade Practices Act (DTPA). However, the most deterrent element of the DTPA is the significant monetary civil penalties, and this is a remedy currently available only to the Attorney General's Office. We propose creating an exception—patterned after the existing exception for 'notario fraud'—to permit local government attorneys to also collect these fees in DTPA actions they bring against an alleged ME.

MANDATORY HOTEL TRAINING (HB 390 – S. Thompson)

In the spring of 2019, the City of Houston passed the most comprehensive and substantive ordinance around trafficking and the hotel industry in the nation. We propose modelling a state program after Houston's, one that requires: the training of all hotel employees (in English and Spanish) on how to identify and report trafficking either online or in-person; records keeping for all trainings, signage for employees, and a no-retaliation clause with respect to employees who report human trafficking.

FINANCIAL CRIMES

"White label" ATMS (i.e. ATMs not affiliated with an accredited financial institution) are an almost wholly unregulated industry in Texas. While these ATMs provide a valuable service, especially in rural areas, they are also used to facilitate sex trafficking and launder cash, particularly within IMBs and unlicensed strip clubs. We propose the mandatory registration of all white label IMBs in order to provide police and prosecutors with a heightened ability to identify the true owners and operators of storefront trafficking operations and more easily build cases involving tax evasion and financial crimes.