



SB 1036 (Huffman) / HB 1540 (S.Thompson)

Protect Children in Residential Treatment Centers (RTCs)

The approximately 60 residential treatment centers (RTCs) in Texas provide mental health treatment services, counseling, and education services to children and young adults who are experiencing difficulty with emotional disorders. Traffickers know that the children in RTCs are among the most vulnerable, and they target RTCs in order to solicit these vulnerable children, including many children of color, into prostitution. They lurk in the parking lots or on the grounds, and entice minors receiving services at RTCs by offering them drugs, a ride in their vehicle, or an afternoon's "freedom." In reality, these children are often sexually assaulted and trafficked.

Traffickers have been successful in luring and recruiting minors on RTC grounds because they are currently free to approach these extremely vulnerable youths without significant impediment. We can protect the clients of residential treatment centers from traffickers by ensuring that peace officers have the authority to perform "Terry Stops" with respect to persons on the premises of RTCs and by providing heightened penalties against persons trespassing on RTC grounds.



POLICY RECOMMENDATION

The proposed legislation requires all providers/ owners of RTCs to post "no trespassing" notices along the exterior boundaries of the property in accordance with rules to be promulgated by the Texas Health & Human Services Commission ("HHSC"), and grants HHSC authority to prescribe requirements regarding the form, placement, installation, and number of "no trespassing" notices for RTCs.

By posting the grounds and curtilage of RTCs as no-trespassing areas, law enforcement is automatically granted the power to stop persons in these areas, inquire as to their purposes, and request ID, without needing to prove the reasonable suspicion articulated by the Supreme Court in *U.S. v. Terry*. This ability expedites enforcement, conserves law enforcement time and resources, and encourages more frequent patrols. Additionally, should a person trespass on RTC grounds, the proposed legislation connects this criminal activity to the higher penalties currently provided for in Texas law for areas deemed to be in need of high protection, such as disaster shelters and critical infrastructure sites.

Additionally, the proposed language designates RTCs as child safety zones as well as gang- and drug-free zones, as defined by Texas law, but **exempts RTC clients and their guardians** from the enhanced penalties imposed by zones.