

SB 466 (Bettencourt)/HB 279 (Jetton, Bhojani)

Relating To The Prosecution And Punishment
Of The Offense Of Trafficking Of Persons



Scope of the Problem

Adults with intellectual and developmental disabilities are specifically targeted by traffickers, due to their vulnerability. Yet, prosecutors and law enforcement often struggle to bring their traffickers to justice. Currently, in investigations and trials of traffickers who victimized adult disabled survivors of human trafficking, prosecutors must prove that the defendant used force, fraud, or coercion to cause their victim to participate in prohibited conduct such as prostitution. Notably, the Texas human trafficking statute does not require proof of force fraud or coercion for those under 18; it is enough that the trafficker caused a minor to engage in the prohibited conduct. Courts have developed a certain understanding of what constitutes force, fraud, or coercion, and juries come in with their own preconceived definition of those words. However, those elements may look very different for adults with intellectual and developmental disabilities. This leaves investigators and prosecutors with the difficult task of proving these elements before a court.

Background

House Bill 375, passed last session, added disabled individuals as potential victims to the continuous sexual abuse of child statute. The proposed change would amend Texas's human trafficking statute by adding additional protections for disabled individuals by eliminating the need to prove force fraud or coercion. Instead, just as there is no need to prove force, fraud, or coercion for children, prosecutors would not need to prove the additional elements of force, fraud, or coercion against traffickers who victimized a developmentally disabled individual. "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self. (Texas Penal Code 22.021(b)(3))

Policy Recommendations

Allow prosecutors to **try traffickers that have victimized disabled adults without requiring that they prove the elements of force, fraud, or coercion.** This policy change would protect adults with disabilities who are especially vulnerable to trafficking, especially those with disabilities that affect their ability to assess safety or care for themselves without assistance. Although protections exist for certain disabled adults who are sexually assaulted or abused, those protections do not currently extend to victims of sex trafficking. **Prosecutors and Law Enforcement will be empowered to bring traffickers to justice, preventing them from targeting one of our most vulnerable populations.**

For Questions or Comments Please Contact:

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