

## Texas State Report State Ratings 2014

The Polaris annual state ratings process tracks the presence or absence of 10 categories of state statutes that Polaris believes are critical to a comprehensive anti-trafficking legal framework. It is important to note that these 10 categories are not exhaustive of all the important legislation that helps combat human trafficking in a given state. Moreover, the ratings do not assess the effectiveness or implementation of these laws, nor the anti-trafficking efforts of task forces, law enforcement, prosecutors, judges, service providers, and advocates in the state. The purpose of the annual state ratings process is to document laws on the books, to motivate legislators and policy advocates, and to focus the attention of states on the statutes that still need to be enacted in order to achieve a strong anti-trafficking legal framework.

**Rating:** Tier One (green)

**Total Points:** 10

**Credited Categories:** 1 Sex Trafficking; 2 Labor Trafficking; 3(a) Asset Forfeiture; 3(b) Investigative Tools; 4(a) Training for Law Enforcement; 4(b) Human Trafficking Task Force; 5 No Requirement of Force, Fraud, or Coercion for Minor Victims of Sex Trafficking; 6 Posting of a Hotline; 8 Victim Assistance; and 9 Civil Remedy.

**Categories Still Needed:** 7 Safe Harbor for Minors and 10 Vacating Convictions.

**Category By Category Break-Down:**

### Category 1: Sex Trafficking Statute

#### § 20A.01. Definitions.

In this chapter:

- (1) "Child" means a person younger than 18 years of age.
- (2) "Forced labor or services" means labor or services, other than labor or services that constitute sexual conduct, that are performed or provided by another person and obtained through an actor's use of force, fraud, or coercion.
- (3) "Sexual conduct" has the meaning assigned by Section 43.25.
- (4) "Traffic" means to transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means.

#### § 20A.02. Trafficking of Persons.

- (a) A person commits an offense if the person knowingly:
  - (1) traffics another person with the intent that the trafficked person engage in forced labor or services;
  - (2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services;
  - (3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by:



- (A) Section 43.02 (Prostitution);
    - (B) Section 43.03 (Promotion of Prostitution);
    - (C) Section 43.04 (Aggravated Promotion of Prostitution); or
    - (D) Section 43.05 (Compelling Prostitution);
  - (4) receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3);
  - (5) traffics a child with the intent that the trafficked child engage in forced labor or services;
  - (6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services;
  - (7) traffics a child and by any means causes the trafficked child to engage in, or become the victim of, conduct prohibited by:
    - (A) Section 21.02 (Continuous Sexual Abuse of Young Child or Children);
    - (B) Section 21.11 (Indecency with a Child);
    - (C) Section 22.011 (Sexual Assault);
    - (D) Section 22.021 (Aggravated Sexual Assault);
    - (E) Section 43.02 (Prostitution);
    - (F) Section 43.03 (Promotion of Prostitution);
    - (G) Section 43.04 (Aggravated Promotion of Prostitution);
    - (H) Section 43.05 (Compelling Prostitution);
    - (I) Section 43.25 (Sexual Performance by a Child);
    - (J) Section 43.251 (Employment Harmful to Children); or
    - (K) Section 43.26 (Possession or Promotion of Child Pornography); or
  - (8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child trafficked in the manner described in Subdivision (7).
- (b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:
- (1) the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8), regardless of whether the actor knows the age of the child at the time the actor commits the offense; or
  - (2) the commission of the offense results in the death of the person who is trafficked.
- (c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.
- (d) If the victim of an offense under Subsection (a)(7)(A) is the same victim as a victim of an offense under Section 21.02, a defendant may not be convicted of the offense under Section 21.02 in the same criminal action as the offense under Subsection (a)(7)(A) unless the offense under Section 21.02:
- (1) is charged in the alternative;
  - (2) occurred outside the period in which the offense alleged under Subsection (a)(7)(A) was committed; or
  - (3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a)(7)(A).



## **Category 2: Labor Trafficking Statute**

Yes. See § 20A.02.

## **Category 3(a): Asset Forfeiture**

### **§ 59.01. Definitions**

In this chapter:

1) "Attorney representing the state" means the prosecutor with felony jurisdiction in the county in which a forfeiture proceeding is held under this chapter or, in a proceeding for forfeiture of contraband as defined under Subdivision (2)(B)(v) of this article, the city attorney of a municipality if the property is seized in that municipality by a peace officer employed by that municipality and the governing body of the municipality has approved procedures for the city attorney acting in a forfeiture proceeding. In a proceeding for forfeiture of contraband as defined under Subdivision (2)(B)(vi) of this article, the term includes the attorney general.

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

- (i) any first or second degree felony under the Penal Code;
- (ii) any felony under Section 15.031(b), 20.05, 21.11, 38.04, or Chapter 43, 20A, 29, 30, 31, 32, 33, 33A, or 35, Penal Code;
- (iii) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or
- (iv) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

- (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
- (ii) any felony under Chapter 483, Health and Safety Code;
- (iii) a felony under Chapter 153, Finance Code;
- (iv) any felony under Chapter 34, Penal Code;
- (v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;
- (vi) any felony under Chapter 152, Finance Code;
- (vii) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves the state Medicaid program;
- (viii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;
- (ix) a Class A misdemeanor under Section 306.051, Business & Commerce Code;
- (x) any offense under Section 42.10, Penal Code;
- (xi) any offense under Section 46.06(a)(1) or 46.14, Penal Code;
- (xii) any offense under Chapter 71, Penal Code;
- (xiii) any offense under Section 20.05, Penal Code; or
- (xiv) an offense under Section 326.002, Business & Commerce Code;



(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii) of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii) of this subdivision, or a crime of violence;

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or 43.25, Penal Code; or

(F) used to facilitate or intended to be used to facilitate the commission of a felony under Section 20A.02 or Chapter 43, Penal Code.

### **§ 59.02. Forfeiture of contraband**

(a) Property that is contraband is subject to seizure and forfeiture under this chapter.

### **§ 59.06. Disposition of Forfeited Property**

(a) Except as provided by Subsection (k), all forfeited property shall be administered by the attorney representing the state, acting as the agent of the state, in accordance with accepted accounting practices and with the provisions of any local agreement entered into between the attorney representing the state and law enforcement agencies. If a local agreement has not been executed, the property shall be sold on the 75th day after the date of the final judgment of forfeiture at public auction under the direction of the county sheriff, after notice of public auction as provided by law for other sheriff's sales.

### **Category 3(b): Investigative Tools**

#### **§ 18.20. Detection, Interception, and Use of Wire, Oral, or Electronic Communications.**

Offenses for which interception may be authorized. A judge of competent jurisdiction may issue an order authorizing interception of wire, oral, or electronic communications only if the prosecutor applying for the order shows probable cause to believe that the interception will provide evidence of the commission of:

(1) a felony under Section 19.02, 19.03, or 43.26, Penal Code;

(2) a felony under:

(A) Chapter 481, Health and Safety Code, other than felony possession of marihuana;

(B) Section 485.032, Health and Safety Code; or

(C) Chapter 483, Health and Safety Code;

(3) an offense under Section 20.03 or 20.04, Penal Code;

(4) an offense under Chapter 20A, Penal Code;

(5) an offense under Chapter 34, Penal Code, if the criminal activity giving rise to the proceeds involves the commission of an offense under Title 5, Penal Code, or an offense under federal law or the laws of another state containing elements that are substantially similar to the elements of an offense under Title 5;

(6) an offense under Section 38.11, Penal Code; or

(7) an attempt, conspiracy, or solicitation to commit an offense listed in this section.



#### **Category 4(a): Training for Law Enforcement**

##### **§ 531.384. Training Programs**

The commission, with assistance from the Office of Court Administration of the Texas Judicial System, the Department of Public Safety, and local law enforcement agencies, shall create training programs designed to increase the awareness of judges, prosecutors, and law enforcement personnel of the needs of domestic victims, the availability of services under this subchapter, the database of services described by Section 531.382, and potential funding sources for those services.

##### **§ 1701.258. Education and Training Programs on Trafficking of Persons**

(a) The commission by rule shall require an officer first licensed by the commission on or after January 1, 2011, to complete within a reasonable time after obtaining the license a one-time basic education and training program on the trafficking of persons. The program must:

- (1) consist of at least four hours of training; and
- (2) include a review of the substance of Sections 20A.02 and 43.05, Penal Code.

(b) The commission shall make available to each officer a voluntary advanced education, instruction, and training program on the trafficking of persons and compelling prostitution prohibited under Sections 20A.02 and 43.05, Penal Code.

#### **Category 4(b): Human Trafficking Task Force**

##### **§402.035. Human Trafficking Prevention Task Force.**

(a) In this section, "task force" means the human trafficking prevention task force.

(b) The office of the attorney general shall establish the human trafficking prevention task force to develop policies and procedures to assist in the prevention and prosecution of human trafficking crimes.

(c) The task force is composed of the following:

- (1) the governor or the governor's designee;
- (2) the attorney general or the attorney general's designee;
- (3) the executive commissioner of the Health and Human Services Commission or the executive commissioner's designee;
- (4) the commissioner of the Department of Family and Protective Services or the commissioner's designee;
- (5) the public safety director of the Department of Public Safety or the director's designee;
- (6) one representative from each of the following state agencies, appointed by the chief administrative officer of the respective agency:
  - (A) the Texas Workforce Commission;
  - (B) the Texas Department of Criminal Justice;
  - (C) the Texas Youth Commission;
  - (D) the Texas Juvenile Probation Commission; and
  - (E) the Texas Alcoholic Beverage Commission; and
- (7) as appointed by the attorney general:
  - (A) a public defender, as defined by Article 26.044, Code of Criminal Procedure;
  - (B) an attorney representing the state;
  - (C) a representative of:
    - (i) a hotel and motel association;



- (ii) a district and county attorneys association; and
    - (iii) a state police association;
  - (D) representatives of sheriff's departments;
  - (E) representatives of local law enforcement agencies affected by human trafficking; and
  - (F) representatives of nongovernmental entities making comprehensive efforts to combat human trafficking by:
    - (i) identifying human trafficking victims;
    - (ii) providing legal or other services to human trafficking victims;
    - (iii) participating in community outreach or public awareness efforts regarding human trafficking;
    - (iv) providing or developing training regarding the prevention of human trafficking; or
    - (v) engaging in other activities designed to prevent human trafficking.
- (d) The task force shall:
  - (1) collaborate, as needed to fulfill the duties of the task force, with:
    - (A) United States attorneys for the districts of Texas; and
    - (B) special agents or customs and border protection officers and border patrol agents of:
      - (i) the Federal Bureau of Investigation;
      - (ii) the United States Drug Enforcement Administration;
      - (iii) the Bureau of Alcohol, Tobacco, Firearms and Explosives;
      - (iv) the United States Immigration and Customs Enforcement Agency; or
      - (v) the United States Department of Homeland Security;
  - (2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);
  - (3) solicit cooperation and assistance from state and local governmental agencies, political subdivisions of the state, nongovernmental organizations, and other persons, as appropriate, for the purpose of collecting and organizing statistical data under Subdivision (2);
  - (4) ensure that each state or local governmental agency and political subdivision of the state and each state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:
    - (A) the number of investigations concerning, arrests and prosecutions for, and convictions of:
      - (i) the offense of trafficking of persons; and
      - (ii) the offense of forgery or an offense under Chapter 43, Penal Code, if committed as part of a criminal episode involving the trafficking of persons;
    - (B) demographic information on persons who are convicted of offenses described by Paragraph (A) and persons who are the victims of those offenses;
    - (C) geographic routes by which human trafficking victims are trafficked, including routes by which victims are trafficked across this state's international border, and geographic patterns in human trafficking, including the country or state of origin and the country or state of destination;





- (D) means of transportation and methods used by persons who engage in trafficking to transport their victims; and
- (E) social and economic factors that create a demand for the labor or services that victims of human trafficking are forced to provide;
- (5) work with the Commission on Law Enforcement Officer Standards and Education to develop and conduct training for law enforcement personnel, victim service providers, and medical service providers to identify victims of human trafficking;
- (6) work with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to:
  - (A) develop a list of key indicators that a person is a victim of human trafficking;
  - (B) develop a standardized curriculum for training doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;
  - (C) train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;
  - (D) develop and conduct training for personnel from the Department of Family and Protective Services and the Health and Human Services Commission on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking; and
  - (E) develop a process for referring identified human trafficking victims and individuals at risk of becoming victims to appropriate entities for services;
- (7) on the request of a judge of a county court, county court at law, or district court or a county attorney, district attorney, or criminal district attorney, assist and train the judge or the judge's staff or the attorney or the attorney's staff in the recognition and prevention of human trafficking;
- (8) examine training protocols related to human trafficking issues, as developed and implemented by federal, state, and local law enforcement agencies;
- (9) collaborate with state and local governmental agencies, political subdivisions of the state, and nongovernmental organizations to implement a media awareness campaign in communities affected by human trafficking; and
- (10) develop recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, and prosecute human trafficking offenders.
- (e) The presiding officer of the task force is the attorney general or the attorney general's designee.
- (f) The office of the attorney general shall supervise the administration of the task force. The attorney general shall provide the necessary staff and facilities to assist the task force in performing its duties.
- (g) Not later than December 1 of each even-numbered 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.
- (g-1) In this section, "emergency medical services personnel" has the meaning assigned by Section 773.003, Health and Safety Code.
- (h) This section expires September 1, 2015-



### **Category 5: No Requirement of Force, Fraud, or Coercion for Sex Trafficking of Minors**

Yes. See section § 20A.02.(a)(7).

### **Category 6: Posting of a Human Trafficking Hotline**

#### **§ 104.07. Posting of Certain Notices Required**

- (a) The holder of a permit or license under Chapter 25, 26, 28, 32, 69, or 71, other than the holder of a food and beverage certificate, shall display a sign containing the following notice in English and in Spanish:

WARNING: Obtaining forced labor or services is a crime under Texas law. Call the national human trafficking hotline: 1-888-373-7888. You may remain anonymous.

- (b) The sign must be at least 8- 1/2 inches high and 11 inches wide and displayed in a conspicuous manner clearly visible to the public and employees of the permit or license holder. The English notice must cover approximately two-thirds of the sign, and the Spanish notice must cover approximately one-third of the sign.

### **Category 7: Safe Harbor**

\*Recognition for efforts, but not credit awarded.

#### **§ 51.0413. Jurisdiction Over and Transfer of Combination of Proceedings.**

(a) A juvenile court designated under Section 51.04(b) or, if that court does not have jurisdiction over proceedings under Subtitle E, Title 5, the juvenile court designated under Section 51.04(i) may simultaneously exercise jurisdiction over proceedings under this title and proceedings under Subtitle E, Title 5, if there is probable cause to believe that the child who is the subject of those proceedings engaged in delinquent conduct or conduct indicating a need for supervision and cause to believe that the child may be the victim of conduct that constitutes an offense under Section 20A.02, Penal Code.

(b) If a proceeding is instituted under this title in a juvenile court designated under Section 51.04(b) that does not have jurisdiction over proceedings under Subtitle E, Title 5, the court shall assess the case and may transfer the proceedings to a court designated as a juvenile court or alternative juvenile court under Section 51.04(i) if the receiving court agrees and if, in the course of the proceedings, evidence is presented that constitutes cause to believe that the child who is the subject of those proceedings is a child described by Subsection (a).

#### **§52.032. Informal Disposition Guidelines.**

(a) The juvenile board of each county, in cooperation with each law enforcement agency in the county, shall adopt guidelines for the disposition of a child under Section 52.03 or 52.031. The guidelines adopted under this section shall not be considered mandatory.

(b) The guidelines adopted under Subsection (a) may not allow for the case of a child to be disposed of under Section 52.03 or 52.031 if there is probable cause to believe that the child engaged in delinquent conduct or conduct indicating a need for supervision and cause to believe that the child may be the victim of conduct that constitutes an offense under Section 20A.02, Penal Code.





**§ 54.0326. Deferral of Adjudication and Dismissal of Certain Cases on Completion of Trafficked Persons Program.**

(a) This section applies to a juvenile court or to an alternative juvenile court exercising simultaneous jurisdiction over proceedings under this title and Subtitle E, Title 5, in the manner authorized by Section 51.0413.

(b) A juvenile court may defer adjudication proceedings under Section 54.03 until the child's 18th birthday and require a child to participate in a program established under Section 152.0016, Human Resources Code, if the child:

(1) is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision and may be a victim of conduct that constitutes an offense under Section 20A.02, Penal Code; and

(2) presents to the court an oral or written request to participate in the program.

(c) Following a child's completion of the program, the court shall dismiss the case with prejudice at the time the child presents satisfactory evidence that the child successfully completed the program.

**§ 54.0401. Trafficked Persons Program.**

(a) This section applies to a juvenile court or to an alternative juvenile court exercising simultaneous jurisdiction over proceedings under this title and Subtitle E, Title 5, in the manner authorized by Section 51.0413.

(b) A juvenile court may require a child adjudicated to have engaged in delinquent conduct or conduct indicating a need for supervision and who is believed to be a victim of conduct that constitutes an offense under Section 20A.02, Penal Code, to participate in a program established under Section 152.0016, Human Resources Code.

(c) The court may require a child participating in the program to periodically appear in court for monitoring and compliance purposes.

(d) Following a child's successful completion of the program, the court may order the sealing of the records of the case in the manner provided by Sections 58.003(c-7) and (c-8).

**§ 58.003. Sealing of Records.**

(c-7) Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court may order the sealing of records concerning a child found to have engaged in delinquent conduct or conduct indicating a need for supervision or taken into custody to determine whether the child engaged in delinquent conduct or conduct indicating a need for supervision if the child successfully completed a trafficked persons program under Section 152.0016, Human Resources Code. The court may:

(1) order the sealing of the records immediately and without a hearing; or

(2) hold a hearing to determine whether to seal the records.

(c-8) If the court orders the sealing of a child's records under Subsection (c-7), a prosecuting attorney or juvenile probation department may maintain until the child's 18th birthday a separate record of the child's name and date of birth and the date the child successfully completed the trafficked persons program. The prosecuting attorney or juvenile probation department, as applicable, shall send the record to the court as soon as practicable after the child's 18th birthday to be added to the child's other sealed records.



#### **§ 152.0016. Trafficked Persons Program.**

(a) A juvenile board may establish a trafficked persons program under this section for the assistance, treatment, and rehabilitation of children who:

- (1) are alleged to have engaged in or adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision; and
- (2) may be victims of conduct that constitutes an offense under Section 20A.02, Penal Code.

(b) A program established under this section must:

- (1) if applicable, allow for the integration of services available to a child pursuant to proceedings under Title 3, Family Code, and Subtitle E, Title 5, Family Code;
- (2) if applicable, allow for the referral to a facility that can address issues associated with human trafficking; and
- (3) require a child participating in the program to periodically appear in court for monitoring and compliance purposes.

### **Category 8: Victim Assistance**

#### **§ 531.381. Definitions**

In this subchapter:

- (1) "Domestic victim" means a victim of trafficking who is a permanent legal resident or citizen of the United States.
- (2) "Victim of trafficking" has the meaning assigned by 22 U.S.C. Section 7102.

#### **§ 531.382. Victim Assistance Program Established**

The commission shall develop and implement a program designed to assist domestic victims, including victims who are children, in accessing necessary services. The program must consist of at least the following components:

- (1) a searchable database of assistance programs for domestic victims, including programs that provide mental health services, other health services, services to meet victims' basic needs, case management services, and any other services the commission considers appropriate, that may be used to match victims with appropriate resources;
- (2) the grant program described by Section 531.383;
- (3) recommended training programs for judges, prosecutors, and law enforcement personnel; and
- (4) an outreach initiative to ensure that victims, judges, prosecutors, and law enforcement personnel are aware of the availability of services through the program.

#### **§ 420.008. Sexual Assault Program Fund.**

(a) The sexual assault program fund is a special account in the general revenue fund.

(b) The fund consists of fees collected under:

- (1) Section 19(e), Article 42.12, Code of Criminal Procedure;
- (2) Section 508.189, Government Code; and
- (3) Subchapter B, Chapter 102, Business & Commerce Code, and deposited under Section 102.054.

(c) The legislature may appropriate money deposited to the credit of the fund only to:

- (1) the attorney general, for:
  - (A) sexual violence awareness and prevention campaigns;



- (B) grants to faith-based groups, independent school districts, and community action organizations for programs for the prevention of sexual assault and programs for victims of human trafficking;
  - (C) grants for equipment for sexual assault nurse examiner programs, to support the preceptorship of future sexual assault nurse examiners, and for the continuing education of sexual assault nurse examiners;
  - (D) grants to increase the level of sexual assault services in this state;
  - (E) grants to support victim assistance coordinators;
  - (F) grants to support technology in rape crisis centers;
  - (G) grants to and contracts with a statewide nonprofit organization exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code of 1986, having as a primary purpose ending sexual violence in this state, for programs for the prevention of sexual violence, outreach programs, and technical assistance to and support of youth and rape crisis centers working to prevent sexual violence; and
  - (H) grants to regional nonprofit providers of civil legal services to provide legal assistance for sexual assault victims;
- (2) the Department of State Health Services, to measure the prevalence of sexual assault in this state and for grants to support programs assisting victims of human trafficking;
  - (3) the Institute on Domestic Violence and Sexual Assault at The University of Texas at Austin, to conduct research on all aspects of sexual assault and domestic violence;
  - (4) Texas State University, for training and technical assistance to independent school districts for campus safety;
  - (5) the office of the governor, for grants to support sexual assault and human trafficking prosecution projects;
  - (6) the Department of Public Safety, to support sexual assault training for commissioned officers;
  - (7) the comptroller's judiciary section, for increasing the capacity of the sex offender civil commitment program;
  - (8) the Texas Department of Criminal Justice:
    - (A) for pilot projects for monitoring sex offenders on parole; and
    - (B) for increasing the number of adult incarcerated sex offenders receiving treatment;
  - (9) the Texas Youth Commission, for increasing the number of incarcerated juvenile sex offenders receiving treatment;
  - (10) the comptroller, for the administration of the fee imposed on sexually oriented businesses under Section 102.052, Business & Commerce Code; and
  - (11) the supreme court, to be transferred to the Texas Equal Access to Justice Foundation, or a similar entity, to provide victim-related legal services to sexual assault victims, including legal assistance with protective orders, relocation-related matters, victim compensation, and actions to secure privacy protections available to victims under law.



## **Category 9: Civil Remedy**

### **§ 98.002. Liability**

(a) A defendant who engages in the trafficking of persons or who intentionally or knowingly benefits from participating in a venture that traffics another person is liable to the person trafficked, as provided by this chapter, for damages arising from the trafficking of that person by the defendant or venture.

(b) It is not a defense to liability under this chapter that a defendant has been acquitted or has not been prosecuted or convicted under Chapter 20A, Penal Code, or has been convicted of a different offense or of a different type or class of offense, for the conduct that is alleged to give rise to liability under this chapter.

### **§ 98.003. Damages**

(a) A claimant who prevails in a suit under this chapter shall be awarded:

- (1) actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown;
- (2) court costs; and
- (3) reasonable attorney's fees.

(b) In addition to an award under Subsection (a), a claimant who prevails in a suit under this chapter may recover exemplary damages.

## **Category 10: Vacating Convictions**

None.

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If you would like assistance in enacting laws to fill in the gaps, please contact the Polaris Policy Program at [policy@polarisproject.org](mailto:policy@polarisproject.org).