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FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/09
LAST UPDATED 03/10/09 **HB** _____

SPONSOR Garcia, MJ

SHORT TITLE Human Trafficking Victim Assistance **SB** 268/aSJC/aSFI#1

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB328

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Fund Affected
Total	\$0.1	\$0.1	\$0.1	\$0.1	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the District Attorneys (AODA)

Attorney General's Office (AGO)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of SFI Amendment

The Senate Floor amendment to Senate Bill 268 adds that there shall be no statute of limitations barring a civil action pursuant to Section 2. Section 2 of SB 268 provides a human trafficking victim with a civil remedy against a perpetrator with a treble damages provision. This amendment specifically addresses the Senate Judiciary Committee Amendment which deleted language barring a civil action by a human trafficking victim after ten years.

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to Senate Bill 268 strikes the criteria that would prevent civil action from being forever bared.

Synopsis of Original Bill

Senate Bill 268 provides for legal and social service referrals and assistance to victims of human trafficking. It also provides a mechanism for civil law suits by victims against the trafficker. It further gives direction to the Task Force to Combat Human Trafficking in the area of data collection. Finally, it adds human trafficking to the list of crimes enumerated in the Crime Victims Preparation Act for assistance to victims.

FISCAL IMPLICATIONS

Bill has no appropriation but required activities could require additional costs if legal services and advice mandate is to be implemented.

PERFORMANCE IMPLICATIONS

The local district attorneys offices explain that they are equipped and prepared to make appropriate referrals for victims in the areas of social services. However, they are not at all able to provide advice or assistance in helping victims acquire “all necessary documentation required pursuant to federal law for an adjustment of immigration status that applies to victims” as required by the bill. There could be liability issues if erroneous advice is given by persons not sufficiently familiar with this demanding area of federal law.

RELATIONSHIP

Relates to HB328, which appropriates \$285 thousand from the general fund to the Attorney General’s Office, Children, Youth and Families Department and Human Services Department for the purpose of mileage and per diem for public members of the human trafficking task force to provide benefits and services to human trafficking victims.

The basic difference between the bills is that SB268 requires cooperation from victims, but does not require a Court hearing to determine whether the victim is cooperative enough to receive services if requested by the victim advocate.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Public prosecution efforts would not be affected, but human trafficking victims would have to look elsewhere for advice for federal immigration status issues and some other kinds of assistance.