SPONSOR: Rep. Keeley & Sen. Henry & Rep. Dukes & Sen. Hocker
Reps. Baumbach, Bennett, Heffernan, J. Johnson,
Q. Johnson, Lynn, Mitchell, Osienski, Paradee, Potter,
Schwartzkopf, B. Short, M. Smith, Viola; Sens. Ennis,
Hansen, Marshall

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 164
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HUMAN TRAFFICKING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §787 of Title 11 of the Delaware code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

~~(k) Human Trafficking Coordinating Council. — The General Assembly hereby creates a permanent Human Trafficking Coordinating Council.~~

~~(1) The Council shall consist of the following members or his or her designee:~~

~~a. The President Judge of the Superior Court;~~

~~b. The Chief Judge of the Family Court;~~

~~c. The Chief Judge of the Court of Common Pleas;~~

~~d. The Chief Magistrate of the Justice of the Peace Court;~~

~~e. The Attorney General;~~

~~f. The Chief Defender;~~

~~g. The Secretary of the Department of Safety and Homeland Security;~~

~~h. A representative of the law-enforcement community appointed by the Secretary of the Department of Safety and Homeland Security;~~

~~i. The Secretary of the Department of Education;~~

~~j. The Secretary of the Department of Services for Children, Youth and Their Families;~~

~~k. The Secretary of the Department of Health and Social Services;~~

~~l. The Secretary of the Department of Labor;~~

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~~m. A representative of the health-care community designated by the Board of Medical Licensure and Discipline;~~

~~n. The Commissioner of the Department of Correction; and~~

~~o. Three at-large members representing victims of human trafficking or whose expertise would benefit the council who elected by the Council at the first meeting of each calendar year.~~

(k) The Human Trafficking Coordinating Council is hereby dissolved and reestablished as the Human Trafficking Interagency Coordinating Council to assume the functions of the Human Trafficking Coordinating Council and to administer and implement this chapter, and to perform such other responsibilities as may be entrusted to it by law.

(1) The Human Trafficking Interagency Coordinating Council shall consist of 13 members:

a. Two representatives of the Judicial Branch, as appointed by the Chief Justice;

b. A representative of the Department of Justice to be appointed by the Attorney General;

c. A representative of the Office of Defense Services to be appointed by the Chief Defender;

d. A representative of the law-enforcement community to be appointed by the Speaker of the Delaware House of Representatives;

e. A representative of the heath-care community to be appointed by the President Pro Tempore of the Delaware State Senate;

f. A representative of the Department of Health and Social Services to be appointed by the Secretary of the Department of Health and Social Services and shall serve as Chair of the Human Trafficking Interagency Coordinating Council;

g. A representative of the Department of Labor to be appointed by the Secretary of Labor;

h. A representative of the Department of Services for the Children, Youth and Their Families to be appointed by the Secretary of the Department of Services for the Children, Youth and Their Families;

i. Four members who are advocates or persons who work with victims of human trafficking to be appointed by the Governor for a three-year term and shall be eligible for reappointment. Members shall include representation from all three counties of the State.

j. A Chair and Vice Chair shall be elected annually from among the members.

(2) The Council shall:

a. Develop a comprehensive plan to provide victims of human trafficking with services;

b. Effectuate coordination between agencies, departments and the courts with victims of human trafficking;

c. Collect and evaluate data on human trafficking in this State;

d. Promote public awareness about human trafficking, victim remedies and services, and trafficking prevention;

e. Create a public-awareness sign that contains the state and National Human Trafficking Resource Center hotline information;

f. Coordinate training on human trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators; and

g. Conduct other appropriate activities.

(3) Meetings; quorum; officers; committees; procedure.

a. The Council shall meet at least 4 times per year. Seven members shall constitute a quorum.

b. The Chairperson shall have the duty to convene and preside over meetings of the Council and prepare an agenda for meetings. The Department of Health and Social Services shall provide the administrative support for the Council.

c. ~~The Attorney General shall convene the initial meeting of the Council. At the initial meeting of the Council a Chairperson and Vice Chairperson shall be elected by the council members. Thereafter, in December of each year, the Council shall elect a Chairperson and Vice Chairperson. The Vice Chairperson's duty shall be to act as chairperson in the absence of the Chairperson.~~The Vice-Chair's duty shall be to act as Chair in the absence of the Chair.

d. The Council shall establish committees composed of Council members and other knowledgeable individuals, as it deems advisable, to assist in planning, policy, goal and priority recommendations and developing implementation plans to achieve the purposes of the Council.

e. The Council shall submit a written report of its activities and recommendations to the Governor, General Assembly and the Chief Justice of the Supreme Court at least once every year on or before September 15.

(l) Display of public awareness sign; penalty for failure to display. —

(1) The Delaware Department of Transportation shall display a public-awareness sign required by this section in every transportation station, rest area, and welcome center in the State which is open to the public.

(2) A public awareness sign created under paragraph (k)(2)e. of this section shall be displayed at ~~the following~~ locations designated by the Council in a place that is clearly conspicuous and visible to employees:

~~a. An adult entertainment facility;~~

~~b. An entity found to be maintaining a criminal nuisance involving prostitution under § 7104 of Title 10;~~

~~c. A job recruitment center;~~

~~d. A hospital; and~~

~~e. An emergency care provider.~~

(3) The Delaware Department of Labor shall impose a fine of $300 per violation on an employer that knowingly fails to comply with paragraph (k)(2)e. of this section. The fine is the exclusive remedy for failure to comply.

Section 2. The Chair shall convene its first meeting of the Human Trafficking Interagency Coordinating Council within 90 days of the enactment of this Act.