

1-1 By: Hinojosa S.B. No. 576  
 1-2 (In the Senate - Filed February 3, 2021; March 11, 2021,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 April 15, 2021, reported favorably by the following vote: Yeas 5,  
 1-5 Nays 0; April 15, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the prosecution and punishment of the offense of  
 1-18 smuggling of persons.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 20.01, Penal Code, is amended by adding  
 1-21 Subdivisions (6), (7), and (8) to read as follows:

1-22 (6) "Agricultural land" has the meaning assigned by  
 1-23 Section 75.001, Civil Practice and Remedies Code.

1-24 (7) "Firearm" has the meaning assigned by Section  
 1-25 46.01.

1-26 (8) "Special investigator" includes an agent of the  
 1-27 United States Department of Homeland Security.

1-28 SECTION 2. Sections 20.05(a) and (b), Penal Code, are  
 1-29 amended to read as follows:

1-30 (a) A person commits an offense if the person[~~, with the~~  
 1-31 ~~intent to obtain a pecuniary benefit,~~] knowingly:

1-32 (1) uses a motor vehicle, aircraft, watercraft, or  
 1-33 other means of conveyance to transport an individual with the  
 1-34 intent to:

1-35 (A) conceal the individual from a peace officer  
 1-36 or special investigator; or

1-37 (B) flee from a person the actor knows is a peace  
 1-38 officer or special investigator attempting to lawfully arrest or  
 1-39 detain the actor; [~~or~~]

1-40 (2) encourages or induces a person to enter or remain  
 1-41 in this country in violation of federal law by concealing,  
 1-42 harboring, or shielding that person from detection; or

1-43 (3) assists, guides, or directs two or more  
 1-44 individuals to enter or remain on agricultural land without the  
 1-45 effective consent of the owner.

1-46 (b) An offense under this section is a felony of the third  
 1-47 degree, except that the offense is:

1-48 (1) a felony of the second degree if:

1-49 (A) the actor commits the offense in a manner  
 1-50 that creates a substantial likelihood that the smuggled individual  
 1-51 will suffer serious bodily injury or death; [~~or~~]

1-52 (B) the smuggled individual is a child younger  
 1-53 than 18 years of age at the time of the offense;

1-54 (C) the offense was committed with the intent to  
 1-55 obtain a pecuniary benefit;

1-56 (D) during the commission of the offense the  
 1-57 actor, another party to the offense, or an individual assisted,  
 1-58 guided, or directed by the actor knowingly possessed a firearm; or

1-59 (E) the actor commits the offense under  
 1-60 Subsection (a)(1)(B); or

1-61 (2) a felony of the first degree if:

2-1 (A) it is shown on the trial of the offense that,  
2-2 as a direct result of the commission of the offense, the smuggled  
2-3 individual became a victim of sexual assault, as defined by Section  
2-4 22.011, or aggravated sexual assault, as defined by Section 22.021;  
2-5 or

2-6 (B) the smuggled individual suffered serious  
2-7 bodily injury or death.

2-8 SECTION 3. The change in law made by this Act applies only  
2-9 to an offense committed on or after the effective date of this Act.  
2-10 An offense committed before the effective date of this Act is  
2-11 governed by the law in effect on the date the offense was committed,  
2-12 and the former law is continued in effect for that purpose. For  
2-13 purposes of this section, an offense was committed before the  
2-14 effective date of this Act if any element of the offense occurred  
2-15 before that date.

2-16 SECTION 4. This Act takes effect September 1, 2021.

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