

By: Birdwell

S.B. No. 8

A BILL TO BE ENTITLED

1 AN ACT
2 relating to measures to address public safety threats in this state
3 presented by transnational criminal activity, including by
4 establishing a Texas Border Force and making funds available to
5 certain governmental entities.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 ARTICLE 1. TEXAS BORDER FORCE; DEPARTMENT OF PUBLIC SAFETY BORDER
8 SECURITY FUNCTIONS

9 SECTION 1.01. Section [411.0043](#), Government Code, is amended
10 by amending Subsection (a) and adding Subsection (c) to read as
11 follows:

12 (a) The commission shall implement a policy requiring the
13 department to use appropriate technological solutions to improve
14 the department's ability to perform its functions. The policy must
15 ensure that:

16 (1) the public is able to interact with the department
17 on the Internet; and

18 (2) the department's capability to conduct border
19 security operations and similar functions is not impeded by the use
20 of obsolete or outdated technologies.

21 (c) The department shall periodically review emerging
22 technologies that may be deployed for border security operations,
23 including technologies and equipment described by Section
24 411.0285, to ensure the department consistently adopts innovative

1 technologies and solutions for those operations.

2 SECTION 1.02. Chapter 411, Government Code, is amended by
3 adding Subchapter B-2 to read as follows:

4 SUBCHAPTER B-2. TEXAS BORDER FORCE

5 Sec. 411.0281. DEFINITION. In this subchapter, "border
6 force" means the Texas Border Force established under this
7 subchapter.

8 Sec. 411.0282. TEXAS BORDER FORCE; CHIEF. (a) The Texas
9 Border Force is established in the Texas Rangers division of the
10 department.

11 (b) The chief of the Texas Rangers is the chief of the border
12 force.

13 Sec. 411.0283. BORDER OPERATIONS. (a) The border force may
14 conduct border security operations along the Texas-Mexico border,
15 including:

16 (1) law enforcement operations;

17 (2) intelligence gathering, analysis, and
18 dissemination;

19 (3) coordination and command of state agencies in
20 border security operations led by the border force;

21 (4) surveillance and detection of criminal activity,
22 including improper entry of individuals from foreign nations and
23 the smuggling of individuals and controlled substances, using
24 cameras, unmanned aircraft, and other technologies;

25 (5) interdiction of individuals committing criminal
26 activity described by Subdivision (4);

27 (6) coordination of local, state, and federal agencies

1 conducting border security operations, including tactical
2 operations such as special response teams, brush teams, and special
3 weapons and tactics teams; and

4 (7) training and education programs for the
5 professional development of employees and agency partners carrying
6 out border security operations.

7 (b) Only commissioned officers of the border force may carry
8 out the duties assigned to a commissioned peace officer. An
9 employee of the border force who is not a commissioned peace officer
10 may:

11 (1) act in support of a commissioned peace officer;
12 and

13 (2) engage in support and infrastructure operations of
14 the border force.

15 Sec. 411.0284. ASSIGNMENT OF TEXAS MILITARY FORCES SERVICE
16 MEMBERS. (a) In this section, "Texas military forces" has the
17 meaning assigned by Section [437.001](#).

18 (b) The department, at the request of the chief of the
19 border force, may enter into a written agreement with the Texas
20 Military Department for the assignment of service members of the
21 Texas military forces to the border force. The agreement may
22 provide for reimbursement by the department for hiring, training,
23 salary, and employee benefit costs incurred by the Texas military
24 forces in connection with service members assigned to the border
25 force.

26 Sec. 411.0285. PURCHASE AND DEPLOYMENT OF CERTAIN
27 TECHNOLOGY AND EQUIPMENT. (a) The department, at the request of

1 the chief of the border force, shall purchase and deploy technology
2 and equipment to enhance the border force's ability to detect and
3 suppress criminal activity along the Texas-Mexico border,
4 including:

5 (1) stacked razor wire barriers;

6 (2) buoy barriers; and

7 (3) surveillance and detection technology to be
8 deployed at and near each port of entry along the Texas-Mexico
9 border to detect and deter the improper entry of individuals from
10 foreign nations and the smuggling of individuals and controlled
11 substances, such as fentanyl, cocaine, heroin, and
12 methamphetamine.

13 (b) The surveillance and detection technology described by
14 Subsection (a)(3) may be used to inspect passenger and commercial
15 vehicles passing through a port of entry or traveling in any
16 direction within 30 miles of a port of entry.

17 (c) The department shall employ a sufficient number of
18 commercial vehicle inspectors to inspect vehicles using technology
19 described by Subsection (a)(3).

20 (d) Funds used to purchase technology and equipment
21 described by Subsection (a) are considered funds expended for
22 border security for purposes of reporting requirements in the
23 General Appropriations Act, and the Legislative Budget Board may
24 prescribe the form and manner of reporting the relevant budgeted
25 and expended amounts and performance indicator results.

26 Sec. 411.0286. HIRING OFFICERS WITH PREVIOUS BORDER PATROL
27 OR MILITARY EXPERIENCE. Notwithstanding any other provision of

1 law, the department may, at the time an officer is hired for the
2 border force, elect to credit up to four years of experience as a
3 Border Patrol Agent of the United States Customs and Border
4 Protection or a member of the armed forces of the United States for
5 the purpose of calculating the officer's salary under Schedule C.
6 All officers are subject to a one-year probationary period under
7 Section 411.007(g) notwithstanding the officer's rank or salary
8 classification.

9 Sec. 411.0287. INCREASED STAFFING; CERTAIN TRAINING. (a)

10 The border force may as necessary to conduct border security
11 operations and ensure the safety of the public along the
12 Texas-Mexico border:

13 (1) recruit, employ, and train officers and other
14 staff; and

15 (2) contract for additional officers and staff to meet
16 an increased need for border security operations.

17 (b) The border force shall expand programs for training
18 officers to serve as members of a brush team.

19 Sec. 411.0288. REPORTS. At least once each calendar
20 quarter and at other times determined necessary by the governor or
21 the chief of the border force, the chief of the border force shall
22 submit a report to the governor containing information requested by
23 the governor concerning the border force's operations.

24 Sec. 411.0289. NO LIMITATION ON BORDER FORCE AUTHORITY BY
25 LOCAL GOVERNMENTS. A political subdivision, including a
26 municipality, county, or special purpose district, may not by any
27 means limit the jurisdiction or authority of the border force.

1 SECTION 1.03. Subchapter C, Chapter 2155, Government Code,
2 is amended by adding Section 2155.151 to read as follows:

3 Sec. 2155.151. CERTAIN PURCHASES BY DEPARTMENT OF PUBLIC
4 SAFETY. (a) The Department of Public Safety is delegated all
5 purchasing functions relating to the purchase of technologies and
6 equipment for use in border security operations, including
7 technology and equipment described by Section 411.0285, to ensure
8 the department consistently adopts innovative technologies and
9 solutions for those operations.

10 (b) The Department of Public Safety shall acquire goods and
11 services under Subsection (a) by any procurement method that
12 provides the best value to the department. The Department of Public
13 Safety shall consider the best value standards listed in Section
14 2155.074.

15 (c) At the request of the Department of Public Safety, the
16 comptroller or the Department of Information Resources, as
17 appropriate, shall procure goods and services described by
18 Subsection (a) for the Department of Public Safety. The Department
19 of Public Safety may use the services of the comptroller or the
20 Department of Information Resources in procuring goods and services
21 described by Subsection (a).

22 SECTION 1.04. (a) In reviewing emerging technologies under
23 Section 411.0043(c), Government Code, as added by this article, the
24 Department of Public Safety shall hold a technology fair at which
25 vendors of emerging technology that may be used for conducting
26 border security operations demonstrate the capabilities of the
27 products.

1 (b) The event required by Subsection (a) of this section
2 must be held not later than September 1, 2024.

3 ARTICLE 2. INTERAGENCY WORK GROUP ON BORDER ISSUES

4 SECTION 2.01. Sections 772.011(a) and (b), Government Code,
5 are amended to read as follows:

6 (a) An interagency work group is created to:

7 (1) develop or update a process to allow agencies to
8 work together on issues that face border communities;

9 (2) discuss and coordinate programs and services
10 offered to border communities and residents of border communities;
11 ~~and~~

12 (3) develop regulatory and legislative
13 recommendations to eliminate duplication and combine program
14 services;

15 (4) identify and anticipate challenges and threats to
16 agencies' operations along the Texas-Mexico border;

17 (5) develop solutions to overcome the challenges and
18 threats described by Subdivision (4); and

19 (6) identify strategic opportunities agencies may use
20 to enhance the capabilities and effectiveness of their roles in
21 this state's operations along the Texas-Mexico border.

22 (b) The work group is composed of:

23 (1) the chair of the standing substantive committee of
24 the senate with primary jurisdiction over border security, or the
25 chair's designee;

26 (2) the chair of the standing substantive committee of
27 the house of representatives with primary jurisdiction over border

1 security, or the chair's designee; and

2 (3) the heads of the following agencies or their
3 designees:

4 (A) [~~(1)~~] the Texas Department of Rural Affairs;

5 (B) [~~(2)~~] the Texas Department of Housing and
6 Community Affairs;

7 (C) [~~(3)~~] the Texas Water Development Board;

8 (D) [~~(4)~~] the Texas Department of
9 Transportation;

10 (E) [~~(5)~~] the Texas Commission on Environmental
11 Quality;

12 (F) [~~(6)~~] the Texas Workforce Commission;

13 (G) [~~(7)~~] the Department of State Health
14 Services;

15 (H) [~~(8)~~] the Health and Human Services
16 Commission;

17 (I) [~~(9)~~] the General Land Office;

18 (J) [~~(10)~~] the Texas Economic Development and
19 Tourism Office;

20 (K) [~~(11)~~] the Office of State-Federal
21 Relations;

22 (L) [~~(12)~~] the Texas Higher Education
23 Coordinating Board;

24 (M) [~~(13)~~] the attorney general's office;

25 (N) [~~(14)~~] the secretary of state's office;

26 (O) [~~(15)~~] the Department of Public Safety;

27 [~~and~~]

- (P) [~~(16)~~] the Railroad Commission of Texas;
- (Q) the Texas Division of Emergency Management;
- (R) the Texas Alcoholic Beverage Commission; and
- (S) the Texas Military Department.

ARTICLE 3. FINANCIAL ASSISTANCE FOR INFRASTRUCTURE, FACILITIES,
EQUIPMENT, AND SERVICES IN THE BORDER REGION

SECTION 3.01. Chapter [421](#), Government Code, is amended by
adding Subchapter G to read as follows:

SUBCHAPTER G. USE OF FUNDS FOR BORDER PROTECTION AND PUBLIC SAFETY

Sec. 421.111. DEFINITIONS. In this subchapter:

(1) "Border region" has the meaning assigned by
Section [772.0071](#).

(2) "Local government" means a municipality or county.

(3) "Office" means the trustee programs within the
office of the governor.

Sec. 421.112. USE OF CERTAIN FUNDS. From money
appropriated for that purpose, the office, as authorized by Chapter
[418](#), including Subchapter D of that chapter, shall make funds
available to state agencies and local governments for the following
purposes:

(1) the construction and maintenance of facilities
related to prosecuting and adjudicating offenses committed in the
border region, including court facilities, processing facilities,
detention facilities, criminal justice centers, and other similar
facilities;

(2) the construction of improvements to an area in the
immediate vicinity of a port of entry to enhance vehicle inspection

1 capabilities and assist in the investigation, interdiction, and
2 prosecution of persons smuggling individuals or contraband across
3 the Texas-Mexico border;

4 (3) the payment of staff salaries and benefits and the
5 payment of operational expenses related to providing law
6 enforcement services, emergency services, detention services, and
7 court administration services;

8 (4) the construction and maintenance of temporary
9 border security infrastructure, including temporary walls,
10 barriers, fences, wires, trenches, surveillance technology, or
11 other improvements, designed or adapted to surveil or impede the
12 movement of persons or objects across the Texas-Mexico border at
13 locations other than ports of entry; and

14 (5) any other activity that the office determines
15 necessary to address offenses that are committed in the border
16 region or are related to transnational criminal activity.

17 Sec. 421.113. ADMINISTRATIVE COSTS. Unless otherwise
18 provided by the appropriation, the office may use a reasonable
19 amount, not to exceed five percent, of any funds appropriated for
20 purposes of this subchapter to pay the costs of administering this
21 subchapter.

22 ARTICLE 4. BORDER PROTECTION AGREEMENTS

23 SECTION 4.01. Title 7, Government Code, is amended by
24 adding Chapter 795 to read as follows:

25 CHAPTER 795. BORDER PROTECTION AGREEMENTS WITH UNITED MEXICAN
26 STATES

27 Sec. 795.001. AUTHORITY FOR AGREEMENTS. On behalf of this

1 state, the governor may coordinate, develop, and execute agreements
2 with the United Mexican States and the states of the United Mexican
3 States regarding the authority of this state to protect and defend
4 its citizens.

5 ARTICLE 5. SEVERABILITY; EFFECTIVE DATE

6 SECTION 5.01. It is the intent of the legislature that every
7 provision, section, subsection, sentence, clause, phrase, or word
8 in this Act, and every application of the provisions in this Act to
9 every person, group of persons, or circumstances, is severable from
10 each other. If any application of any provision in this Act to any
11 person, group of persons, or circumstances is found by a court to be
12 invalid for any reason, the remaining applications of that
13 provision to all other persons and circumstances shall be severed
14 and may not be affected.

15 SECTION 5.02. This Act takes effect on the 91st day after
16 the last day of the legislative session.