

By: Oliverson

H.B. No. 11

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the procedure following the apprehension of an
3 undocumented individual by the Department of Public Safety for
4 illegal entry into this state from Mexico during certain declared
5 disasters; creating a criminal offense.

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

7 SECTION 1. Subchapter A, Chapter 411, Government Code, is
8 amended by adding Section 411.02085 to read as follows:

9 Sec. 411.02085. PROCEDURE FOLLOWING APPREHENSION OF
10 UNDOCUMENTED INDIVIDUAL FOR ILLEGAL ENTRY FROM MEXICO DURING
11 CERTAIN DECLARED DISASTERS; OFFENSE. (a) In this section:

12 (1) "Affected county" means a county in which the
13 governor has declared a state of disaster under Chapter 418
14 relating to the mass unauthorized entry of individuals into this
15 state or otherwise relating to border security.

16 (2) "Undocumented individual" means an individual
17 who:

18 (A) is not a citizen or other national of the
19 United States; and

20 (B) is not lawfully authorized to be present in
21 the United States under the Immigration and Nationality Act (8
22 U.S.C. Section 1101 et seq.) or other federal law.

23 (b) A peace officer of the department who apprehends in an
24 affected county an undocumented individual for crossing the border

1 between this state and Mexico in violation of state or federal law
2 shall:

3 (1) collect any identifying information the
4 individual may have;

5 (2) transport the individual to a port of entry; and

6 (3) order the individual to return to Mexico.

7 (c) An undocumented individual commits an offense if the
8 individual:

9 (1) crosses the border between this state and Mexico
10 in violation of state or federal law; and

11 (2) subsequently refuses to comply with an order to
12 return to Mexico delivered by a peace officer under Subsection
13 (b)(3) in response to the violation described by Subdivision (1).

14 (d) An offense under Subsection (c) is a felony of the third
15 degree.

16 SECTION 2. This Act takes effect on the 91st day after the
17 last day of the legislative session.