

By: Oliverson

H.B. No. 54

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.