

By: Lopez of Cameron

H.B. No. 87

A BILL TO BE ENTITLED

1 AN ACT
2 relating to border protection and economic development services,
3 programs, and other measures, including establishing educational
4 programs and the border protection unit, in this state to address
5 certain issues affecting the border region, including
6 transnational and other criminal activity and public health
7 threats.

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

9 ARTICLE 1. LEGISLATIVE FINDING

10 SECTION 1.01. The legislature, acting with the governor,
11 has the solemn duty to protect and defend the citizens of this state
12 and maintain sovereignty over this state's borders.

13 ARTICLE 2. BORDER PROTECTION AGREEMENTS

14 SECTION 2.01. Title 7, Government Code, is amended by
15 adding Chapter 795 to read as follows:

16 CHAPTER 795. BORDER PROTECTION AGREEMENTS WITH UNITED MEXICAN
17 STATES

18 Sec. 795.001. AUTHORITY FOR AGREEMENTS. On behalf of this
19 state, the governor may coordinate, develop, and execute agreements
20 with the United Mexican States and the states of the United Mexican
21 States regarding the authority of this state to protect and defend
22 its citizens.

23 ARTICLE 3. BORDER REGION COURT PROGRAM

24 SECTION 3.01. Chapter 72, Government Code, is amended by

1 adding Subchapter H to read as follows:

2 SUBCHAPTER H. BORDER PROTECTION COURT GRANT PROGRAM

3 Sec. 72.201. DEFINITIONS. In this subchapter:

4 (1) "Border-related offense" means an offense:

5 (A) associated with or involving:

6 (i) a person unlawfully entering or
7 attempting to enter this state by crossing the Texas-Mexico border
8 at any place other than at a port of entry;

9 (ii) the smuggling of individuals or
10 contraband across the Texas-Mexico border; or

11 (iii) an operative of a transnational
12 cartel;

13 (B) similar to an offense described by Paragraph
14 (A) that the office by rule defines as a border-related offense for
15 purposes of this subchapter; or

16 (C) for which the office has determined
17 prosecutions have significantly increased as a result of Operation
18 Lone Star.

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

21 Sec. 72.202. GRANT PROGRAM. (a) From money appropriated
22 for that purpose, the office shall establish and administer a grant
23 program to support the operation of courts in the border region with
24 the adjudication of border-related offenses.

25 (b) In addition to other funds appropriated by the
26 legislature and for purposes of administering and funding the grant
27 program, the office may:

1 (1) seek and apply for any available federal funds;

2 and

3 (2) solicit and accept gifts, grants, and donations
4 from any other source, public or private, as necessary to ensure
5 resources are available to achieve the purpose described by
6 Subsection (a).

7 (c) The grants awarded under this subchapter may be used for
8 the reimbursement of costs associated with the operation of a
9 court, including the:

10 (1) salary of a visiting judge appointed under Chapter
11 74;

12 (2) salary and benefits of an associate judge, court
13 coordinator, court administrator, court reporter, and court
14 interpreter;

15 (3) salary and benefits of district and county clerk
16 staff;

17 (4) travel costs and other expenses incurred by court
18 personnel and judges in the performance of their duties;

19 (5) cost of equipment necessary for personnel
20 dedicated to the processing and adjudicating of border-related
21 offenses; or

22 (6) fees and related expenses for the appointment of
23 counsel to represent an indigent defendant under Chapter 26, Code
24 of Criminal Procedure, or the costs to operate a public defender's
25 office or managed assigned counsel program under that chapter, as
26 those fees and expenses relate to the adjudication of
27 border-related offenses.

1 Sec. 72.203. RULES. (a) The office shall adopt rules for
2 the administration and operation of the grant program established
3 under this subchapter.

4 (b) In adopting the rules, the office shall:

5 (1) conduct a study of the data collected for this
6 purpose or otherwise available on crime, arrests, detentions, and
7 convictions to identify offenses for which prosecutions have
8 increased as a result of Operation Lone Star; and

9 (2) solicit from governmental officials, community
10 leaders, and other interested persons in the border region
11 information necessary to identify the courts of the region needing
12 financial assistance.

13 (c) The rules must include:

14 (1) administrative provisions for grants awarded
15 under this subchapter, including:

16 (A) eligibility criteria for grant applicants,
17 including criteria to limit eligibility to those applicants
18 experiencing an increase in caseloads;

19 (B) grant application procedures;

20 (C) guidelines relating to grant amounts;

21 (D) procedures for evaluating grant
22 applications; and

23 (E) procedures for monitoring the use of grants;

24 (2) methods for tracking the effectiveness of grants
25 and the efficiency of the applicants receiving grants; and

26 (3) procedures for reporting caseload data at least
27 annually, including caseload data necessary to update the study

1 described by Section 72.2055.

2 Sec. 72.204. GRANT AMOUNTS. The amount of a grant awarded
3 under this section may not exceed the amount set by the General
4 Appropriations Act.

5 Sec. 72.205. REPORTING REQUIREMENTS FOR GRANT RECIPIENTS.
6 The recipient of a grant awarded under this subchapter shall submit
7 to the office an annual report on the grant money spent during the
8 year covered by the report and the purposes for which that money was
9 spent.

10 Sec. 72.2055. ANNUAL REPORT BY OFFICE. Annually, the
11 office shall update the study conducted under Section 72.203(b)(1)
12 using caseload data required to be reported under the rules adopted
13 under Section 72.203(c).

14 Sec. 72.206. ADMINISTRATIVE COSTS. Unless otherwise
15 provided by the appropriation, the office may use a reasonable
16 amount, not to exceed five percent, of any general revenue
17 appropriated for purposes of this subchapter to pay the costs of
18 administering the grant program.

19 SECTION 3.02. As soon as practicable after the effective
20 date of this Act, the Office of Court Administration of the Texas
21 Judicial System shall with respect to Subchapter H, Chapter 72,
22 Government Code, as added by this Act:

23 (1) adopt rules as necessary to implement the
24 subchapter; and

25 (2) establish the grant program required by the
26 subchapter.

ARTICLE 4. FINANCIAL ASSISTANCE FOR INFRASTRUCTURE, FACILITIES,
EQUIPMENT, AND SERVICES IN THE BORDER REGION

SECTION 4.01. 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 for persons who are 10 years of age or older,
regardless of gender, criminal justice centers, and other similar
facilities;

(2) the payment of staff salaries and benefits and the
payment of operational expenses related to providing law
enforcement services;

(3) the purchase or maintenance of equipment related
to providing public health and safety services in the border

1 region, including law enforcement services, communication
2 services, and emergency services, to enhance the safety and
3 security of the citizens of this state;

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

10 (5) the construction of improvements to an area in the
11 immediate vicinity of a port of entry to enhance vehicle inspection
12 capabilities and assist in the investigation, interdiction, and
13 prosecution of persons smuggling individuals or contraband across
14 the Texas-Mexico border; and

15 (6) the construction or improvement of roadways and
16 similar transportation facilities in the border region that provide
17 for detailed monitoring of commercial motor vehicles traveling
18 along the roadways and facilities.

19 Sec. 421.113. FEDERAL FUNDS; GIFTS, GRANTS, AND DONATIONS.
20 In addition to funds appropriated by the legislature and for
21 purposes of this subchapter, the office may:

22 (1) seek and apply for any available federal funds;
23 and

24 (2) solicit and accept gifts, grants, and donations
25 from any other source, public or private.

26 Sec. 421.114. RULES. The office may adopt rules for the
27 administration of this subchapter.

1 Sec. 421.115. REPORTING REQUIREMENTS. (a) The recipient
2 of funds for a purpose described by Section 421.112 shall submit to
3 the office reports on an interval prescribed by the office
4 regarding the use of the funds and any other issue related to the
5 funds as determined by the office.

6 (b) Funds received by a state agency for a purpose described
7 by Section 421.112 are considered border security funding for
8 purposes of reporting requirements in the General Appropriations
9 Act.

10 Sec. 421.116. ADMINISTRATIVE COSTS. Unless otherwise
11 provided by the appropriation, the division may use a reasonable
12 amount, not to exceed five percent, of any general revenue
13 appropriated for purposes of this subchapter to pay the costs of
14 administering this subchapter.

15 SECTION 4.02. As soon as practicable after the effective
16 date of this Act, the office of the governor shall adopt rules as
17 necessary to implement Subchapter G, Chapter 421, Government Code,
18 as added by this Act.

19 ARTICLE 5. DISPOSITION OF CERTAIN FORFEITED PROPERTY

20 SECTION 5.01. Article 59.06(t)(1), Code of Criminal
21 Procedure, is amended to read as follows:

22 (t)(1) This subsection applies only to contraband for which
23 forfeiture is authorized with respect to an offense under Section
24 [~~20.05, 20.06,~~] 20.07, 43.04, or 43.05 or Chapter 20A, Penal Code.

25 SECTION 5.02. Article 59.06, Code of Criminal Procedure, is
26 amended by adding Subsection (v) to read as follows:

27 (v) Notwithstanding any other provision of this article,

1 with respect to forfeited property seized in connection with an
2 offense under Section 20.05 or 20.06, Penal Code, in a proceeding
3 under Article 59.05 in which judgment is rendered in favor of the
4 state, the attorney representing the state shall transfer the
5 proceeds from the sale of the forfeited property under Subsection
6 (a) to the comptroller for deposit to the credit of the landowner
7 compensation program established under Chapter 56C.

8 ARTICLE 6. EDUCATIONAL PROGRAM

9 SECTION 6.01. Chapter 61, Education Code, is amended by
10 adding Subchapter D-1 to read as follows:

11 SUBCHAPTER D-1. BORDER INSTITUTION GRANT PROGRAM

12 Sec. 61.101. BORDER INSTITUTION GRANT PROGRAM. (a) In this
13 subchapter, "border region" has the meaning assigned by Section
14 772.0071, Government Code.

15 (b) Subject to the availability of funds, the board shall
16 establish a border institution grant program under which the board
17 awards financial assistance to institutions of higher education
18 located in the border region that administer innovative programs
19 designed to:

20 (1) recruit, train, retain, or otherwise increase the
21 number of professionals in fields related to border safety or
22 affected by ongoing criminal activity and public health threats to
23 the border region, as determined by board rule, including by
24 providing a salary increase or stipend to a faculty member who
25 provides instruction to additional students in a degree or
26 certificate program that graduates those professionals; and

27 (2) conduct research in areas of study related to

1 border safety or the effects of ongoing criminal activity and
2 public health threats to the border region.

3 Sec. 61.102. FEDERAL FUNDS AND GIFTS, GRANTS, AND
4 DONATIONS. In addition to other funds appropriated by the
5 legislature and for the purposes described by Section 61.101, the
6 board may:

7 (1) seek and apply for any available federal funds;
8 and

9 (2) solicit and accept gifts, grants, and donations
10 from any other source, public or private, as necessary to ensure
11 effective implementation of the grant program established under
12 this subchapter.

13 Sec. 61.103. RULES. (a) The board shall adopt rules for
14 the administration of the grant program established under this
15 subchapter. In adopting the rules, the board shall solicit, from
16 border region officials, community leaders in the border region,
17 and other stakeholders, information necessary to identify
18 innovative programs anticipated to produce the best outcomes and
19 serve the greatest need.

20 (b) The rules must include:

21 (1) administrative provisions for grants awarded
22 under this subchapter, including:

23 (A) eligibility criteria for institutions of
24 higher education, including a requirement that the institution
25 demonstrate regional and state workforce need;

26 (B) grant application procedures;

27 (C) guidelines relating to grant amounts;

1 (D) procedures for evaluating grant
2 applications; and

3 (E) procedures for monitoring the use of grants;
4 and

5 (2) methods for tracking the effectiveness of grants
6 that:

7 (A) using data reasonably available to the board,
8 consider relevant information regarding the career paths of
9 professionals described by Section 61.101 during the four-year
10 period following their graduation; and

11 (B) evaluate whether and for how long those
12 professionals practice in a field described by Section 61.101 in
13 this state.

14 Sec. 61.104. AWARD OF GRANTS. In awarding grants under this
15 subchapter, the board shall give priority to applicants that
16 propose to:

17 (1) enhance or leverage existing degree programs that
18 graduate professionals described by Section 61.101;

19 (2) establish or maintain a program that serves a
20 rural or underserved area;

21 (3) partner with another institution of higher
22 education to develop a joint program;

23 (4) establish or maintain a program that incentivizes
24 professionals described by Section 61.101 to serve in their field
25 or a related field of study for at least three consecutive years
26 following graduation; and

27 (5) establish or maintain a degree or certificate

1 program to educate professionals in specialties that face
2 significant workforce shortages, including those described by
3 Section 61.101.

4 Sec. 61.105. GRANT AMOUNTS. The amount of a grant awarded
5 under this subchapter may not exceed an amount specified in the
6 General Appropriations Act.

7 Sec. 61.106. REPORTING REQUIREMENTS. An institution of
8 higher education that receives a grant awarded under this
9 subchapter shall submit to the board an annual report on the amounts
10 and purposes for which grant money was spent during the year covered
11 by the report.

12 Sec. 61.107. ADMINISTRATIVE COSTS. Unless otherwise
13 provided by the appropriation, the board may use a reasonable
14 amount, not to exceed five percent, of any general revenue
15 appropriated for purposes of this subchapter to pay the costs of
16 administering this subchapter.

17 SECTION 6.02. (a) As soon as practicable after the
18 effective date of this Act, the Texas Higher Education Coordinating
19 Board shall adopt rules for the implementation and administration
20 of the border institution grant program established under
21 Subchapter D-1, Chapter 61, Education Code, as added by this Act.

22 (b) Not later than September 1, 2024, the Texas Higher
23 Education Coordinating Board shall establish the border
24 institution grant program required by Subchapter D-1, Chapter 61,
25 Education Code, as added by this Act, and shall begin to award
26 grants under the program as soon as practicable after the program is
27 established.

ARTICLE 7. ECONOMIC DEVELOPMENT INITIATIVE

SECTION 7.01. Chapter 481, Government Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. BORDER PROTECTION ECONOMIC DEVELOPMENT INITIATIVE

Sec. 481.241. DEFINITION. In this subchapter, "border region" has the meaning assigned by Section 772.0071.

Sec. 481.242. CAMPAIGN FOR BUSINESSES AND TOURISM. (a) In consultation with stakeholders in the border region, the office shall develop and execute a campaign to:

(1) attract domestic and foreign entities to:

(A) locate the headquarters of those entities in the border region; or

(B) expand the entities' operations to the border region;

(2) support and promote tourism in the border region;

and

(3) support institutions and initiatives in the border region that create an environment conducive to starting or operating a company whose primary business is providing homeland security technology or services.

(b) The office may coordinate with and assist any municipality, county, or other political subdivision in supporting or promoting the purposes described by Subsection (a).

Sec. 481.243. TARGETED RESEARCH AND OUTREACH; SUPPORTIVE PROGRAMS. (a) In developing and executing the campaign described by Section 481.242, the office shall identify and research particular companies and types of companies with a high potential

1 of commercial success if the companies were to operate in the border
2 region.

3 (b) For each company identified under Subsection (a), the
4 office shall develop and execute a campaign to attract the company
5 to locate its headquarters or expand operations into the border
6 region.

7 (c) For a type of company identified under Subsection (a),
8 the office shall create programs for supporting the formation of
9 new companies in the border region of that type, excluding direct
10 financial incentives to the company.

11 Sec. 481.244. GIFTS, GRANTS, AND DONATIONS. In addition to
12 funds appropriated, credited, or transferred by the legislature for
13 the purposes of this subchapter, the office shall:

14 (1) seek and apply for any available federal funds;
15 and

16 (2) solicit and accept gifts, grants, and donations
17 from any other source, public or private, as necessary to ensure
18 effective implementation of this subchapter.

19 Sec. 481.245. ANNUAL REPORT. Not later than December 31 of
20 each year, the office shall report to the legislature on the
21 activities of the office under this subchapter.

22 Sec. 481.246. ADMINISTRATIVE COSTS. Unless otherwise
23 provided by the appropriation, the office may use a reasonable
24 amount, not to exceed five percent, of any general revenue
25 appropriated for the purposes of this subchapter to administer this
26 subchapter.

ARTICLE 8. BORDER PROTECTION PROGRAM OF DEPARTMENT OF PUBLIC SAFETY

SECTION 8.01. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers, officers, and members of the reserve officer corps commissioned by:

(A) the Public Safety Commission; and

(B) either:

(i) the Director of the Department of Public Safety; or

(ii) the unit chief of the Border Protection Unit;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic

1 Beverage Commission;

2 (7) each member of an arson investigating unit
3 commissioned by a city, a county, or the state;

4 (8) officers commissioned under Section 37.081 or
5 37.0818, Education Code, or Subchapter E, Chapter 51, Education
6 Code;

7 (9) officers commissioned by the General Services
8 Commission;

9 (10) law enforcement officers commissioned by the
10 Parks and Wildlife Commission;

11 (11) officers commissioned under Chapter 23,
12 Transportation Code;

13 (12) municipal park and recreational patrolmen and
14 security officers;

15 (13) security officers and investigators commissioned
16 as peace officers by the comptroller;

17 (14) officers commissioned by a water control and
18 improvement district under Section 49.216, Water Code;

19 (15) officers commissioned by a board of trustees
20 under Chapter 54, Transportation Code;

21 (16) investigators commissioned by the Texas Medical
22 Board;

23 (17) officers commissioned by:

24 (A) the board of managers of the Dallas County
25 Hospital District, the Tarrant County Hospital District, the Bexar
26 County Hospital District, or the El Paso County Hospital District
27 under Section 281.057, Health and Safety Code;

1 (B) the board of directors of the Ector County
2 Hospital District under Section 1024.117, Special District Local
3 Laws Code;

4 (C) the board of directors of the Midland County
5 Hospital District of Midland County, Texas, under Section 1061.121,
6 Special District Local Laws Code; and

7 (D) the board of hospital managers of the Lubbock
8 County Hospital District of Lubbock County, Texas, under Section
9 1053.113, Special District Local Laws Code;

10 (18) county park rangers commissioned under
11 Subchapter E, Chapter 351, Local Government Code;

12 (19) investigators employed by the Texas Racing
13 Commission;

14 (20) officers commissioned under Chapter 554,
15 Occupations Code;

16 (21) officers commissioned by the governing body of a
17 metropolitan rapid transit authority under Section 451.108,
18 Transportation Code, or by a regional transportation authority
19 under Section 452.110, Transportation Code;

20 (22) investigators commissioned by the attorney
21 general under Section 402.009, Government Code;

22 (23) security officers and investigators commissioned
23 as peace officers under Chapter 466, Government Code;

24 (24) officers appointed by an appellate court under
25 Subchapter F, Chapter 53, Government Code;

26 (25) officers commissioned by the state fire marshal
27 under Chapter 417, Government Code;

1 (26) an investigator commissioned by the commissioner
2 of insurance under Section 701.104, Insurance Code;

3 (27) officers appointed by the inspector general of
4 the Texas Juvenile Justice Department under Section 242.102, Human
5 Resources Code;

6 (28) officers appointed by the inspector general of
7 the Texas Department of Criminal Justice under Section 493.019,
8 Government Code;

9 (29) investigators commissioned by the Texas
10 Commission on Law Enforcement under Section 1701.160, Occupations
11 Code;

12 (30) commission investigators commissioned by the
13 Texas Private Security Board under Section 1702.061, Occupations
14 Code;

15 (31) the fire marshal and any officers, inspectors, or
16 investigators commissioned by an emergency services district under
17 Chapter 775, Health and Safety Code;

18 (32) officers commissioned by the State Board of
19 Dental Examiners under Section 254.013, Occupations Code, subject
20 to the limitations imposed by that section;

21 (33) the fire marshal and any related officers,
22 inspectors, or investigators commissioned by a county under
23 Subchapter B, Chapter 352, Local Government Code;

24 (34) (34) [~~35~~] fire marshals and any related officers,
25 inspectors, or investigators of a municipality who hold a permanent
26 peace officer license issued under Chapter 1701, Occupations Code;

27 and

1 (35) Alamo complex rangers commissioned by the General
2 Land Office under Section 31.0515, Natural Resources Code, subject
3 to the limitations imposed by that section.

4 SECTION 8.02. Section 411.002(a), Government Code, is
5 amended to read as follows:

6 (a) The Department of Public Safety of the State of Texas is
7 an agency of the state to enforce the laws protecting the public
8 safety, ~~and~~ provide for the prevention and detection of crime,
9 and defend and secure the state's air, maritime, and land borders.

10 The department is composed of the Texas Rangers, the Texas Highway
11 Patrol, the Border Protection Unit, the administrative division,
12 and other divisions that the commission considers necessary.

13 SECTION 8.03. Section 411.004, Government Code, is amended
14 to read as follows:

15 Sec. 411.004. DUTIES AND POWERS OF COMMISSION. The
16 commission shall:

17 (1) formulate plans and policies for:

18 (A) enforcement of state criminal, traffic, and
19 safety laws;

20 (B) prevention of crime;

21 (C) detection and apprehension of persons who
22 violate laws; ~~and~~

23 (D) education of citizens of this state in the
24 promotion of public safety and the observance of law; and

25 (E) defense and security of this state's air,
26 maritime, and land borders;

27 (2) organize the department and supervise its

1 operation;

2 (3) adopt rules considered necessary for carrying out
3 the department's work;

4 (4) maintain records of all proceedings and official
5 orders; and

6 (5) biennially submit a report of its work to the
7 governor and legislature, including the commission's and director's
8 recommendations.

9 SECTION 8.04. Section 411.006(a), Government Code, is
10 amended to read as follows:

11 (a) Subject to Section 411.556, the ~~[The]~~ director shall:

12 (1) be directly responsible to the commission for the
13 conduct of and act as executive director of the Texas Highway
14 Patrol, the Texas Rangers, and other administrative divisions and
15 departments assigned by the commission, other than the Border
16 Protection Unit ~~[the department's affairs];~~

17 (2) ~~[act as executive director of the department,~~
18 ~~(3)]~~ act with the commission in an advisory capacity,
19 without vote;

20 (3) ~~(4)]~~ adopt rules, subject to commission
21 approval, considered necessary for the control of the department;

22 (4) ~~(5)]~~ issue commissions as law enforcement
23 officers, under the commission's direction, to all members of the
24 Texas Rangers and the Texas Highway Patrol and to other officers of
25 the department;

26 (5) ~~(6)]~~ appoint, with the advice and consent of the
27 commission, the head of a division or bureau provided for by this

1 chapter;

2 (6) [~~(7)~~] quarterly, annually, and biennially submit
3 to the commission detailed reports of the operation of the
4 department, including statements of its expenditures; and

5 (7) [~~(8)~~] prepare, swear to, submit to the governor,
6 and file in the department's records a quarterly statement
7 containing an itemized list of all money received and its source and
8 all money spent and the purposes for which it was spent.

9 SECTION 8.05. Section 411.007(a), Government Code, is
10 amended to read as follows:

11 (a) Subject to the provisions of this chapter, the director
12 may appoint, promote, reduce, suspend, or discharge any officer or
13 employee of the department, other than an officer or employee of the
14 Border Protection Unit.

15 SECTION 8.06. Section 411.017(a), Government Code, is
16 amended to read as follows:

17 (a) A person commits an offense if, without the director's
18 authorization, the person:

19 (1) manufactures, sells, or possesses a badge,
20 identification card, or other item bearing a department insignia or
21 an insignia deceptively similar to the department's;

22 (2) makes a copy or likeness of a badge,
23 identification card, or department insignia, with intent to use or
24 allow another to use the copy or likeness to produce an item bearing
25 the department insignia or an insignia deceptively similar to the
26 department's; or

27 (3) uses the term "Texas Department of Public Safety,"

1 "Department of Public Safety," "Texas Ranger," ~~or~~ "Texas Highway
2 Patrol," or "Border Protection Unit" in connection with an object,
3 with the intent to create the appearance that the object belongs to
4 or is being used by the department.

5 SECTION 8.07. Chapter 411, Government Code, is amended by
6 adding Subchapter S to read as follows:

7 SUBCHAPTER S. BORDER PROTECTION UNIT

8 Sec. 411.551. DEFINITIONS. In this subchapter:

9 (1) "Border region" has the meaning assigned by
10 Section 772.0071.

11 (2) "Unit" means the Border Protection Unit.

12 (3) "Unit chief" means the person appointed under
13 Section 411.555 as the unit chief.

14 Sec. 411.552. BORDER PROTECTION UNIT; TERM OF
15 AUTHORIZATION. (a) The unit is a division under the commission
16 consisting of the number of commissioned officers and other
17 employees authorized by the legislature.

18 (b) The unit is subject to appropriations by the legislature
19 and, unless continued in existence by the legislature, is abolished
20 December 31, 2030.

21 (c) This subchapter expires December 31, 2030.

22 Sec. 411.553. LIMITATION ON CERTAIN POWERS. The unit and
23 the department, as applicable, may provide law enforcement services
24 as authorized by this subchapter, including Sections 411.0095,
25 411.560(b), and 411.563, in a county in the border region only to
26 the extent authorized in writing by the commissioners court of that
27 county.

1 Sec. 411.554. HEADQUARTERS. The unit must be headquartered
2 in the border region.

3 Sec. 411.555. UNIT CHIEF. (a) The governor shall appoint a
4 United States citizen to serve as the unit chief of the Border
5 Protection Unit. The unit chief serves until removed by the
6 governor.

7 (b) The unit chief may appoint, with the advice and consent
8 of the commission, deputy unit chiefs and assistant unit chiefs who
9 shall perform the duties that the unit chief designates. Deputy
10 unit chiefs and assistant unit chiefs serve until removed by the
11 unit chief.

12 (c) The unit chief, deputy unit chiefs, and assistant unit
13 chiefs are entitled to annual salaries as provided by the
14 legislature.

15 Sec. 411.556. GENERAL POWERS AND DUTIES OF UNIT AND UNIT
16 CHIEF. (a) The unit chief shall:

17 (1) be directly responsible to the commission for all
18 conduct of the unit, but may be removed only by the governor under
19 Section 411.555;

20 (2) act as the executive director of the unit;

21 (3) act with the commission in an advisory capacity,
22 without vote;

23 (4) adopt rules, subject to commission approval,
24 considered necessary for the control and general administration of
25 the unit, including rules governing the procurement of facilities
26 and equipment for the unit and the training and working conditions
27 for unit personnel;

1 (5) issue commissions as law enforcement officers,
2 under the commission's direction, to members of the unit;

3 (6) create as necessary, with the advice and consent
4 of the commission, operational or administrative divisions within
5 the unit and appoint heads of those divisions;

6 (7) employ as necessary commissioned officers and
7 other employees to perform unit operations and functions;

8 (8) quarterly, annually, and biennially submit to the
9 commission detailed reports of the operation of the unit, including
10 statements of its expenditures; and

11 (9) prepare, swear to, submit to the governor, and
12 file in the unit's records a quarterly statement containing an
13 itemized list of all money received and its source and all money
14 spent and the purposes for which it was spent.

15 (b) The unit chief or unit chief's designee shall provide to
16 members of the commission and to employees of the unit, as often as
17 necessary, information regarding the requirements for office or
18 employment under this chapter, including information regarding a
19 person's responsibilities under applicable law relating to
20 standards of conduct for state officers or employees.

21 (c) Subject to Subsection (d), the following provisions
22 apply to the unit chief with respect to the unit in the same manner
23 as the provisions apply to the director with respect to the
24 department or, as applicable, apply to the unit when acting at the
25 direction of the unit chief in the same manner as the provisions
26 apply to the department when acting at the direction of the
27 director:

- 1 (1) Section 411.007;
- 2 (2) Section 411.0071;
- 3 (3) Section 411.0075;
- 4 (4) Section 411.0079;
- 5 (5) Section 411.009;
- 6 (6) Section 411.0095;
- 7 (7) Section 411.0097, as added by Section 3, Chapter
8 556 (H.B. 1239), Acts of the 79th Legislature, Regular Session,
9 2005;
- 10 (8) Section 411.0097, as added by Section 1, Chapter
11 693 (S.B. 293), Acts of the 79th Legislature, Regular Session,
12 2005;
- 13 (9) Section 411.0098;
- 14 (10) Section 411.013(b);
- 15 (11) Section 411.0131;
- 16 (12) Section 411.0132;
- 17 (13) Section 411.0141(e);
- 18 (14) Section 411.015;
- 19 (15) Section 411.016;
- 20 (16) Section 411.0161;
- 21 (17) Section 411.0162;
- 22 (18) Section 411.0163;
- 23 (19) Section 411.0164;
- 24 (20) Section 411.017;
- 25 (21) Section 411.018;
- 26 (22) Sections 411.0207(c)(1)-(5);
- 27 (23) Sections 411.0208(d) and (e);

- 1 (24) Section 411.0209;
- 2 (25) Section 411.02095;
- 3 (26) Section 411.0865;
- 4 (27) Section 411.087(e);
- 5 (28) Section 411.0891; and
- 6 (29) Section 411.154.

7 (d) The director may not exercise any operational or
8 administrative control over the unit chief or the unit. The unit
9 chief may not exercise any operational or administrative control
10 over the director or the department, other than the unit.

11 (e) The unit is a criminal justice agency for purposes of
12 this chapter.

13 (f) The unit is a law enforcement agency for purposes of
14 Section 411.1471(b).

15 (g) The unit may assist local law enforcement with the
16 investigation of crime.

17 Sec. 411.557. OFFICE OF AUDIT AND REVIEW FOR UNIT. The
18 governor shall establish the office of audit and review within the
19 unit and appoint the director of the office to perform the duties
20 under Subchapter I with respect to the unit. The director of the
21 office of audit and review of the unit shall serve until removed by
22 the governor.

23 Sec. 411.558. INSPECTOR GENERAL FOR UNIT. (a) The governor
24 shall establish the office of the inspector general within the unit
25 and appoint the inspector general of the unit who shall perform with
26 respect to the unit the duties of Subchapter I-1 or as may be
27 provided by other law. The inspector general of the unit shall

1 serve until removed by the governor.

2 (b) The inspector general of the unit is responsible for:

3 (1) preparing and delivering assessments concerning
4 the administration of the unit to the governor, the legislature,
5 and the unit chief;

6 (2) acting to prevent and detect serious breaches of
7 unit policy, fraud, and abuse of office, including any acts of
8 criminal conduct within the unit; and

9 (3) independently and objectively reviewing,
10 investigating, delegating, and overseeing the investigation of:

11 (A) conduct described by Subdivision (2);

12 (B) criminal activity occurring within the unit;

13 (C) allegations of wrongdoing by unit employees;

14 (D) crimes committed on unit property; and

15 (E) serious breaches of unit policy.

16 Sec. 411.559. OFFICERS; OTHER EMPLOYEES. (a) The unit
17 chief may employ commissioned officers meeting the qualifications
18 described by Section 411.561 to perform the duties of the unit.
19 Those officers are entitled to compensation as provided by the
20 legislature and must be recruited and trained within the border
21 region to the extent practicable.

22 (b) The unit chief may employ individuals who are not
23 officers as necessary to carry out the duties of the unit.

24 (c) Subject to the provisions of this chapter, the unit
25 chief may appoint, promote, reduce, suspend, or discharge any
26 officer or employee of the unit.

27 Sec. 411.5591. USE OF PERSONAL VEHICLE PROHIBITED.

1 Notwithstanding any other provision of this subchapter, an officer
2 or other employee of the unit may not use the officer's or
3 employee's personal vehicle to conduct a traffic stop for any
4 purpose related to the officer's or employee's duties.

5 Sec. 411.560. AUTHORITY OF OFFICERS. (a) A commissioned
6 officer of the unit is governed by the law regulating and defining
7 the powers and duties of sheriffs performing similar duties, except
8 that the officer may make arrests and execute processes in a
9 criminal case in any county in the border region.

10 (b) A commissioned officer of the unit may, to the extent
11 consistent with the United States and Texas Constitutions, arrest,
12 apprehend, or detain persons crossing the Texas-Mexico border
13 unlawfully, and deter persons attempting to cross the border
14 unlawfully, including with the use of non-deadly crowd control
15 measures.

16 Sec. 411.561. QUALIFICATIONS. (a) To be a commissioned
17 officer of the unit, a person must hold a peace officer license
18 issued under Chapter 1701, Occupations Code, and meet any other
19 qualifications set by the commission.

20 (a-1) The unit chief may not employ an officer or other
21 employee if the officer or other employee:

22 (1) has been convicted of a violent offense; or

23 (2) has been dishonorably discharged from the armed
24 forces of the United States or the Texas military forces as shown by
25 the service member's release or discharge documentation.

26 (a-2) For purposes of Subsection (a-1):

27 (1) "Texas military forces" has the meaning assigned

1 by Section 437.001.

2 (2) "Violent offense" means an offense under the law
3 of any state that has as an element the use, attempted use, or
4 threatened use of physical force against any person.

5 (b) The unit is an equal employment opportunity employer and
6 may not discriminate against or give preferential treatment to any
7 employee or job applicant on account of the individual's race,
8 color, sex, national origin, or religion.

9 Sec. 411.562. FACILITIES AND EQUIPMENT; TRAINING. The unit
10 shall acquire equipment and facilities and conduct training
11 necessary to fulfill the operational, intelligence, communication,
12 logistics, and administrative duties provided by this chapter and
13 the unit chief.

14 Sec. 411.563. LAW ENFORCEMENT BORDER PROTECTION FUNCTIONS.
15 The unit chief and director may order commissioned officers under
16 their authority to take, and the commissioned officers may take,
17 the following actions to the extent consistent with the United
18 States and Texas Constitutions:

19 (1) deter and repel persons attempting to enter this
20 state unlawfully at locations other than ports of entry;

21 (2) return aliens to Mexico who:

22 (A) have been observed actually crossing the
23 Texas-Mexico border unlawfully; and

24 (B) were apprehended, detained, or arrested in
25 the vicinity of the Texas-Mexico border; and

26 (3) enhance the examination of aircraft, ships,
27 vehicles, railcars, and cargo at or near ports of entry for the

1 purposes of interdicting fentanyl and other dangerous drugs and
2 interdicting human smuggling.

3 Sec. 411.564. STRATEGIC PLAN TO COORDINATE BORDER SECURITY.

4 (a) The unit shall develop and recommend to the governor and report
5 to the legislature a strategic plan that establishes the framework
6 for the budget and operations of the unit, including homeland
7 security strategies and the assistance of other state and local
8 entities. The unit shall annually report to the governor and the
9 legislature on the implementation of the strategic plan.

10 (b) The unit shall include in the strategic plan goals,
11 objectives, and performance measures that involve collaboration
12 with other state agencies and local entities.

13 (c) The unit shall create plans and conduct operations
14 consistent with the strategic plan.

15 SECTION 8.08. As soon as practicable after the effective
16 date of this Act, the governor shall appoint the unit chief as
17 prescribed by Section 411.555, Government Code, as added by this
18 Act.

19 ARTICLE 9. SEVERABILITY

20 SECTION 9.01. (a) If any provision of this Act or its
21 application to any person or circumstance is held invalid, the
22 invalidity does not affect other provisions or applications of this
23 Act that can be given effect without the invalid provision or
24 application, and to this end the provisions of this Act are declared
25 to be severable.

26 (b) Subsection (a) of this section does not affect another
27 severability provision contained in this Act.

1 ARTICLE 10. EFFECTIVE DATE

2 SECTION 10.01. This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect on the 91st day after the last day of
7 the legislative session.