

By: Bumgarner

H.B. No. 5281

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the criminal offense of improper entry from foreign nation.

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

SECTION 1. Chapter 38, Penal Code, is amended by adding Section 38.20 to read as follows:

Sec. 38.20. IMPROPER ENTRY FROM FOREIGN NATION. (a) A person who is not a citizen or national of the United State commits an offense if the person:

(1) enters or attempts to enter this state from a foreign nation at any time or place other than as designated by United States immigration officers;

(2) eludes examination or inspection by United States immigration officers; or

(3) attempts to enter or obtains entry to this state from a foreign nation by an intentionally false or misleading representation or the intentional concealment of a material fact.

(b) An offense under this section is a Class A misdemeanor, except that if it is shown on the trial of the offense that the person has previously been finally convicted of:

(1) an offense under this section, the offense is a state jail felony;

(2) a state jail felony described by Subdivision (1) or any other felony not listed in Article 42A.054(a), Code of

1 Criminal Procedure, the offense is a felony of the second degree; or
2 (3) a felony listed in Article 42A.054(a), Code of
3 Criminal Procedure, the offense is a felony of the first degree.

4 SECTION 2. This Act takes effect July 1, 2023, if it
5 receives a vote of two-thirds of all the members elected to each
6 house, as provided by Section 39, Article III, Texas Constitution.
7 If this Act does not receive the vote necessary for effect on that
8 date the Act takes effect September 1, 2023.