

By: Hickland

H.B. No. 1983

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offense of child endangerment involving smuggling across an international border.

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

SECTION 1. Chapter 22, Penal Code, is amended by adding Section 22.042 to read as follows:

Sec. 22.042. CHILD ENDANGERMENT INVOLVING SMUGGLING ACROSS INTERNATIONAL BORDER. (a) In this section:

(1) "Abandon" means to leave in any place without providing reasonable and necessary care a child under circumstances under which no reasonable, similarly situated person would leave a child of that age and ability.

(2) "Child" means a person younger than 18 years of age.

(b) A person commits an offense if:

(1) the person is a parent of a child or is a guardian, conservator, or other legal custodian of a child;

(2) the person knowingly pays, contracts with, or otherwise engages an individual or organization for the purpose of transporting the child across an international border in violation of any federal or state law; and

(3) the child, as a result of the transportation arrangement, is:

(A) found by state or federal law enforcement,

1 including the United States Border Patrol, to be not in the physical
2 custody of any parent or of any guardian, conservator, or other
3 custodian of the child;

4 (B) subjected to conditions that place the
5 child's physical or mental health at substantial risk of harm; or

6 (C) abandoned, exploited, or otherwise
7 endangered.

8 (c) An offense under this section is a state jail felony
9 unless it is shown on the trial of the offense that:

10 (1) the child suffered serious bodily injury, in which
11 event the offense is a felony of the second degree; or

12 (2) the child died as a result of the conduct described
13 by Subsection (b), in which event the offense is a felony of the
14 first degree.

15 (d) It is not a defense to prosecution under this section
16 that:

17 (1) the actor believed the conduct was necessary for
18 the child's safety or well-being; or

19 (2) the individual or organization described by
20 Subsection (b)(2) acted independently of the actor in abandoning,
21 exploiting, or otherwise endangering the child.

22 (e) If conduct constituting an offense under this section
23 also constitutes an offense under another section of this code, the
24 actor may be prosecuted under either section or under both
25 sections.

26 SECTION 2. This Act takes effect September 1, 2025.