

BILL ANALYSIS

S.B. 501
By: Carona
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The transportation of undocumented aliens by commercial truck drivers in Texas has increased in recent years for a number of reasons, including the difficulty of detecting this activity, due to the large volume of commercial vehicle traffic in this state and the limited resources of law enforcement. The United States Border Patrol, working with the Texas Department of Public Safety to address this problem, has suggested that increased penalties at the state level for offenses involving the smuggling of undocumented aliens would be helpful in curbing this illegal and dangerous activity.

Current law provides for a one-year suspension of a commercial driver's license (CDL) upon the conviction of certain criminal offenses, none of which relate to human smuggling and generally mirrors the federal regulation of Section 49, C.F.R. 383.51, which relates to CDLs and does not address human smuggling. There also exists no statutory license suspension for a juvenile who commits any offense relating to human smuggling.

S.B. 501 disqualifies a person from driving a commercial motor vehicle for life if the person uses a motor vehicle in the commission of a federal offense that involves the transportation, concealment, or harboring of an alien. The bill requires that the driver's license of a juvenile be suspended or denied issuance if the juvenile violates a Texas or federal law involving a severe form of trafficking in persons as defined by federal law.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 501 amends the Transportation Code to disqualify a person from driving a commercial motor vehicle for life if the person uses a motor vehicle in the commission of a federal offense involving the transportation, concealment, or harboring of an alien.

S.B. 501 amends the Family Code to require a juvenile court, in a disposition hearing, to order the Department of Public Safety to suspend a child's driver's license or permit, or if the child does not have a license or permit, to deny the issuance of a license or permit to the child if the court finds that the child has engaged in conduct that violates a penal law of Texas or the United States, an element or elements of which involve a severe form of trafficking in persons, as defined by federal law.

EFFECTIVE DATE

September 1, 2009.