

BILL ANALYSIS

H.B. 260
By: Hilderbran
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Smugglers have been unlawfully transporting people across international borders for decades. Recently, the crime has become more profitable since some smugglers have detained and then extorted additional money from the people they have already illegally transported into the United States. Due to the illegal nature of entry into the United States, fear of the smuggler, and fear of deportation, victims are less likely to report smugglers to law enforcement. Failure to comply with a smuggler's or transporter's additional demands often results in the smuggled person being beaten, raped, murdered, or sold into forced labor or the commercial sex trade. Concerned parties contend that Texas law relating to the offense of unlawful transport of a person does not provide adequate punishment for smugglers, who subject victims to this unfortunate, life-changing situation, and thus this offense is rarely prosecuted by Texas authorities. According to those observers, most cases of smuggling are prosecuted by federal attorneys because federal prosecutors can secure longer sentences for the crime. H.B. 260 seeks to remedy this situation by increasing the penalty for unlawful transport of a person.

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

H.B. 260 amends the Penal Code to increase the penalty for unlawful transport of a person from a state jail felony to a felony of the second degree. The bill specifies that if an actor's conduct constitutes the offense of unlawful transport and also constitutes an offense under another law, the actor may be prosecuted under either law.

EFFECTIVE DATE

September 1, 2011.