

## **BILL ANALYSIS**

C.S.H.B. 892  
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State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Human smuggling is a dangerous and highly profitable business in Texas. Smugglers transport illegal aliens into the state, often in harmful conditions that put the individuals being transported at risk, and then place these individuals in substandard housing. Among these illegal aliens are dangerous individuals with criminal backgrounds who are a direct threat to the citizens of our state and country. C.S.H.B. 892 seeks to provide a deterrent to human smuggling by creating the state jail felony offense of unlawful transport of an illegal alien.

### **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**

C.S.H.B. 892 amends the Penal Code to create the state jail felony offense of unlawful transport of an illegal alien. The bill makes it an offense to knowingly transport an illegal alien in a manner that is designed to conceal the illegal alien from local, state, or federal law enforcement authorities. The bill enhances the penalty to a third degree felony if the offense is committed for pecuniary benefit or in a manner that creates a substantial likelihood that the illegal alien will suffer bodily injury. The bill establishes an affirmative defense to prosecution for the offense if the actor is related to the illegal alien within the third degree of consanguinity or at the time of the offense within the third degree of affinity. The bill provides that if conduct constituting the offense of unlawful transport of an illegal alien also constitutes an offense under another law, the actor may be prosecuted under either law. The bill defines "illegal alien" to mean a person who is not a citizen or national of the United States and who is unlawfully present in the United States according to federal law.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 892 differs from the original by specifying that the offense of unlawful transport of an illegal alien is committed if the person engages in the conduct knowingly, whereas the original has no such specification. The substitute differs from the original by including its provisions among Penal Code provisions relating to kidnapping and unlawful restraint, whereas the original includes its provisions in Penal Code provisions relating to the trafficking of persons.