

By: Howard of Fort Bend, et al.

H.B. No. 892

Substitute the following for H.B. No. 892:

By: Hilderbran

C.S.H.B. No. 892

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the offense of unlawful transport of an
3 illegal alien.

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

5 SECTION 1. Chapter 20, Penal Code, is amended by adding
6 Section 20.06 to read as follows:

7 Sec. 20.06. UNLAWFUL TRANSPORT OF ILLEGAL ALIEN. (a) In
8 this section, "illegal alien" means a person who:

9 (1) is not a citizen or national of the United States;

10 and

11 (2) is unlawfully present in the United States
12 according to the terms of 8 U.S.C. Section 1101 et seq.

13 (b) A person commits an offense if the person knowingly
14 transports an illegal alien in a manner that is designed to conceal
15 the illegal alien from local, state, or federal law enforcement
16 authorities.

17 (c) Except as otherwise provided by Subsection (d), an
18 offense under this section is a state jail felony.

19 (d) An offense under this section is a felony of the third
20 degree if the offense is committed:

21 (1) for pecuniary benefit; or

22 (2) in a manner that creates a substantial likelihood
23 that the illegal alien will suffer bodily injury.

24 (e) It is an affirmative defense to prosecution under this

1 section that the actor is related to the illegal alien within the
2 third degree of consanguinity or at the time of the offense within
3 the third degree of affinity.

4 (f) If conduct constituting an offense under this section
5 also constitutes an offense under another section of this code, the
6 actor may be prosecuted under either section.

7 SECTION 2. This Act takes effect September 1, 2011.