

By: Hinojosa

S.B. No. 146

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of unlawful transport of an undocumented person.

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

SECTION 1. Chapter 20A, Penal Code, is amended by adding Section 20A.03 to read as follows:

Sec. 20A.03. UNLAWFUL TRANSPORT OF UNDOCUMENTED PERSON.

(a) In this section, "undocumented person" means a person who:

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

and

(2) is unlawfully present in the United States

according to the terms of 8 U.S.C. Section 1101 et seq.

(b) A person commits an offense if the person transports an undocumented person in a manner that is designed to conceal the undocumented person from local, state, or federal law enforcement authorities.

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

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

(1) for pecuniary benefit; or

(2) in a manner that creates a substantial likelihood that the undocumented person will suffer bodily injury.

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

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