

By: Patrick

S.B. No. 394

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:

(1) transports an undocumented person in a manner that is designed to conceal the undocumented person from local, state, or federal law enforcement authorities; or

(2) is an undocumented person and intentionally participates in being transported in the manner described by Subdivision (1).

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

(d) An offense under Subsection (b)(1) is a felony of the third degree if the offense is committed:

(1) for pecuniary benefit; or

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

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

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