

BILL ANALYSIS

H.B. 2344
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current statute requires the use of a motor vehicle, aircraft, or watercraft in order for a person to commit an offense of smuggling of persons. Interested parties contend that this language creates an unnecessary loophole that needs to be legislatively addressed. The parties further contend that the penalty for such a crime is a state jail felony, regardless of the number of people the offender smuggles. H.B. 2344 seeks to address these concerns.

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. 2344 amends the Penal Code to remove from the conditions that constitute the offense of smuggling of persons the use of a motor vehicle, aircraft, or watercraft in the commission of the offense. The bill conditions the classification of the offense as a state jail felony on the actor transporting fewer than three individuals and enhances the penalty to a third degree felony if the actor transports more than two individuals but fewer than six individuals and to a second degree felony if the actor transports more than five individuals. The bill makes the penalty enhancement resulting from the actor committing the offense for pecuniary benefit or in a certain harmful manner the next higher category of offense, rather than a third degree felony.

EFFECTIVE DATE

September 1, 2013.