

By: Lozano, et al.

H.B. No. 793

Substitute the following for H.B. No. 793:

By: Cook

C.S.H.B. No. 793

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution and punishment of the smuggling of
3 persons.

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

5 SECTION 1. Section 20.01, Penal Code, is amended by adding
6 Subdivisions (6), (7), and (8) to read as follows:

7 (6) "Agricultural land" has the meaning assigned by
8 Section 75.001, Civil Practice and Remedies Code.

9 (7) "Firearm" has the meaning assigned by Section
10 46.01.

11 (8) "Special investigator" includes an agent of the
12 United States Department of Homeland Security.

13 SECTION 2. Sections 20.05(a) and (c), Penal Code, are
14 amended to read as follows:

15 (a) A person commits an offense if the person intentionally:

16 (1) uses a motor vehicle, aircraft, or watercraft to
17 transport an individual with the intent to:

18 (A) [~~1~~] conceal the individual from a peace
19 officer or special investigator; or

20 (B) [~~2~~] flee from a person the actor knows is a
21 peace officer or special investigator attempting to lawfully arrest
22 or detain the actor; or

23 (2) assists, guides, or directs three or more
24 individuals to enter or remain on agricultural land without the

1 effective consent of the owner.

2 (c) An offense under this section is a felony of the third
3 degree if:

4 (1) the actor commits the offense:

5 (A) [~~(1)~~] for pecuniary benefit; or

6 (B) [~~(2)~~] in a manner that creates a substantial
7 likelihood that the transported individual will suffer serious
8 bodily injury or death; or

9 (2) during the commission of the offense the actor,
10 another party to the offense, or an individual assisted, guided, or
11 directed by the actor knowingly possessed a firearm.

12 SECTION 3. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 4. This Act takes effect September 1, 2013.