

By: Zedler

H.B. No. 2344

A BILL TO BE ENTITLED

AN ACT

relating to prosecution of and punishment for the offense of smuggling of persons.

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

SECTION 1. Sections 20.05(a), (b), and (c), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person intentionally transports ~~[uses a motor vehicle, aircraft, or watercraft to transport]~~ an individual with the intent to:

(1) conceal the individual from a peace officer or special investigator; or

(2) flee from a person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor.

(b) Except as provided by Subsection (c), an offense under this section is:

(1) a state jail felony if the actor transports fewer than three individuals;

(2) a felony of the third degree if the actor transports more than two individuals but fewer than six individuals; and

(3) a felony of the second degree if the actor transports more than five individuals.

(c) An offense under this section is the next higher

category of offense [~~a felony of the third degree~~] if the actor commits the offense:

(1) for pecuniary benefit; or

(2) in a manner that creates a substantial likelihood that the transported individual will suffer serious bodily injury or death.

SECTION 2. Section 71.02(a), Penal Code, as amended by Chapters 68 (S.B. 934) and 223 (H.B. 260), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following:

(1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;

(2) any gambling offense punishable as a Class A misdemeanor;

(3) promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;

(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

1 (5) unlawful manufacture, delivery, dispensation, or
2 distribution of a controlled substance or dangerous drug, or
3 unlawful possession of a controlled substance or dangerous drug
4 through forgery, fraud, misrepresentation, or deception;

5 (5-a) causing the unlawful delivery, dispensation, or
6 distribution of a controlled substance or dangerous drug in
7 violation of Subtitle B, Title 3, Occupations Code;

8 (6) any unlawful wholesale promotion or possession of
9 any obscene material or obscene device with the intent to wholesale
10 promote the same;

11 (7) any offense under Subchapter B, Chapter 43,
12 depicting or involving conduct by or directed toward a child
13 younger than 18 years of age;

14 (8) any felony offense under Chapter 32;

15 (9) any offense under Chapter 36;

16 (10) any offense under Chapter 34, 35, or 35A;

17 (11) any offense under Section 37.11(a);

18 (12) any offense under Chapter 20A;

19 (13) any offense under Section 37.10;

20 (14) any offense under Section 38.06, 38.07, 38.09, or
21 38.11;

22 (15) any offense under Section 42.10;

23 (16) any offense under Section 46.06(a)(1) or 46.14;

24 [~~or~~]

25 (17) any offense under Section 20.05; or

26 (18) [~~(17)~~] any offense classified as a felony under
27 the Tax Code.

1 SECTION 3. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 governed by the law in effect on the date the offense was committed,
5 and the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense occurred
8 before that date.

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