

By: Hall

S.B. No. 1091

A BILL TO BE ENTITLED

AN ACT

relating to criminal trespass by an unauthorized immigrant;
creating a criminal offense.

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

SECTION 1. Chapter 30, Penal Code, is amended by adding
Section 30.055 to read as follows:

Sec. 30.055. CRIMINAL TRESPASS BY UNAUTHORIZED IMMIGRANT.

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

(1) enters or remains on or in any public or private
property in this state; and

(2) fails to carry or have in the person's possession a
certificate of alien registration or an alien registration receipt
card in violation of 8 U.S.C. Section 1304(e).

(b) It is a defense to prosecution under this section that
the person charged produces to the court one of the documents
described by Subsection (a) that was valid at the time the offense
is alleged to have occurred. If the court verifies a document
produced under this subsection, the court shall dismiss the charge.

(c) On a plea of guilty or nolo contendere in a case for an
offense under Subsection (a), the judge shall defer further
proceedings without entering an adjudication of guilt on condition
that the defendant leave the United States not later than 30 days
after the date the defendant enters the plea. An order of deferral
under this subsection terminates any liability under a bail bond or

1 an appearance bond given for the charge.

2 (d) If, before the expiration of the period of the statute
3 of limitations for an offense under Subsection (a), the defendant
4 returns to the United States without obtaining proper documentation
5 required by federal law to enter or remain in the country, the court
6 in which the defendant's criminal case is pending shall issue a
7 warrant for the defendant's arrest and proceed on the criminal
8 case.

9 (e) Except as otherwise provided by this subsection, an
10 offense under this section is a Class B misdemeanor, with a maximum
11 fine of \$4,500. An offense under this section is a state jail
12 felony, with a maximum fine of \$11,000, if:

13 (1) it is shown on the trial of the offense that the
14 person has previously been finally convicted of an offense under
15 this section; or

16 (2) during the 60-month period preceding the date the
17 person was convicted of the offense, the person was removed from the
18 United States pursuant to 8 U.S.C. Section 1229a or accepted a
19 voluntary removal from the United States pursuant to 8 U.S.C.
20 Section 1229c.

21 SECTION 2. This Act takes effect September 1, 2015.