

By: Lucio, et al.  
(Phillips)

S.B. No. 1853

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the Department of Public Safety of the State of Texas to establish a statewide program for the prevention and detection of certain criminal offenses.

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

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0208 to read as follows:

Sec. 411.0208. STATEWIDE PROGRAM FOR THE PREVENTION AND DETECTION OF CERTAIN CRIMINAL OFFENSES. (a) The department may establish a program throughout this state for preventing and detecting:

(1) the unlawful possession or the unlawful and imminent movement or transfer between this state and an adjacent state or the United Mexican States of:

(A) firearms, in violation of Section 46.14, Penal Code;

(B) controlled substances, in violation of Chapter 481, Health and Safety Code; or

(C) currency, in violation of Section 34.02, Penal Code; and

(2) the commission or imminent commission of the offenses of smuggling of persons under Section 20.05, Penal Code, and trafficking of persons under Section 20A.02, Penal Code, occurring in this state or involving travel between this state and

1 an adjacent state or the United Mexican States.

2 (b) A peace officer participating in a program established  
3 under this section must have probable cause to believe that  
4 firearms, controlled substances, or currency are unlawfully  
5 possessed or being unlawfully and imminently moved or transferred  
6 between this state and an adjacent state or the United Mexican  
7 States or that an offense described by Subsection (a)(2) has been  
8 committed or imminently will be committed, as applicable, before  
9 exercising the officer's authority under the program, including  
10 stopping a person or vehicle or coming into contact with a person.

11 (c) In developing the program, the department shall  
12 establish:

13 (1) clear guidelines and procedures to mitigate any  
14 unnecessary negative impact on the flow of trade, commerce, or  
15 daily business activities in locations where the program is  
16 implemented; and

17 (2) protocols, standards, and guidelines to minimize  
18 any intrusion on a person in an encounter with a peace officer  
19 exercising the officer's authority under the program.

20 (d) The department shall implement the program established  
21 under this section in conjunction with federal and local law  
22 enforcement agencies.

23 (e) The director shall adopt rules as necessary to implement  
24 and administer a program established under this section.

25 SECTION 2. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2015.