

**House Bill 11**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

- (1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (4) rangers, ~~and~~ officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
- (5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
- (6) law enforcement agents of the Texas Alcoholic Beverage Commission;
- (7) each member of an arson investigating unit commissioned by a city, a county, or the state;
- (8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;
- (9) officers commissioned by the General Services Commission;
- (10) law enforcement officers commissioned by the Parks and Wildlife Commission;
- (11) airport police officers commissioned by a city with a population of more than 1.18 million located primarily in a county with a population of 2 million or more that operates an

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SECTION 1.

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

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- (3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (4) rangers, ~~and~~ officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
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airport that serves commercial air carriers;  
(12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;  
(13) municipal park and recreational patrolmen and security officers;  
(14) security officers and investigators commissioned as peace officers by the comptroller;  
(15) officers commissioned by a water control and improvement district under Section 49.216, Water Code;  
(16) officers commissioned by a board of trustees under Chapter 54, Transportation Code;  
(17) investigators commissioned by the Texas Medical Board;  
(18) officers commissioned by:  
(A) the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, the Bexar County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code;  
(B) the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code; and  
(C) the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code;  
(19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;  
(20) investigators employed by the Texas Racing Commission;  
(21) officers commissioned under Chapter 554, Occupations Code;

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airport that serves commercial air carriers;  
(12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;  
(13) municipal park and recreational patrolmen and security officers;  
(14) security officers and investigators commissioned as peace officers by the comptroller;  
(15) officers commissioned by a water control and improvement district under Section 49.216, Water Code;  
(16) officers commissioned by a board of trustees under Chapter 54, Transportation Code;  
(17) investigators commissioned by the Texas Medical Board;  
(18) officers commissioned by:  
(A) the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, the Bexar County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code;  
(B) the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code; and  
(C) the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code;  
(19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;  
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(21) officers commissioned under Chapter 554, Occupations Code;

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- (22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;
- (23) investigators commissioned by the attorney general under Section 402.009, Government Code;
- (24) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;
- (25) an officer employed by the Department of State Health Services under Section 431.2471, Health and Safety Code;
- (26) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;
- (27) officers commissioned by the state fire marshal under Chapter 417, Government Code;
- (28) an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;
  
- (29) apprehension specialists and inspectors general commissioned by the Texas Juvenile Justice Department as officers under Sections 242.102 and 243.052, Human Resources Code;
- (30) officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;
- (31) investigators commissioned by the Texas Commission on Law Enforcement under Section 1701.160, Occupations Code;
- (32) commission investigators commissioned by the Texas Private Security Board under Section 1702.061 [~~1702.061(f)~~], Occupations Code;
- (33) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district

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- (22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;
- (23) investigators commissioned by the attorney general under Section 402.009, Government Code;
- (24) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;
- (25) ~~[an officer employed by the Department of State Health Services under Section 431.2471, Health and Safety Code;~~
- ~~[(26)]~~ officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;
- (26) ~~[(27)]~~ officers commissioned by the state fire marshal under Chapter 417, Government Code;
- (27) ~~[(28)]~~ an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;
- (28) ~~[(29)]~~ apprehension specialists and inspectors general commissioned by the Texas Juvenile Justice Department as officers under Sections 242.102 and 243.052, Human Resources Code;
- (29) ~~[(30)]~~ officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;
- (30) ~~[(31)]~~ investigators commissioned by the Texas Commission on Law Enforcement under Section 1701.160, Occupations Code;
- (31) ~~[(32)]~~ commission investigators commissioned by the Texas Private Security Board under Section 1702.061 [~~1702.061(f)~~], Occupations Code;
- (32) ~~[(33)]~~ the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district

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under Chapter 775, Health and Safety Code;  
(34) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;  
(35) investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; and  
(36) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

SECTION 2. Section 4, Article 18.20, Code of Criminal Procedure, is amended to read as follows:  
Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED. A judge of competent jurisdiction may issue an order authorizing interception of wire, oral, or electronic communications only if the prosecutor applying for the order shows probable cause to believe that the interception will provide evidence of the commission of:  
(1) a felony under Section 19.02, 19.03, or 43.26, Penal Code;  
(2) a felony under:  
(A) Chapter 481, Health and Safety Code, other than felony possession of marihuana;  
(B) Section 485.032, Health and Safety Code; or  
(C) Chapter 483, Health and Safety Code;  
(3) an offense under Section 20.03 or 20.04, Penal Code;  
(4) an offense under Chapter 20A, Penal Code;  
(5) an offense under Chapter 34, Penal Code, if the criminal activity giving rise to the proceeds involves the commission of

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under Chapter 775, Health and Safety Code;  
(33) [~~(34)~~] officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;  
(34) [~~(35)~~] investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; and  
(35) [~~(36)~~] the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

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an offense under Title 5, Penal Code, or an offense under federal law or the laws of another state containing elements that are substantially similar to the elements of an offense under Title 5;

(6) an offense under Section 38.11, Penal Code; ~~[or]~~

(7) an offense under Section 43.04 or 43.05, Penal Code; or

(8) an attempt, conspiracy, or solicitation to commit an offense listed in this section.

SECTION 3. Article 59.01(2), Code of Criminal Procedure, as amended by Chapters 427 (S.B. 529) and 1357 (S.B. 1451), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 20.05, 20.06, 21.11, 38.04, or Chapter 43, 20A, 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

(iv) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

(i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(ii) any felony under Chapter 483, Health and Safety Code;

(iii) a felony under Chapter 151, Finance Code;

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- (iv) any felony under Chapter 34, Penal Code;
- (v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;
- (vi) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves the state Medicaid program;
- (vii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;
- (viii) a Class A misdemeanor under Section 306.051, Business & Commerce Code;
- (ix) any offense under Section 42.10, Penal Code;
- (x) any offense under Section 46.06(a)(1) or 46.14, Penal Code;
- (xi) any offense under Chapter 71, Penal Code;
- (xii) any offense under Section 20.05 or 20.06, Penal Code;
- or
- ~~(xiv)~~ (xiii) an offense under Section 326.002, Business & Commerce Code;
- (C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), or (xi) of this subdivision, or a crime of violence;
- (D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), or (xi) of this subdivision, or a crime of violence;
- (E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or 43.25, Penal Code; or
- (F) used to facilitate or intended to be used to facilitate the commission of a felony under Section 20A.02 or Chapter 43,

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Penal Code.

No equivalent provision.

SECTION 4. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.038 to read as follows:  
Sec. 402.038. TRANSNATIONAL AND ORGANIZED CRIME DIVISION. (a) The office of the attorney general shall establish a transnational and organized crime division.  
(b) To address matters related to border security and organized crime, the transnational and organized crime division shall:  
(1) establish within the division a prosecution unit to provide critical assistance to local prosecutors;  
(2) using existing funds, establish within the division a trafficking of persons unit to:  
(A) assist local law enforcement agencies and local prosecutors in investigating and prosecuting trafficking of persons and related crimes; and  
(B) work with the appropriate local and state agencies to identify victims of trafficking of persons and to provide the types of assistance available for those victims under Chapter 56, Code of Criminal Procedure; and  
(3) develop initiatives to provide greater state assistance, support, and coordination among state law enforcement agencies, local law enforcement agencies, and local prosecutors.  
(c) Prosecution assistance provided by the division under this section shall be in accordance with the assistance authorized under Section 402.028.

SECTION 4. Section 411.0043, Government Code, is

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amended to read as follows:

Sec. 411.0043. TECHNOLOGY POLICY; REVIEW. (a) The commission shall implement a policy requiring the department to use appropriate technological solutions to improve the department's ability to perform its functions. The policy must ensure that the public is able to interact with the department on the Internet.

(b) The department shall periodically:

(1) review the department's existing information technology system to determine whether:

(A) the system's security should be upgraded; and

(B) the system provides the department with the best ability to monitor and investigate criminal activity on the Internet; and

(2) make any necessary improvements to the department's information technology system.

SECTION 5. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0101 to read as follows:

Sec. 411.0101. ASSISTANCE TO CERTAIN LOCAL LAW ENFORCEMENT AGENCIES ALONG TEXAS-MEXICO BORDER. In addition to any other department operations in a county along the Texas-Mexico border, the department shall provide assistance with offenses punishable as a third degree felony or higher to a county or municipal law enforcement agency in a county along the Texas-Mexico border on a request from the law enforcement agency for assistance. The regional commander has discretion to allocate department resources as necessary to meet the department's objectives.

No equivalent provision.



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SECTION 6. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0163 to read as follows:

Sec. 411.0163. HIRING OFFICERS WITH PREVIOUS LAW ENFORCEMENT EXPERIENCE. Notwithstanding any other provision of law, the department may, at the time a commissioned officer is hired, elect to credit up to four years of experience as a peace officer in the state as years of service for the purpose of calculating the officer's salary under Schedule C. All officers are subject to the one-year probationary period under Section 411.007(g) notwithstanding the officer's rank or salary classification.

SECTION 7. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0164 to read as follows:

Sec. 411.0164. 50-HOUR WORK WEEK FOR COMMISSIONED OFFICERS ASSIGNED TO THE TEXAS-MEXICO BORDER REGION. Notwithstanding any other law, the department may implement a 10-hour work day and 50-hour work week for commissioned officers of the department assigned to a department region that includes counties along the Texas-Mexico border.

SECTION 8. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0165 to read as follows:

Sec. 411.0165. VETERAN APPLICANTS FOR TROOPER TRAINING. The department may accept a person applying to the department's trooper trainee academy if the person:  
(1) has served four or more years in the United States armed forces as a member of the military police or other security force and received an honorable discharge; and

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SECTION 6. Same as House version.

SECTION 7. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0164 to read as follows:

Sec. 411.0164. 50-HOUR WORKWEEK FOR COMMISSIONED OFFICERS. Notwithstanding any other law, the department may implement a 10-hour workday and 50-hour workweek for commissioned officers of the department.

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(2) meets all other department requirements for a commissioned officer.

SECTION 9. Subchapter A, Chapter 411, Government Code, is amended by adding Sections 411.0208 and 411.0209 to read as follows:

Sec. 411.0208. RESERVE OFFICER CORPS. (a) The commission may provide for the establishment of a reserve officer corps consisting of retired or previously commissioned officers of the department who retired or resigned in good standing.

(b) The commission shall establish qualifications and standards of training for members of the reserve officer corps.

(c) The commission may limit the size of the reserve officer corps.

(d) The director shall appoint the members of the reserve officer corps. Members serve at the director's discretion.

(e) The director may call the reserve officer corps into service at any time the director considers it necessary to have additional officers to assist the department in conducting background investigations, sex offender compliance checks, and other duties as determined necessary by the director.

Sec. 411.0209. DEPARTMENT ASSISTANCE AT INTERNATIONAL BORDER CHECKPOINTS. (a) To prevent the unlawful transfer of contraband from this state to the United Mexican States and other unlawful activity, the department shall conduct a study concerning the feasibility of providing to federal authorities and to local law enforcement authorities working with those federal authorities at international border checkpoints assistance in the interdiction

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SECTION 9. Subchapter A, Chapter 411, Government Code, is amended by adding Sections 411.0208 and 411.0209 to read as follows:

Sec. 411.0208. RESERVE OFFICER CORPS. (a) The commission may provide for the establishment of a reserve officer corps consisting of retired or previously commissioned officers of the department who retired or resigned in good standing.

(b) The commission shall establish qualifications and standards of training for members of the reserve officer corps.

(c) The commission may limit the size of the reserve officer corps.

(d) The director shall appoint the members of the reserve officer corps. Members serve at the director's discretion.

(e) The director may call the reserve officer corps into service at any time the director considers it necessary to have additional officers to assist the department in conducting background investigations, sex offender compliance checks, and other duties as determined necessary by the director.

Sec. 411.0209. DEPARTMENT ASSISTANCE AT INTERNATIONAL BORDER CHECKPOINTS. (a) To prevent the unlawful transfer of contraband from this state to the United Mexican States and other unlawful activity, the department shall implement a strategy for providing to federal authorities and to local law enforcement authorities working with those federal authorities at international border checkpoints assistance in the interdiction of weapons, bulk

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of weapons, bulk currency, stolen vehicles, and other contraband, and of fugitives, being smuggled into the United Mexican States. The department shall also study whether the establishment of international border checkpoints will have a negative impact on toll revenues.

(b) The department may share with the federal government the cost of staffing any international border checkpoints for the purposes described by this section.

(c) The director and applicable local law enforcement authorities shall adopt procedures as necessary to administer this section.

SECTION 10. Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.054 to read as follows:

Sec. 411.054. CRIME STATISTICS REPORTING. (a) Each local law enforcement agency shall:

(1) implement an incident-based reporting system that meets the reporting requirements of the National Incident-Based Reporting System of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(2) use the system described by Subdivision (1) to submit to the department information and statistics concerning criminal offenses committed in the jurisdiction of the local law enforcement agency.

(b) The department shall adopt rules to implement this section, including rules prescribing:

(1) the form and manner of the submission of information and statistics; and

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currency, stolen vehicles, and other contraband, and of fugitives, being smuggled into the United Mexican States.

(b) The department may share with the federal government the cost of staffing any international border checkpoints for the purposes described by this section.

(c) The director and applicable local law enforcement authorities shall adopt procedures as necessary to administer this section.

SECTION 10. Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.054 to read as follows:

Sec. 411.054. INCIDENT-BASED CRIME STATISTICS REPORTING GOAL. (a) The department shall establish a goal that, not later than September 1, 2019, all local law enforcement agencies:

(1) will have implemented an incident-based reporting system that meets the reporting requirements of the National Incident-Based Reporting System of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(2) will use the system described by Subdivision (1) to submit to the department information and statistics concerning criminal offenses committed in the jurisdiction of the local law enforcement agency.

(b) Not later than January 1, 2017, the department shall submit a report to the legislature that identifies the number of local law enforcement agencies that have implemented the system described by Subsection (a).

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(2) the frequency of reporting.

(c) Notwithstanding any other law, a local law enforcement agency that is not in compliance with this section and that receives grant funds from the department or the criminal justice division of the governor's office may only use those funds to come into compliance with this section.

(d) A local law enforcement agency is not required to comply with this section before September 1, 2019.

(e) Subsection (d) and this subsection expire September 1, 2019.

SECTION 11. Chapter 411, Government Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. STATE LAW ENFORCEMENT OPERATIONS OVERSIGHT COMMITTEE

Sec. 411.431. DEFINITIONS. In this subchapter:

(1) "Border" means the border between this state and Mexico.

(2) "Committee" means the State Law Enforcement Operations Oversight Committee established under this subchapter.

Sec. 411.432. STATE LAW ENFORCEMENT OPERATIONS OVERSIGHT COMMITTEE. (a) A State Law Enforcement Operations Oversight Committee is established to ensure transparency of state operations targeting transnational gang and cartel activity.

(b) Members of the committee are appointed as follows:

(1) five members of the senate appointed by the lieutenant governor;

(2) five members of the house of representatives appointed by

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the speaker of the house of representatives; and

(3) one public member appointed by the governor.

(c) A member of the committee serves at the will of the appointing official.

(d) The lieutenant governor and the speaker of the house of representatives shall appoint the chair of the committee on an alternating basis. The chair of the committee serves a one-year term that expires September 1 of each year.

(e) A member of the committee is not entitled to receive compensation for service on the committee or reimbursement for expenses incurred in the performance of official duties as a member of the committee.

(f) Chapter 2110 does not apply to the committee.

Sec. 411.433. POWERS AND DUTIES. (a) The committee has the powers and duties of a general investigating committee under Sections 301.020, 301.024, and 301.028, including access to confidential and law enforcement sensitive information.

(b) The committee:

(1) shall monitor and regularly report to the legislature on the progress of state operations targeting transnational gang and cartel activity, including monitoring conditions at the local level;

(2) may request from the department, the Parks and Wildlife Department, and the Texas military forces reports and any other information related to border operations considered necessary by the committee;

(3) if necessary, shall cooperate with local and federal officials to perform the committee's duties; and

(4) shall meet monthly to carry out the committee's duties.

(c) The committee may meet and consult with and advise

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local governments and federal authorities.

Sec. 411.434. REPORTS TO COMMITTEE. (a) The department, the Parks and Wildlife Department, and the Texas military forces shall submit monthly reports to the committee:

- (1) on the status and progress of law enforcement operations, activities, programs, and investigations targeting transnational gang and cartel activity;
- (2) providing a detailed analysis of spending, including any incremental costs, for operations, activities, programs, and investigations targeting transnational gang and cartel activity, including:
  - (A) salaries, equipment, and capital purchases; and
  - (B) any contracts related to operations, activities, programs, and investigations targeting transnational gang and cartel activity, and for each contract:
    - (i) the procurement process for the contract;
    - (ii) to whom the contract was awarded;
    - (iii) the amount of the contract; and
    - (iv) if the contract was an emergency purchase under Section 2155.137, state that fact and the reason why it was considered an emergency; and
- (3) that include:
  - (A) the impact of state operations, activities, programs, and investigations targeting transnational gang and cartel activity on the resources of local law enforcement authorities and the attrition of local law enforcement officers; and
  - (B) recommendations on minimizing the disruption to local law enforcement authorities from state operations, activities, programs, and investigations targeting transnational gang and cartel activity.

(b) The department, the Parks and Wildlife Department, and

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the Texas military forces shall:

(1) brief the committee in person at the request of the committee; and

(2) respond to any committee request for reports or other information under Section 411.433.

No equivalent provision.

SECTION 11. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0141 to read as follows:

Sec. 411.0141. MULTIUSE TRAINING FACILITY. (a) The Texas Facilities Commission shall construct a multiuse training facility to be used by the department, the Texas military forces, county and municipal law enforcement agencies, and any other military or law enforcement agency, including agencies of the federal government, for training purposes.

(b) The Texas Facilities Commission, with the assistance of the department, shall locate and acquire real property for the purpose of constructing the training facility. The governing body of a county or municipality, on behalf of the county or municipality, may donate real property to the department for the training facility. The donation may be in fee simple or otherwise.

(c) The department shall, with the assistance of the Texas Facilities Commission, design the training facility.

(d) On completion of the construction of the training facility, the Texas Facilities Commission shall transfer ownership of the training facility, including the real property and buildings, to the department.

(e) The department shall manage the training facility and may adopt rules necessary to implement this section. The

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department shall make the training facility available for use by the department, the Texas military forces, county and municipal law enforcement agencies, and any other military or law enforcement agency, including agencies of the federal government. The department may set and collect fees for the use of the training facility.

SECTION 12. Section 772.007, Government Code, is reenacted to read as follows:

Sec. 772.007. TEXAS ANTI-GANG GRANT PROGRAM.

(a) The criminal justice division established under Section 772.006 shall administer a competitive grant program to support regional, multidisciplinary approaches to combat gang violence through the coordination of gang prevention, intervention, and suppression activities.

(b) The grant program administered under this section must be directed toward regions of this state that have demonstrably high levels of gang violence.

(c) The criminal justice division shall award grants to qualified applicants, as determined by the division, that demonstrate a comprehensive approach that balances gang prevention, intervention, and suppression activities to reduce gang violence.

(d) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) detailed reporting of the results and performance of the grant program administered under this section.

(e) The criminal justice division may use any revenue available for purposes of this section.

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SECTION 13. Chapter 362, Local Government Code, is amended by adding Section 362.005 to read as follows:

Sec. 362.005. TEXAS TRANSNATIONAL INTELLIGENCE CENTER. (a) The sheriff's department of a county with a population of at least 700,000 but not more than 800,000 that borders the Texas-Mexico border and the police department of the municipality having the largest population in that county shall jointly establish and operate the Texas Transnational Intelligence Center as a central repository of real-time intelligence relating to criminal activity in the counties along the Texas-Mexico border. The Texas Department of Public Safety shall assist the county sheriff's department and the municipal police department in the establishment and operation of the center.

(b) Each law enforcement agency in a county located along the Texas-Mexico border and the Texas Alcoholic Beverage Commission and Parks and Wildlife Department shall report to the Texas Transnational Intelligence Center intelligence regarding criminal activity in the law enforcement agency's jurisdiction, including details on kidnappings, home invasions, and incidents of impersonation of law enforcement officers.

(c) The intelligence in the Texas Transnational Intelligence Center shall be made available to each law enforcement agency in the state and the Texas Alcoholic Beverage Commission and Parks and Wildlife Department.

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SECTION 13. Chapter 362, Local Government Code, is amended by adding Section 362.005 to read as follows:

Sec. 362.005. TEXAS TRANSNATIONAL INTELLIGENCE CENTER. (a) The sheriff's department of a county with a population of at least 700,000 but not more than 800,000 that borders the Texas-Mexico border and the police department of the municipality having the largest population in that county shall jointly establish and operate the Texas Transnational Intelligence Center as a central repository of real-time intelligence relating to:

(1) autopsies in which the person's death is likely connected to transnational criminal activity;

(2) criminal activity in the counties along the Texas-Mexico border and certain other counties; and

(3) other transnational criminal activity in the state.

(b) The Texas Department of Public Safety shall assist the county sheriff's department and the municipal police department in the establishment and operation of the center.

(c) Each law enforcement agency in a county located along the Texas-Mexico border or in a county that contains a federal checkpoint shall report to the Texas Transnational Intelligence Center intelligence regarding criminal activity in the law enforcement agency's jurisdiction, including details on kidnappings, home invasions, and incidents of impersonation of law enforcement officers. The Texas Alcoholic Beverage Commission and Parks and Wildlife Department shall report to the center intelligence regarding transnational criminal activity in the agency's jurisdiction.

(d) The intelligence in the Texas Transnational Intelligence Center shall be made available to each law enforcement agency in the state and the Texas Alcoholic Beverage Commission and Parks and Wildlife Department.

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(d) The Texas Transnational Intelligence Center shall comply with Section 421.085, Government Code, and the rules relating to that section.

SECTION 14. Section 20.05, Penal Code, is amended to read as follows:

Sec. 20.05. SMUGGLING OF PERSONS. (a) A person commits an offense if the person, with the intent to obtain a pecuniary benefit, knowingly:

(1) [intentionally] uses a motor vehicle, aircraft, [or] watercraft, or other means of conveyance to transport an individual with the intent to:

(A) [(+) conceal the individual from a peace officer or special investigator; or

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

(2) encourages or induces an individual to enter or remain in this country in violation of federal law by concealing, harboring, or shielding that person from detection.

(b) An [Except as provided by Subsection (e), an] offense under this section is [a state jail felony.

[(e) An offense under this section is] a felony of the third degree, except that [if the actor commits] the offense is:

(1) a felony of the second degree if:

(A) the actor commits the offense [for pecuniary benefit; or [(2)] in a manner that creates a substantial likelihood that the smuggled [transported] individual will suffer serious bodily injury or death; or

(B) the smuggled individual is a child younger than 18 years of age at the time of the offense; or

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(e) The Texas Transnational Intelligence Center shall comply with Section 421.085, Government Code, and the rules relating to that section.

SECTION 14. Section 20.05, Penal Code, is amended to read as follows:

Sec. 20.05. SMUGGLING OF PERSONS. (a) A person commits an offense if the person, with the intent to obtain a pecuniary benefit, knowingly:

(1) [intentionally] uses a motor vehicle, aircraft, [or] watercraft, or other means of conveyance to transport an individual with the intent to:

(A) [(+) conceal the individual from a peace officer or special investigator; or

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

(2) encourages or induces a person to enter or remain in this country in violation of federal law by concealing, harboring, or shielding that person from detection.

(b) An [Except as provided by Subsection (e), an] offense under this section is [a state jail felony.

[(e) An offense under this section is] a felony of the third degree, except that [if the actor commits] the offense is:

(1) a felony of the second degree if:

(A) the actor commits the offense [for pecuniary benefit; or [(2)] in a manner that creates a substantial likelihood that the smuggled [transported] individual will suffer serious bodily injury or death; or

(B) the smuggled individual is a child younger than 18 years of age at the time of the offense; or

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(2) a felony of the first degree if:

(A) it is shown on the trial of the offense that, as a direct result of the commission of the offense, the smuggled individual became a victim of sexual assault, as defined by Section 22.011, or aggravated sexual assault, as defined by Section 22.021; or

(B) the smuggled individual suffered serious bodily injury or death.

(c) [~~d~~] It is an affirmative defense to prosecution, other than a prosecution to which Subsections (b)(1)(A) or (b)(2) apply, under this section that the actor is related to the smuggled [~~transported~~] individual within the second degree of consanguinity or, at the time of the offense, within the second degree of affinity.

(d) [~~e~~] If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

SECTION 15. Chapter 20, Penal Code, is amended by adding Section 20.06 to read as follows:

Sec. 20.06. CONTINUOUS SMUGGLING OF PERSONS.

(a) A person commits an offense if the person engages two or more times in conduct that constitutes an offense under Section 20.05.

(b) If a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific conduct engaged in by the defendant constituted an offense under Section 20.05 or on which exact date the defendant engaged in that conduct. The jury must agree unanimously that the

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(2) a felony of the first degree if:

(A) it is shown on the trial of the offense that, as a direct result of the commission of the offense, the smuggled individual became a victim of sexual assault, as defined by Section 22.011, or aggravated sexual assault, as defined by Section 22.021; or

(B) the smuggled individual suffered serious bodily injury or death.

(c) [~~d~~] It is an affirmative defense to prosecution of an offense under this section, other than an offense punishable under Subsection (b)(1)(A) or (b)(2), that the actor is related to the smuggled [~~transported~~] individual within the second degree of consanguinity or, at the time of the offense, within the second degree of affinity.

(d) [~~e~~] If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

SECTION 15. Chapter 20, Penal Code, is amended by adding Section 20.06 to read as follows:

Sec. 20.06. CONTINUOUS SMUGGLING OF PERSONS.

(a) A person commits an offense if, during a period that is 10 or more days in duration, the person engages two or more times in conduct that constitutes an offense under Section 20.05.

(b) If a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific conduct engaged in by the defendant constituted an offense under Section 20.05 or on which exact date the defendant engaged in that conduct. The jury must agree unanimously that the

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defendant engaged two or more times in conduct that constitutes an offense under Section 20.05.

(c) If the victim of an offense under Subsection (a) is the same victim as a victim of an offense under Section 20.05, a defendant may not be convicted of the offense under Section 20.05 in the same criminal action as the offense under Subsection (a), unless the offense under Section 20.05:

(1) is charged in the alternative;

(2) occurred outside the period in which the offense alleged under Subsection (a) was committed; or

(3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a).

(d) A defendant may not be charged with more than one count under Subsection (a) if all of the conduct that constitutes an offense under Section 20.05 is alleged to have been committed against the same victim.

(e) Except as provided by Subsections (f) and (g), an offense under this section is a felony of the second degree.

(f) An offense under this section is a felony of the first degree if:

(1) the conduct constituting an offense under Section 20.05 is conducted in a manner that creates a substantial likelihood that the smuggled individual will suffer serious bodily injury or death; or

(2) the smuggled individual is a child younger than 18 years of age at the time of the offense.

(g) An offense under this section is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years, if:

(1) it is shown on the trial of the offense that, as a direct result

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defendant, during a period that is 10 or more days in duration, engaged two or more times in conduct that constitutes an offense under Section 20.05.

(c) If the victim of an offense under Subsection (a) is the same victim as a victim of an offense under Section 20.05, a defendant may not be convicted of the offense under Section 20.05 in the same criminal action as the offense under Subsection (a), unless the offense under Section 20.05:

(1) is charged in the alternative;

(2) occurred outside the period in which the offense alleged under Subsection (a) was committed; or

(3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a).

(d) A defendant may not be charged with more than one count under Subsection (a) if all of the conduct that constitutes an offense under Section 20.05 is alleged to have been committed against the same victim.

(e) Except as provided by Subsections (f) and (g), an offense under this section is a felony of the second degree.

(f) An offense under this section is a felony of the first degree if:

(1) the conduct constituting an offense under Section 20.05 is conducted in a manner that creates a substantial likelihood that the smuggled individual will suffer serious bodily injury or death; or

(2) the smuggled individual is a child younger than 18 years of age at the time of the offense.

(g) An offense under this section is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years, if:

(1) it is shown on the trial of the offense that, as a direct result

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of the commission of the offense, the smuggled individual became a victim of sexual assault, as defined by Section 22.011, or aggravated sexual assault, as defined by Section 22.021; or  
(2) the smuggled individual suffered serious bodily injury or death.

SECTION 16. Sections 71.02(a) and (b), Penal Code, are 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, continuous sexual abuse of young child or children, solicitation of a minor, 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;

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

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of the commission of the offense, the smuggled individual became a victim of sexual assault, as defined by Section 22.011, or aggravated sexual assault, as defined by Section 22.021; or  
(2) the smuggled individual suffered serious bodily injury or death.

SECTION 16. Same as House version.

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- (5-a) causing the unlawful delivery, dispensation, or distribution of a controlled substance or dangerous drug in violation of Subtitle B, Title 3, Occupations Code;
  - (6) any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;
  - (7) any offense under Subchapter B, Chapter 43, depicting or involving conduct by or directed toward a child younger than 18 years of age;
  - (8) any felony offense under Chapter 32;
  - (9) any offense under Chapter 36;
  - (10) any offense under Chapter 34, 35, or 35A;
  - (11) any offense under Section 37.11(a);
  - (12) any offense under Chapter 20A;
  - (13) any offense under Section 37.10;
  - (14) any offense under Section 38.06, 38.07, 38.09, or 38.11;
  - (15) any offense under Section 42.10;
  - (16) any offense under Section 46.06(a)(1) or 46.14;
  - (17) any offense under Section 20.05 or 20.06; or
  - (18) any offense classified as a felony under the Tax Code.
- (b) Except as provided in Subsections (c) and (d), an offense under this section is one category higher than the most serious offense listed in Subsection (a) that was committed, and if the most serious offense is a Class A misdemeanor, the offense is a state jail felony, except that the offense is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for:
- (1) life without parole, if the most serious offense is an aggravated sexual assault and if at the time of that offense the defendant is 18 years of age or older and:
    - (A) the victim of the offense is younger than six years of age;
    - (B) the victim of the offense is younger than 14 years of age

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and the actor commits the offense in a manner described by Section 22.021(a)(2)(A); or

(C) the victim of the offense is younger than 17 years of age and suffered serious bodily injury as a result of the offense; ~~[or]~~

(2) life or for any term of not more than 99 years or less than 30 years if the most serious offense is an offense under Section 20.06 that is punishable under Subsection (g) of that section; or

(3) life or for any term of not more than 99 years or less than 15 years if the most serious offense is an offense punishable as a felony of the first degree, other than an offense described by Subdivision (1) or (2).

No equivalent provision.

SENATE VERSION (IE)

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SECTION \_\_. (a) The lieutenant governor and the speaker of the house of representatives shall create a joint interim committee to study border security.

(b) The committee shall be composed of 10 members as follows:

(1) five members of the senate appointed by the lieutenant governor; and

(2) five members of the house of representatives appointed by the speaker of the house of representatives.

(c) The lieutenant governor and speaker of the house of representatives shall each designate a co-chair from among the committee members.

(d) The committee shall submit a full report, including findings and recommendations, to the 85th Legislature before it convenes in regular session in January of 2017.

(e) The lieutenant governor and the speaker of the house of representatives shall appoint the members of the committee

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SECTION 17. The change in law made by this Act to Section 4, Article 18.20, Code of Criminal Procedure, applies only to an application for an interception order filed on or after the effective date of this Act. An application for an interception order filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 18. The Department of Public Safety shall adopt rules required under Section 411.054(b), Government Code, as added by this Act, not later than December 31, 2015.

SECTION 19. As soon as possible after the effective date of this Act, but not later than September 1, 2015, the appointing officials described by Section 411.432, Government Code, as added by this Act, shall appoint the members of the State Law Enforcement Operations Oversight Committee established under that section. The speaker of the house of representatives shall make the first appointment to chair the committee as provided by that section.

**No equivalent provision.**

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created under this section as soon as possible after the effective date of this Act. [FA1]

SECTION 17. Same as House version.

**No equivalent provision.**

**No equivalent provision.**

SECTION 18. Not later than December 1, 2015, the office of the attorney general shall establish the transnational and organized crime division as required by Section 402.038, Government Code, as added by this Act.

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SECTION 20. The changes in law made by this Act to Sections 20.05 and 71.02, Penal Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 21. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 22. This Act takes effect September 1, 2015.

SENATE VERSION (IE)

SECTION 19. Same as House version.

SECTION 20. Same as House version.

SECTION 21. Same as House version.

CONFERENCE