

BILL ANALYSIS

C.S.H.B. 687
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that effectively prosecuting an individual for the offense of human smuggling can be difficult because state law currently requires that the actor engaged in the conduct that constitutes such an offense with the intent to obtain a pecuniary benefit, which is difficult to prove. Additionally, there are concerns that victims of human smuggling are often unavailable to testify in a criminal prosecution proceeding against an accused defendant because such victims are moved by immigration authorities to different jurisdictions because the local county may not have the adequate resources to accommodate them. Furthermore, criminal organizations that commit and facilitate human smuggling often threaten the lives of victims and their families if victims testify against them. C.S.H.B. 687 seeks to address these concerns by removing as a condition necessary for such conduct that the actor engaged in the conduct with the intent to obtain a pecuniary benefit and by enhancing the penalty for human smuggling under certain circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 687 amends the Penal Code to remove as a condition necessary for conduct to constitute the offense of smuggling of persons that the actor engaged in the conduct with the intent to obtain a pecuniary benefit and enhances the penalty for the offense from a third degree felony to a second degree felony if the offense was committed with such intent or if the actor, another party to the offense, or an individual assisted, guided, or directed by the actor knowingly possessed a firearm during the commission of the offense. The bill increases from a third degree felony to a second degree felony the penalty for a smuggling of persons offense that involves using a motor vehicle, aircraft, watercraft, or other means of conveyance to transport an individual with the intent to flee from a person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor. The bill includes an agent of the U.S. Department of Homeland Security as a special investigator for purposes of the offense of smuggling of persons.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 687 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not contain a provision included in the original expanding the conduct that constitutes the offense of smuggling of persons to include knowingly assisting, guiding, or directing two or more individuals to enter or remain on agricultural land without the effective consent of the owner.