

BILL ANALYSIS

S.B. 576
By: Hinojosa
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised by local authorities, law enforcement agencies, and landowners that conduct currently punishable as a smuggling offense and the penalties prescribed for such an offense are inadequate. Migrants and local communities alike are put in harm's way as smugglers brazenly continue their efforts. S.B. 576 seeks to strengthen smuggling law by revising the conduct constituting a smuggling of persons offense and enhancing the penalty for such an offense 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

S.B. 576 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 expand the conduct that constitutes the offense to include assisting, guiding, or directing two or more individuals to enter or remain on agricultural land without the effective consent of the owner.

S.B. 576 enhances the penalty for the offense from a third degree felony to a second degree felony under the following circumstances:

- the offense was committed with the intent to obtain a pecuniary benefit; or
- 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.