88S40027 JRR-D

By:  Oliverson H.B. No. 54

A BILL TO BE ENTITLED

AN ACT

relating to the procedure following the apprehension of an undocumented individual by the Department of Public Safety for illegal entry into this state from Mexico during certain declared disasters; creating a criminal offense.

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

SECTION 1.  Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.02085 to read as follows:

Sec. 411.02085.  PROCEDURE FOLLOWING APPREHENSION OF UNDOCUMENTED INDIVIDUAL FOR ILLEGAL ENTRY FROM MEXICO DURING CERTAIN DECLARED DISASTERS; OFFENSE. (a) In this section:

(1)  "Affected county" means a county in which the governor has declared a state of disaster under Chapter 418 relating to the mass unauthorized entry of individuals into this state or otherwise relating to border security.

(2)  "Undocumented individual" means an individual who:

(A)  is not a citizen or other national of the United States; and

(B)  is not lawfully authorized to be present in the United States under the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) or other federal law.

(b)  A peace officer of the department who apprehends in an affected county an undocumented individual for crossing the border between this state and Mexico in violation of state or federal law shall:

(1)  collect any identifying information the individual may have;

(2)  transport the individual to a port of entry; and

(3)  order the individual to return to Mexico.

(c)  An undocumented individual commits an offense if the individual:

(1)  crosses the border between this state and Mexico in violation of state or federal law; and

(2)  subsequently refuses to comply with an order to return to Mexico delivered by a peace officer under Subsection (b)(3) in response to the violation described by Subdivision (1).

(d)  An offense under Subsection (c) is a felony of the third degree.

SECTION 2.  This Act takes effect on the 91st day after the last day of the legislative session.