

Amend CSHB 7 (house committee printing) as follows:

- (1) On page 1, line 16, strike "shall" and substitute "may".
- (2) On page 1, line 20, strike "SPECIALTY".
- (3) On page 2, line 14, between "have" and "increased", insert "significantly".
- (4) On page 4, line 1, between "data" and "available", insert "collected for this purpose or otherwise".
- (5) On page 4, line 22, between "annually" and the underlined period, insert ", including caseload data necessary to update the study described by Section 72.2055".

(6) On page 4, line 26, strike "REQUIREMENTS." and substitute "REQUIREMENTS FOR GRANT RECIPIENTS.".

(7) On page 5, between lines 2 and 3, insert the following:
Sec. 72.2055. ANNUAL REPORT BY OFFICE. Annually, the office shall update the study conducted under Section 72.203(b)(1) using caseload data required to be reported under the rules adopted under Section 72.203(c).

(8) Strike ARTICLE 4 of the bill (page 5, line 16, through page 9, line 17) and substitute the following:

ARTICLE 4. FINANCIAL ASSISTANCE FOR INFRASTRUCTURE, FACILITIES,
EQUIPMENT, AND SERVICES IN THE BORDER REGION

SECTION 4.01. Chapter 421, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. USE OF FUNDS FOR BORDER PROTECTION AND PUBLIC SAFETY

Sec. 421.111. DEFINITIONS. In this subchapter:

(1) "Border region" has the meaning assigned by Section 772.0071.

(2) "Local government" means a municipality or county.

(3) "Office" means the Trusteed Programs within the Office of the Governor.

Sec. 421.112. USE OF CERTAIN FUNDS. From money appropriated for that purpose, the office, as authorized by Chapter 418, Government Code, including Subchapter D of that chapter, shall make funds available to state agencies and local governments for the following purposes:

(1) the construction and maintenance of facilities related to prosecuting and adjudicating offenses committed in the

border region, including court facilities, processing facilities, detention facilities for all persons regardless of age or gender, criminal justice centers, and other similar facilities;

(2) the payment of staff salaries and benefits and the payment of operational expenses related to providing law enforcement services;

(3) the purchase or maintenance of equipment related to providing public health and safety services in the border region, including law enforcement services, communication services, and emergency services, to enhance the safety and security of the citizens of this state;

(4) the construction and maintenance of temporary border security infrastructure, including temporary barriers, fences, wires, roads, trenches, surveillance technology, or other improvements, designed or adapted to surveil or impede the movement of persons or objects across the Texas-Mexico border at locations other than ports of entry;

(5) the construction of improvements to an area in the immediate vicinity of a port of entry to enhance vehicle inspection capabilities and assist in the investigation, interdiction, and prosecution of persons smuggling individuals or contraband across the Texas-Mexico border; and

(6) the construction or improvement of roadways and similar transportation facilities in the border region that provide for detailed monitoring of commercial motor vehicles traveling along the roadways and facilities.

Sec. 421.113. FEDERAL FUNDS; GIFTS, GRANTS, AND DONATIONS. In addition to funds appropriated by the legislature and for purposes of this subchapter, the office may:

(1) seek and apply for any available federal funds;
and

(2) solicit and accept gifts, grants, and donations from any other source, public or private.

Sec. 421.114. RULES. The office may adopt rules for the administration of this subchapter.

Sec. 421.115. REPORTING REQUIREMENTS. (a) The recipient of funds for a purpose described by Section 421.112 shall submit to

the office reports on an interval prescribed by the office regarding the use of the funds and any other issue related to the funds as determined by the office.

(b) Funds received by a state agency for a purpose described by Section 421.112 are considered border security funding for purposes of reporting requirements in the General Appropriations Act.

Sec. 421.116. ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the division may use a reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter to pay the costs of administering this subchapter.

SECTION 4.02. As soon as practicable after the effective date of this Act, the office of the governor shall adopt rules as necessary to implement Subchapter G, Chapter 421, Government Code, as added by this Act.

(9) On page 9, line 18, strike "ACCOUNT" and substitute "PROGRAM".

(10) On page 9, line 23, strike "[~~20.05,~~] 20.06," and substitute "[~~20.05, 20.06,~~]"

(11) On page 10, line 1, between "20.05" and ", Penal Code", insert "or 20.06".

(12) On page 10, line 6, strike "account" and substitute "program".

(13) On page 10, lines 6-7, strike "Chapter 421A, Government Code" and substitute "Chapter 56C, Code of Criminal Procedure".

(14) Strike SECTION 5.03 of the bill (page 10, line 8, through page 12, line 6) and substitute the following:

SECTION 5.03. Title 1, Code of Criminal Procedure, is amended by adding Chapter 56C to read as follows:

CHAPTER 56C. BORDER PROPERTY DAMAGE COMPENSATION PROGRAM

Art. 56C.001. DEFINITIONS. In this chapter:

(1) "Border crime" means conduct:

(A) constituting an offense under:

(i) Subchapter D, Chapter 481, Health and Safety Code;

(ii) Section 20.05, 20.06, or 38.04, Penal

Code; or

(iii) Chapter 20A, Penal Code; and

(B) involving transnational criminal activity.

(2) "Border region" has the meaning assigned by Section 772.0071, Government Code.

(3) "Trespasser" has the meaning assigned by Section 75.007, Civil Practice and Remedies Code.

Art. 56C.002. ADMINISTRATION; RULES. (a) The attorney general shall adopt rules to administer this chapter.

(b) Subchapters A and B, Chapter 2001, Government Code, except Sections 2001.004(3) and 2001.005, apply to the attorney general.

(c) The attorney general may delegate to a person in the attorney general's office a power or duty given to the attorney general under this chapter.

Art. 56C.003. BORDER PROPERTY DAMAGE COMPENSATION PROGRAM.

(a) From the funding sources described by Subsection (b), the attorney general shall establish and administer a program to compensate persons residing in the border region who suffer real or personal property damage caused by:

(1) a trespasser as a result of an offense under Chapter 28, Penal Code, that was committed in the course of or in furtherance of a border crime; or

(2) a law enforcement response to a trespasser who was engaged in a border crime.

(b) The attorney general may use money from the following sources to establish the program described by Subsection (a):

(1) money appropriated, credited, or transferred by the legislature for purposes of the program;

(2) revenue that the legislature by statute dedicates for deposit to the credit of the program;

(3) investment earnings and interest earned on money held for purposes of administering the program;

(4) gifts, grants, and donations received by the state for purposes of the program; and

(5) proceeds received under Article 59.06(v), Code of Criminal Procedure.

(c) The attorney general shall establish:

(1) eligibility criteria for compensation under this article, including requirements for providing proof of eligibility for compensation;

(2) application procedures;

(3) criteria for evaluating applications and awarding compensation;

(4) guidelines related to compensation amounts, provided that the maximum amount awarded per incident causing damage may not exceed \$75,000; and

(5) procedures for monitoring the use of compensation awarded under this article and ensuring compliance with any conditions of the award.

(d) The attorney general may not award compensation under this article for property damage caused by a trespasser described by Subsection (a)(1) unless the damage is documented in a written report by a law enforcement agency as having occurred in connection with a border crime.

(e) In awarding compensation under this article for property damage caused by a trespasser described by Subsection (a)(1), the attorney general may not consider the outcome of any criminal prosecution arising out of the offense under Chapter 28, Penal Code, as a result of which the applicant suffered property damage or the applicable offense listed in Article 56C.001(1)(A).

Art. 56C.004. HEARINGS AND PREHEARING CONFERENCES. (a) The attorney general shall determine whether a hearing on an application for compensation under this chapter is necessary.

(b) On determining that a hearing is not necessary, the attorney general may approve the application.

(c) On determining that a hearing is necessary or on request for a hearing by the applicant, the attorney general shall consider the application at a hearing at a time and place of the attorney general's choosing. The attorney general shall notify all interested persons not later than the 10th day before the date of the hearing.

(d) At the hearing the attorney general shall:

(1) review the application for compensation; and

(2) receive other evidence that the attorney general finds necessary or desirable to evaluate the application properly.

(e) The attorney general may appoint hearing officers to conduct hearings or prehearing conferences under this chapter.

(f) A hearing or prehearing conference is open to the public unless the hearing officer or attorney general determines in a particular case that all or part of the hearing or conference should be held in private because a private hearing or conference is in the interest of the applicant.

(g) Subchapters C through H, Chapter 2001, Government Code, do not apply to the attorney general or the attorney general's orders and decisions.

Art. 56C.005. ANNUAL REPORT. Not later than the 100th day after the end of each state fiscal year, the attorney general shall submit to the governor and the legislature a report on the attorney general's activities under this chapter during the preceding fiscal year that includes the following information, disaggregated by each offense listed in Article 56C.001(1)(A):

(1) the number of applications made;

(2) the number of applicants receiving compensation;

and

(3) the amount of compensation awarded.

Art. 56C.006. PAYER OF LAST RESORT. (a) The program established under Article 56C.003 is a payer of last resort for property damage described by that article.

(b) The attorney general may not award compensation to an applicant under Article 56C.003 if the attorney general determines that the applicant:

(1) is eligible for reimbursement from another source, including under an insurance contract or a state, local, or federal program; and

(2) failed to seek reimbursement from the source described by Subdivision (1).

(15) On page 17, line 9, between "of that type" and the underlined period, insert ", excluding direct financial incentives to the company".

(16) On page 17, line 10, strike "To achieve" and substitute

"In addition to funds appropriated, credited, or transferred by the legislature for".

(17) On page 17, strike line 26 and substitute the following:

SECTION 8.01. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.