

## **BILL ANALYSIS**

Senate Research Center  
88R30946 JCG-F

C.S.H.B. 7  
By: Guillen et al. (Birdwell)  
Border Security  
5/18/2023  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The federal governments failure to secure the border has led to a humanitarian crisis at the southern border with residents, businesses, and law enforcement facing significant challenges and dangerous situations everyday. However, the impact of the border crisis has advanced beyond just the border counties and is impacting communities throughout Texas.

Operation Lone Star has shed light on the record number of illegal immigrants and the increased smuggling of humans, drugs, and weapons plaguing our state and nation. Despite the state's constant efforts, which includes the seizure of enough fentanyl to kill every man, woman, and child in America, Texas continues to fight this unprecedented threat at the southern border. Nevertheless, Texas will continue to find new ways to combat the devastation caused by the border crisis.

C.S.H.B. 7 aims to provide the resources the State needs in order to enhance border security operations, provide more tools to law enforcement and prosecutors, and increase the safety of the border region in Texas.

C.S.H.B. 7 amends current law relating to measures to address public safety threats in this state presented by transnational criminal activity, including by establishing a Texas Border Force, and to compensate persons affected by those threats, increases criminal penalties, and creates criminal offenses.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the attorney general in SECTION 5.01 (Article 56C.002, Code of Criminal Procedure) of this bill.

### **SECTION BY SECTION ANALYSIS**

#### **ARTICLE 1. TEXAS BORDER FORCE; DEPARTMENT OF PUBLIC SAFETY BORDER SECURITY FUNCTIONS**

SECTION 1.01. Amends Section 411.0043, Government Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires that the policy requiring the Department of Public Safety of the State of Texas (DPS) to use appropriate technological solutions to improve DPS' ability to perform its functions ensure that:

(1) creates this subdivision from existing text; and

(2) DPS' capability to conduct border security operations and similar functions is not impeded by the use of obsolete or outdated technologies.

(c) Requires DPS to periodically review emerging technologies that are authorized to be deployed for border security operations, including technologies and equipment described by Section 411.0285, to ensure DPS consistently adopts innovative technologies and solutions for those operations.

SECTION 1.02. Amends Chapter 411, Government Code, by adding Subchapter B-2, as follows:

SUBCHAPTER B-2. TEXAS BORDER FORCE

Sec. 411.0281. DEFINITION. Defines "border force."

Sec. 411.0282. TEXAS BORDER FORCE; CHIEF. (a) The Texas Border Force (border force) is established in the Texas Rangers division of DPS.

(b) Provides that the chief of the Texas Rangers is the chief of the border force.

Sec. 411.0283. BORDER OPERATIONS. Authorizes the border force to conduct border security operations along the Texas-Mexico border, including:

- (1) law enforcement operations;
- (2) intelligence gathering, analysis, and dissemination;
- (3) coordination and command of state agencies conducting border security operations;
- (4) surveillance and detection of criminal activity, including improper entry of individuals from foreign nations and the smuggling of individuals and controlled substances, using cameras, unmanned aircraft, and other technologies;
- (5) interdiction of individuals committing criminal activity described by Subdivision (4);
- (6) coordination of local, state, and federal agencies conducting border security operations, including tactical operations such as special response teams, brush teams, and special weapons and tactics teams; and
- (7) training and education programs for the professional development of employees and agency partners carrying out border security operations.

Sec. 411.0284. ASSIGNMENT OF TEXAS MILITARY FORCES SERVICE MEMBERS. (a) Defines "Texas military forces."

(b) Authorizes DPS, at the request of the chief of the border force, to enter into a written agreement with the Texas Military Department (TMD) for the assignment of service members of the Texas military forces to the border force. Authorizes the agreement to provide for reimbursement by DPS for hiring, training, salary, and employee benefit costs incurred by the Texas military forces in connection with service members assigned to the border force.

Sec. 411.0285. PURCHASE AND DEPLOYMENT OF CERTAIN TECHNOLOGY AND EQUIPMENT. (a) Requires DPS, at the request of the chief of the border force, to purchase and deploy technology and equipment to enhance the border force's ability to detect and suppress criminal activity along the Texas-Mexico border, including:

- (1) stacked razor wire barriers;
- (2) buoy barriers; and
- (3) surveillance and detection technology to be deployed at and near each port of entry along the Texas-Mexico border to detect and deter the improper entry of individuals from foreign nations and the smuggling of individuals and controlled substances, such as fentanyl, cocaine, heroin, and methamphetamine.

(b) Authorizes the surveillance and detection technology described by Subsection (a)(3) to be used to inspect passenger and commercial vehicles passing through a port of entry or traveling in any direction within 30 miles of a port of entry.

(c) Requires DPS to employ a sufficient number of commercial vehicle inspectors to inspect vehicles using technology described by Subsection (a)(3).

Sec. 411.0286. **HIRING OFFICERS WITH PREVIOUS BORDER PATROL EXPERIENCE.** Authorizes DPS, notwithstanding any other provision of law, at the time an officer is hired for the border force, to elect to credit up to four years of experience as a Border Patrol Agent of the United States Customs and Border Protection for the purpose of calculating the officer's salary under Schedule C. Provides that all officers are subject to a one-year probationary period under Section 411.007(g) (relating to providing that a noncommissioned employee inducted into the service of DPS is on probation for the first one year of service, and an officer is on probation from the date the officer is inducted into the service of DPS until the anniversary of the date the officer is commissioned) notwithstanding the officer's rank or salary classification.

Sec. 411.0287. **INCREASED STAFFING; CERTAIN TRAINING.** (a) Authorizes the border force to as necessary to conduct border security operations and ensure the safety of the public along the Texas-Mexico border:

(1) recruit, employ, and train officers and other staff; and

(2) contract for additional officers and staff to meet an increased need for border security operations.

(b) Requires the border force to expand programs for training officers to serve as members of a brush team.

Sec. 411.0288. **REPORTS.** Requires the chief of the border force, at least once each calendar quarter and at other times determined necessary by the governor or the chief of the border force, to submit a report to the governor containing information requested by the governor concerning the border force's operations.

Sec. 411.0289. **NO LIMITATION ON BORDER FORCE AUTHORITY BY LOCAL GOVERNMENTS.** Prohibits a political subdivision, including a municipality, county, or special purpose district, from limiting by any means the jurisdiction or authority of the border force.

SECTION 1.03. Amends Chapter 820, Government Code, by adding Subchapter A-1, as follows:

#### SUBCHAPTER A-1. CERTAIN MILITARY SERVICE CREDIT

Sec. 820.021. **CERTAIN MILITARY SERVICE CREDIT WITHOUT PURCHASE.** (a) Authorizes a cash balance group member hired by DPS for the Texas Border Force under Subchapter B-2, Chapter 411, who served active federal duty in the armed forces of the United States and obtains a peace officer license issued under Chapter 1701 (Law Enforcement Officers), Occupations Code, while employed with the border force to establish military service credit not to exceed six months in the retirement system for the purposes described by Subsection (c) by submitting a request to the system in a form and manner prescribed by the system.

(b) Requires the retirement system to grant the military service credit of a member who submits a request as provided by Subsection (a) after the system verifies that the member is a cash balance group member and served the military service required by that subsection.

(c) Authorizes military service credit established under this section to be used only to determine whether the cash balance group member is eligible to retire and receive a cash balance annuity under Chapter 411 (Department of Public Safety of the State of Texas). Provides that the service credit does not affect eligibility for any other purpose, including for purposes of determining eligibility to participate in the group benefits program established under Chapter 1551 (Texas Employees Group Benefits Act), Insurance Code.

SECTION 1.04. Amends Subchapter C, Chapter 2155, Government Code, by adding Section 2155.151, as follows:

Sec. 2155.151. CERTAIN PURCHASES BY DEPARTMENT OF PUBLIC SAFETY.

(a) Provides that DPS is delegated all purchasing functions relating to the purchase of technologies and equipment for use in border security operations, including technology and equipment described by Section 411.0285, to ensure DPS consistently adopts innovative technologies and solutions for those operations.

(b) Requires DPS to acquire goods and services under Subsection (a) by any procurement method that provides the best value to DPS. Requires DPS to consider the best value standards listed in Section 2155.074 (Best Value Standard for Purchase of Goods or Services).

(c) Requires the Comptroller of Public Accounts of the State of Texas (comptroller) or the Department of Information Resources (DIR), as appropriate, at the request of DPS, to procure goods and services described by Subsection (a) for DPS. Authorizes DPS to use the services of the comptroller or DIR in procuring goods and services described by Subsection (a).

SECTION 1.05. (a) Requires DPS, in reviewing emerging technologies under Section 411.0043(c), Government Code, as added by this article, to hold a technology fair at which vendors of emerging technology that is authorized to be used for conducting border security operations demonstrate the capabilities of the products.

(b) Requires that the event required by Subsection (a) of this section be held not later than September 1, 2024.

## ARTICLE 2. IMPROPER ENTRY

SECTION 2.01. Amends Chapter 38, Penal Code, by adding Section 38.20, as follows:

Sec. 38.20. IMPROPER ENTRY FROM FOREIGN NATION. (a) Defines "alien."

(b) Provides that a person who is an alien commits an offense if the person:

(1) enters or attempts to enter this state from a foreign nation at any location other than a lawful point of entry;

(2) eludes examination or inspection by United States immigration officers; or

(3) attempts to enter or obtains entry to this state from a foreign nation by an intentionally false or misleading representation or the intentional concealment of a material fact.

(c) Provides that an offense under this section is a Class A misdemeanor, except that if it is shown on the trial of the offense that the person has previously been finally convicted of certain offenses.

(d) Provides that it is an affirmative defense to prosecution under this section that:

(1) the actor has been granted a federal immigration benefit entitling the actor to:

(A) lawful presence in the United States; or

(B) asylum under 8 U.S.C. Section 1158;

(2) the actor's conduct does not constitute a violation of 8 U.S.C. Section 1325(a); or

(3) the actor was approved for benefits under the federal Deferred Action for Childhood Arrivals program between June 15, 2012, and July 16, 2021.

(e) Provides that the following federal programs, for purposes of Subsection (d)(1), do not confer federal immigration benefits entitling the actor to lawful presence in the United States:

(1) the Deferred Action for Parents of Americans and Lawful Permanent Residents; and

(2) any program not enacted by the United States Congress that is a successor to or materially similar to the program described by Subdivision (1) or Subsection (d)(3).

(f) Prohibits a court from abating the prosecution of an offense under this section on the basis that a federal determination regarding the immigration status of the actor is pending.

(g) Requires a law enforcement officer of DPS who arrests a person for an offense under this section, to the extent feasible, to detain the person in a facility established under Operation Lone Star or a similar border security operation of this state.

### ARTICLE 3. MINIMUM SENTENCES FOR SMUGGLING OFFENSES

SECTION 3.01. Amends Section 20.05(b), Penal Code, as follows:

(b) Provides that an offense under Section 20.05 (Smuggling of Persons) is a felony of the third degree with a term of imprisonment of 10 years, except that the offense is:

(1) a felony of the second degree with a minimum term of imprisonment of 10 years if certain criteria are met; or

(2) a felony of the first degree with a minimum term of imprisonment of 10 years if certain criteria are met.

SECTION 3.02. Amends Sections 20.06(e) and (f), Penal Code, as follows:

(e) Provides that an offense under Section 20.06 (Continuous Smuggling of Persons), except as provided by Subsections (f) and (g) (relating to providing that 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 certain criteria are met), is a felony of the second degree with a minimum term of imprisonment of 10 years.

(f) Provides that an offense under this section is a felony of the first degree with a minimum term of imprisonment of 10 years if certain criteria are met.

SECTION 3.03. Makes application of the changes in law made by this article prospective.

#### ARTICLE 4. FOREIGN TERRORIST ORGANIZATIONS

SECTION 4.01. Amends the heading to Subchapter D, Chapter 125, Civil Practice and Remedies Code, to read as follows:

##### SUBCHAPTER D. MEMBERSHIP IN CRIMINAL STREET GANG OR FOREIGN TERRORIST ORGANIZATION

SECTION 4.02. Amends Sections 125.061(1) and (3), Civil Practice and Remedies Code, to define "foreign terrorist organization" and redefine "gang activity."

SECTION 4.03. Amends Section 125.062, Civil Practice and Remedies Code, as follows:

Sec. 125.062. PUBLIC NUISANCE; COMBINATION. Provides that a combination, criminal street gang, or foreign terrorist organization that continuously or regularly associates in gang activities is a public nuisance.

SECTION 4.04. Amends Section 125.063, Civil Practice and Remedies Code, as follows:

Sec. 125.063. PUBLIC NUISANCE; USE OF PLACE. Provides that the habitual use of a place by a combination, criminal street gang, or foreign terrorist organization for engaging in gang activity is a public nuisance.

SECTION 4.05. Amends Section 125.064(b), Civil Practice and Remedies Code, to authorize any person who habitually associates with others to engage in gang activity as a member of a combination, criminal street gang, or foreign terrorist organization to be made a defendant in the suit.

SECTION 4.06. Amends Section 125.065(a), Civil Practice and Remedies Code, as follows:

(a) Authorizes the court, if the court finds that a combination, criminal street gang, or foreign terrorist organization constitutes a public nuisance, to enter an order:

- (1) enjoining a defendant in the suit from engaging in the gang activities of the combination, criminal street gang, or foreign terrorist organization; and
- (2) imposing other reasonable requirements to prevent the combination, criminal street gang, or foreign terrorist organization from engaging in future gang activities.

SECTION 4.07. Amends Section 125.069, Civil Practice and Remedies Code, as follows:

Sec. 125.069. USE OF PLACE; EVIDENCE. Provides that proof that gang activity by a member of a combination, a criminal street gang, or a foreign terrorist organization is frequently committed at a place or proof that a place is frequently used for engaging in gang activity by a member of a combination, a criminal street gang, or a foreign terrorist organization, in an action brought under Subchapter D (Membership in Criminal Street Gang), is prima facie evidence that the proprietor knowingly permitted the act, unless the act constitutes conspiring to commit gang activity.

SECTION 4.08. Amends Sections 125.070(b), (c), and (e), Civil Practice and Remedies Code, as follows:

(b) Provides that a criminal street gang or foreign terrorist organization or a member of a criminal street gang or foreign terrorist organization is liable to the state or a governmental entity injured by the violation of a temporary or permanent injunctive order under this subchapter.

(c) Requires the plaintiff, in an action brought against a member of a criminal street gang or a member of a foreign terrorist organization, to show that the member violated the temporary or permanent injunctive order.

(e) Authorizes the property of the criminal street gang or foreign terrorist organization or a member of the criminal street gang or foreign terrorist organization to be seized in execution on a judgment under Section 125.070 (Civil Action for Violation of Injunction). Prohibits property from being seized under this subsection if the owner or interest holder of the property proves by a preponderance of the evidence that the owner or interest holder was not a member of the criminal street gang or foreign terrorist organization and did not violate the temporary or permanent injunctive order. Requires the owner or interest holder of property that is in the possession of a criminal street gang or foreign terrorist organization or a member of the criminal street gang or foreign terrorist organization and that is subject to execution under this subsection to show that the property:

(1) was stolen from the owner or interest holder; or

(2) was used or intended to be used without the effective consent of the owner or interest holder by the criminal street gang or foreign terrorist organization or a member of the criminal street gang or foreign terrorist organization.

SECTION 4.09. Amends Article 67.001, Code of Criminal Procedure, by adding Subdivision (8-a) and amending Subdivision (9) to define "foreign terrorist organization" and redefine "intelligence database."

SECTION 4.10. Amends Articles 67.051(a) and (b), Code of Criminal Procedure, as follows:

(a) Requires a criminal justice agency or juvenile justice agency, subject to Subsection (b), to compile criminal information into an intelligence database for the purpose of investigating or prosecuting the criminal activities of combinations, criminal street gangs, or foreign terrorist organizations.

(b) Requires a law enforcement agency in a municipality with a population of 50,000 or more or in a county with a population of 100,000 or more to compile and maintain in a local or regional intelligence database criminal information relating to a criminal street gang or a foreign terrorist organization as provided by Subsection (a).

SECTION 4.11. Amends Article 67.054(b), Code of Criminal Procedure, as follows:

(b) Requires that criminal information collected under Chapter 67 (Compilation of Information Pertaining to Combinations and Criminal Street Gangs) relating to a criminal street gang or foreign terrorist organization:

(1) makes no changes to this subdivision;

(2) consist of;

consist of:

(A) a judgment under any law that includes, as a finding or as an element of a criminal offense, participation in a criminal street gang or foreign terrorist organization;

(B) a self-admission by an individual of membership in a criminal street gang or foreign terrorist organization, rather than criminal street gang membership, that is made during a judicial proceeding; or

(C) makes conforming changes to this paragraph.

SECTION 4.12. Amends Articles 67.102(a) and (d), Code of Criminal Procedure, as follows:

(a) Authorizes criminal information relating to a child associated with a combination, criminal street gang, or foreign terrorist organization, notwithstanding Chapter 58 (Records; Juvenile Justice Information System), Family Code, to be compiled and released under this chapter regardless of the age of the child.

(d) Makes a conforming change to this subsection.

SECTION 4.13. Amends Article 67.251, Code of Criminal Procedure, as follows:

Art. 67.251. ESTABLISHMENT OF GANG RESOURCE SYSTEM. Requires the Office of the Attorney General (OAG) to establish an electronic gang resource system to provide criminal justice agencies and juvenile justice agencies with information about criminal street gangs and foreign terrorist organizations in this state.

SECTION 4.14. Articles 67.252(a) and (b), Code of Criminal Procedure, as follows:

(a) Authorizes the gang resource system established under Article 67.251 (Establishment of Gang Resource System) to include certain information with regard to any gang or foreign terrorist organization, including gang or organization name, and gang or organization identifiers, such as colors used, tattoos, and clothing preferences.

(b) Makes a conforming change to this subsection.

SECTION 4.15. Amends Article 67.254(a), Code of Criminal Procedure, to make a conforming change.

SECTION 4.16. Amends Article 67.255, Code of Criminal Procedure, as follows:

Art. 67.255. USE OF INFORMATION. Authorizes information in the gang resource system to be used in investigating crimes relating to a criminal street gang or foreign terrorist organization, rather than gang-related crimes.

SECTION 4.17. Amends Section 71.01, Penal Code, by adding Subsection (e) to define "foreign terrorist organization."

SECTION 4.18. Amends Section 71.02(a), Penal Code, as follows:

(a) Provides that 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 or foreign terrorist organization, the person commits or conspires to commit one or more of the following:

(1)-(4) makes no changes to these subdivisions;

(5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug:

(A) creates this paragraph from existing text; or

(B) with the intent to deliver the controlled substance or dangerous drug;

(5-a)-(16) makes no changes to these subdivisions;

(17) any offense under certain sections, including Section 20.07 (Operation of Stash House); or

(18)-(19) makes no changes to these subdivisions.



SECTION 4.19. Amends the heading to Section 71.022, Penal Code, to read as follows:

Sec. 71.022. COERCING, INDUCING, OR SOLICITING MEMBERSHIP IN A CRIMINAL STREET GANG OR FOREIGN TERRORIST ORGANIZATION.

SECTION 4.20. Amends Sections 71.022(a) and (a-1), Penal Code, as follows:

(a) Provides that a person commits an offense if the person knowingly causes, enables, encourages, recruits, or solicits another person to become a member of a criminal street gang or foreign terrorist organization which, as a condition of initiation, admission, membership, or continued membership, requires the commission of any conduct which constitutes an offense punishable as a Class A misdemeanor or a felony.

(a-1) Provides that a person commits an offense if, with intent to coerce, induce, or solicit a child to actively participate in the activities of a criminal street gang or foreign terrorist organization, the person commits certain actions.

SECTION 4.21. Amends Section 71.023, Penal Code, as follows:

Sec. 71.023. New heading: DIRECTING ACTIVITIES OF CRIMINAL STREET GANGS OR FOREIGN TERRORIST ORGANIZATIONS. (a) Provides that a person commits an offense if the person, as part of the identifiable leadership of a criminal street gang or foreign terrorist organization, knowingly finances, directs, or supervises the commission of, or a conspiracy to commit, certain offenses by members of a criminal street gang or foreign terrorist organization.

SECTION 4.22. Makes application of Chapter 125, Civil Practice and Remedies Code, as amended by this article, prospective.

SECTION 4.23. Makes application of Chapter 71, Penal Code, as amended by this article, prospective.

#### ARTICLE 5. LANDOWNER COMPENSATION FOR PROPERTY DAMAGE CAUSED BY CERTAIN CRIMINAL ACTIVITIES

SECTION 5.01. Amends Title 1, Code of Criminal Procedure, by adding Chapter 56C, as follows:

#### CHAPTER 56C. LANDOWNER COMPENSATION FOR PROPERTY DAMAGE CAUSED BY CERTAIN CRIMINAL ACTIVITIES

Art. 56C.001. DEFINITIONS. Defines "agricultural land," "border crime," and "trespasser."

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

(b) Provides that Subchapters A (General Provisions) and B (Rulemaking), Chapter 2001, Government Code, except Sections 2001.004(3) (relating to requiring a state agency to index, cross-index to statute, and make available for public inspection all final orders, decisions, and opinions) and 2001.005 (Rule, Order, or Decision Not Effective Until Indexed), apply to the attorney general.

(c) Authorizes the attorney general to delegate to a person in OAG a power or duty given to the attorney general under this chapter.

Art. 56C.003. LANDOWNER COMPENSATION PROGRAM. (a) Requires the attorney general, from money appropriated for the purpose, to establish and administer a

program to compensate landowners who suffer real property damage on agricultural land caused by:

(1) a trespasser as a result of an offense under Chapter 28 (Arson, Criminal Mischief, and Other Property Damage or Destruction), 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) Requires the attorney general to 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 is prohibited from exceeding \$75,000; and

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

(c) Prohibits the attorney general from awarding compensation under this article for real 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.

(d) Prohibits the attorney general, in awarding compensation under this article for real property damage caused by a trespasser described by Subsection (a)(1), from considering 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(2)(A).

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

(b) Authorizes the attorney general, on determining that a hearing is not necessary, to approve the application.

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

(d) Requires the attorney general, at the hearing, to:

(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) Authorizes the attorney general to appoint hearing officers to conduct hearings or prehearing conferences under this chapter.

(f) Provides that 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) Provides that Subchapters C (Contested Cases: General Rights and Procedures) through H (Court Enforcement), Chapter 2001, Government Code, do not apply to the attorney general or the attorney general's orders and decisions.

Art. 56C.005. ANNUAL REPORT. Requires the attorney general, not later than the 100th day after the end of each state fiscal year, to 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(2)(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) Provides that the program established under Article 56C.003 is a payer of last resort for real property damage described by that article.

(b) Prohibits the attorney general from awarding 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).

Art. 56C.007. EXPIRATION OF CHAPTER. Provides that this chapter expires on the second anniversary of the date that all money appropriated for the program established under this chapter has been expended.

## ARTICLE 6. INTERAGENCY WORK GROUP ON BORDER ISSUES

SECTION 6.01. Amends Sections 772.011(a) and (b), Government Code, as follows:

(a) Provides that an interagency work group is created to:

- (1) makes no changes to this subdivision;
- (2)-(3) makes nonsubstantive changes to these subdivisions;
- (4) identify and anticipate challenges and threats to agencies' operations along the Texas-Mexico border;
- (5) develop solutions to overcome the challenges and threats described by Subdivision (4); and
- (6) identify strategic opportunities agencies are authorized to use to enhance the capabilities and effectiveness of their roles in this state's operations along the Texas-Mexico border.

(b) Provides that the work group is composed of:

- (1) the chair of the standing substantive committee of the senate with primary jurisdiction over border security, or the chair's designee;
- (2) the chair of the standing substantive committee of the house of representatives with primary jurisdiction over border security, or the chair's designee; and
- (3) the heads of certain agencies or their designees, including the Texas Division of Emergency Management, the Texas Alcoholic Beverage Commission, and TMD. Makes nonsubstantive changes.

**ARTICLE 7. FINANCIAL ASSISTANCE FOR INFRASTRUCTURE, FACILITIES,  
EQUIPMENT, AND SERVICES IN THE BORDER REGION**

SECTION 7.01. Amends Chapter 421, Government Code, by adding Subchapter G, as follows:

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

Sec. 421.111. **DEFINITIONS.** Defines "border region," "local government," and "office."

Sec. 421.112. **USE OF CERTAIN FUNDS.** Requires the Office of the Governor (office), from money appropriated for that purpose, as authorized by Chapter 418 (Emergency Management), Government Code, including Subchapter D (Finance) of that chapter, to 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, criminal justice centers, and other similar facilities;
- (2) 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
- (3) 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.

**ARTICLE 8. BORDER PROTECTION AGREEMENTS**

SECTION 8.01. Amends Title 7, Government Code, by adding Chapter 794, as follows:

**CHAPTER 794. BORDER PROTECTION AGREEMENTS WITH UNITED MEXICAN  
STATES**

Sec. 794.001. **AUTHORITY FOR AGREEMENTS.** Requires the governor, on behalf of this state, to coordinate, develop, and execute agreements with the United Mexican States and the states of the United Mexican States regarding the authority of this state to protect and defend its citizens.

**ARTICLE 9. SEVERABILITY; EFFECTIVE DATE**

SECTION 9.01. Severability clause.

SECTION 9.02. Effective date: September 1, 2023.