

BILL ANALYSIS

H.B. 800
By: Guillen
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the punishment for offenses such as smuggling of persons, operating a stash house, or evading an arrest or detention are too low. As such, offenders are likely and have continued to reengage in this same criminal conduct. H.B. 800 seeks to deter such criminal activities and their harmful effects on vulnerable populations and Texas citizens by increasing criminal penalties and establishing 10-year mandatory minimums for certain criminal conduct involving the smuggling of persons, the operation of a stash house, or evading an arrest or detention.

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

H.B. 800 amends the Penal Code to revise the punishments for certain criminal conduct involving the smuggling of persons, the operation of a stash house, or evading an arrest or detention.

H.B. 800 establishes a 10-year mandatory minimum term of imprisonment for the following offenses:

- the third degree felony, second degree felony, and first degree felony offenses for smuggling of persons; and
- the second degree and first degree felony offenses for continuous smuggling of persons.

The bill includes the offenses of smuggling of persons, continuous smuggling of persons, and operation of a stash house among the offenses for which the punishment is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that the offense was committed in an area that was, at the time of the offense, subject to a disaster declaration or an emergency evacuation order. The bill establishes a 10-year mandatory minimum term of imprisonment for the operation of a stash house if the penalty is so increased.

H.B. 800 enhances the penalty for the following offenses to a third degree felony if it is shown on the trial of the applicable offense that the actor committed the offense in the course of committing an offense of smuggling of persons by encouraging or inducing a person to enter or remain in the United States in violation of federal law by concealing, harboring, or shielding that person from detection:

- assault;

- burglary committed on the premises of a building other than a habitation;
- burglary of vehicles;
- criminal trespass; and
- evading arrest or detention.

H.B. 800 increases the penalty for the offense of operation of a stash house from a Class A misdemeanor to a third degree felony with a five-year mandatory minimum term of imprisonment. The bill further enhances the penalty for that offense to a second degree felony with a five-year mandatory minimum term of imprisonment under any of the following conditions:

- the offense is committed by a person who uses or permits another to use any real estate, building, room, tent, vehicle, boat, or other property owned by the person or under the person's control to commit an offense or to facilitate the commission of an offense of continuous smuggling of persons, continuous trafficking of persons, or compelling prostitution; or
- it is shown on the trial of the offense that as a direct result of the commission of the offense an individual became a victim of sexual assault or aggravated sexual assault or suffered serious bodily injury or death.

H.B. 800 enhances the punishment for the offenses of arson, criminal mischief, reckless damage or destruction of property, interference with railroad property, and graffiti to a third degree felony if it is shown on the trial of the offense that the actor committed the offense:

- in the course of committing an offense of smuggling of persons by encouraging or inducing a person to enter or remain in the United States in violation of federal law by concealing, harboring, or shielding that person from detection; or
- in the course of or for the purpose of engaging in conduct constituting an offense of evading arrest or detention.

H.B. 800 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.