

BILL ANALYSIS

Senate Research Center
88R13750 JRR-D

C.S.S.B. 600
By: Birdwell
Border Security
3/30/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, individuals found guilty of human smuggling may face as little as two years of imprisonment. Human smugglers often target and exploit illegal immigrants along the smuggling journey and subject them to dangerous situations that have resulted in hundreds of deaths. Texas reached a record number of illegal immigrant apprehensions in fiscal year 2022, with over one million apprehensions in Texas Sectors. This massive movement of over one million illegal immigrants at the Texas-Mexico border was carried out by human smuggling organizations and the Mexican cartels, who control, facilitate, or benefit from human smuggling activity along the Texas-Mexico border. As a result of their domination of the U.S. drug and smuggling markets, it is estimated that Mexican cartels are earning nearly \$13 billion a year by smuggling migrants across the Texas-Mexico border. Texas must continue its efforts to secure the southern border and implement new policies to protect our state.

S.B. 600 amends current law to increase the minimum term of imprisonment from two to five years for the criminal offenses of smuggling of persons and continuous smuggling of persons. Human smuggling has continuously increased in recent years as the border crisis has worsened. Increasing the minimum term of imprisonment is one solution to deter and curb the number of human smuggling operations.

The committee substitute increases the minimum term of imprisonment from two to ten years instead of two to five years for the criminal offenses of smuggling of persons and continuous smuggling of persons.

C.S.S.B. 600 amends current law relating to increasing the minimum term of imprisonment for certain criminal offenses involving the smuggling of persons.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. 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 minimum 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 2. Amends Sections 20.06(e) and (f), Penal Code, as follows:

(e) Provides that an offense under Section 20.06 (Continuous Smuggling of Persons) is a felony of the second degree with a minimum term of imprisonment of 10 years, 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).

(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. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.