

## **BILL ANALYSIS**

Senate Research Center  
88R7337 CJD-F

S.B. 1266  
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As Filed

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

The United States-Mexico border has long been a site of significant criminal activity, including drug smuggling, theft, and other crimes. With the rise of illegal border crossings in recent years, this trend has only intensified. The influx of illegal immigrants attempting to enter the United States has created a thriving black market economy that is often fueled by organized criminal groups. These criminal networks engage in a range of illegal activities, from trafficking drugs and weapons to committing acts of violence and theft. In many cases, these crimes occur in border towns and communities, where local law enforcement agencies are often overwhelmed and under-resourced. This crisis has led many border counties to declare a disaster due to their overburdened resources and the danger posed to their citizens.

S.B. 1266 applies to offense committed in a disaster area as declared by the federal, state, or local government.

S.B. 1266 expands the list of offenses that may be enhanced if the offense is committed within a disaster area under Texas Penal Code Section 12.50.

S.B. 1266 adds smuggling of persons and operation of a stash house to the list of offenses that have a penalty increase if committed within a disaster area.

All punishments are enhanced to the next higher category of offense, unless the offense is already punishable as a first degree felony.

As proposed, S.B. 1266 amends current law relating to increasing the criminal penalty for certain offenses committed in a disaster area or an evacuated area.

### **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 Sections 12.50(b) and (c), Penal Code, as follows:

(b) Provides that the increase in punishment authorized by Section 12.50 (Penalty if Offense Committed in Disaster Area or Evacuated Area) applies only to an offense under:

(1) Section 20.05 (Smuggling of Persons);

(2) Section 20.06 (Continuous Smuggling of Persons);

(3) Section 20.07 (Operation of Stash House);

(4)-(11) redesignates existing Subdivisions (2)-(8) as Subdivisions (5)-(11). Makes no further changes to these subdivisions.

(c) Provides that the minimum term of confinement for the offense is increased to 180 days if an offense listed under Subsection (b), rather than (b)(1) (relating to authorizing an increase in punishment under this section for an offense committed under Section 22.01 (Assault)), (5) (relating to authorizing an increase in punishment under this section for an offense committed under Section 30.03 (Burglary of Coin-Operated or Coin Collection Machine)), (6) (relating to authorizing an increase in punishment under this section for an offense committed under Section 30.04 (Burglary of Vehicles)), (7) (relating to authorizing an increase in punishment under this section for an offense committed under Section 30.05 (Criminal Trespass)), or (8) (relating to authorizing an increase in punishment under this section for an offense committed under Section 31.03 (Theft)), is punishable as a Class A misdemeanor. Prohibits the punishment for an offense from being increased under this section if an offense listed under Subsection (b), rather than (b)(2) (relating to authorizing an increase in punishment under this section for an offense committed under Section 28.02 (Arson)), (4) (relating to authorizing an increase in punishment under this section for an offense committed under Section (Burglary)), or (8), is punishable as a felony of the first degree.

SECTION 2. Makes change in law made by this Act prospective.

SECTION 3. Effective date: September 1, 2023.