

BILL ANALYSIS

S.B. 1900
By: Birdwell
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In September 2022, Governor Abbott issued an executive order designating Mexican cartels as terrorist organizations due to their contribution in increased smuggling of humans and trafficking of illegal narcotics. S.B. 1900 seeks to build on the Governor's executive order to combat this activity by providing for the designation of drug cartels and other similar groups as "foreign terrorist organizations" under state law and including these organizations in the scope of certain provisions, including those regarding criminal offenses related to organized crime. This designation will allow law enforcement and prosecutors to pursue higher penalties for criminal activity associated with a foreign terrorist organization. The bill adds that among the existing offenses, intent to deliver a controlled substance or dangerous drug or operating a stash house can qualify as engaging in criminal activity. The bill also expands law enforcement resources by adding foreign terrorist organizations to current intelligence databases and allows local entities to seek public nuisance claims against foreign terrorist organizations who are operating in their communities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

S.B. 1900 amends the Civil Practice and Remedies Code, Code of Criminal Procedure, and Penal Code to provide for the designation of three or more persons operating as an organization at least partially outside the United States who engage in criminal activity and threaten the security of the state or Texas residents, including but not limited to a drug cartel, as a "foreign terrorist organization" and to establish provisions relating to these organizations, including the compilation of information regarding, certain civil actions brought against, and the prosecution of certain organized crime offenses involving a foreign terrorist organization.

S.B. 1900 amends the Civil Practice and Remedies Code to make provisions relating to common and public nuisances applicable to foreign terrorist organizations on the same basis as those provisions apply to criminal street gangs. This change applies only to an action commenced on or after the bill's effective date.

S.B. 1900 amends the Code of Criminal Procedure to expand the scope of the provisions providing for the creation of intelligence databases at the state and local level regarding combinations and criminal street gangs, including the Department of Public Safety's TxGANG

database, to make those databases inclusive also of information pertaining to foreign terrorist databases for use in prosecuting these organizations' criminal activities. The bill also makes provisions pertaining to the attorney general's electronic gang resource system applicable with respect to foreign terrorist organizations so as to provide criminal and juvenile justice agencies with information about these organizations in Texas.

S.B. 1900 amends the Penal Code to make the offenses of coercing, inducing, or soliciting membership in a criminal street gang and directing the activities of criminal street gangs applicable also with respect to foreign terrorist organizations. With respect to the offense of engaging in organized criminal activity, the bill does the following:

- expands the conduct that constitutes the offense to include a person, with the requisite intent established by law, operating a stash house or unlawfully manufacturing, delivering, dispensing, or distributing a controlled substance or dangerous drug, or unlawfully possessing a controlled substance or dangerous drug, with the intent to deliver the substance or drug; and
- includes establishing, maintaining, or participating as a member of a foreign terrorist organization among the affiliations that trigger qualifying criminal conduct being classified as engaging in organized criminal conduct.

These provisions apply 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.