

BILL ANALYSIS

Senate Research Center

S.B. 2424
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Border Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Throughout the interim hearings for the Senate Committee on Border Security, landowners, residents, and businesses from border regions testified that they no longer feel safe on their land and they have witnessed firsthand the devastation and destruction as a result of federal abdication of border security. The impact of the border crisis has advanced beyond the border counties and is impacting communities throughout Texas.

Texas reached a record number of illegal immigrant apprehensions in fiscal year 2022, with over 1 million apprehensions in Texas Sectors. As a result of the federal government's unwillingness to enforce federal immigration laws and secure our southern border, the State of Texas has stepped up and devoted time and resources to combat the unprecedented border crisis that the state is facing.

S.B. 2424 continues this effort by creating a new state crime for illegally entering the State of Texas from a foreign nation. S.B. 2424 authorizes state law enforcement to arrest and prosecute individuals who illegally cross the border anywhere in the state. Punishment for an offense under this section can range from a misdemeanor offense risking one year in jail for first-time offenders and up to life in prison for felons convicted of the most serious crimes with multiple illegal entries.

As proposed, S.B. 2424 amends current law relating to creation of the criminal offense of improper entry from foreign nation.

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 Chapter 38, Penal Code, by adding Section 38.20, as follows:

Sec. 38.20. IMPROPER ENTRY FROM FOREIGN NATION. (a) Provides that a person who is not a citizen or national of the United State commits an offense if the person:

- (1) enters or attempts to enter this state from a foreign nation at any time or place other than as designated by United States immigration officers;
- (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.

(b) 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:

(1) an offense under this section, the offense is a state jail felony;

(2) a state jail felony described by Subdivision (1) or any other felony not listed in Article 42A.054(a) (relating to providing that Article 42A.053 (Judge-Ordered Community Supervision) does not apply to a defendant adjudged guilty of certain offenses), Code of Criminal Procedure, the offense is a felony of the second degree; or

(3) a felony listed in Article 42A.054(a), Code of Criminal Procedure, the offense is a felony of the first degree.

SECTION 2. Effective date: upon passage or September 1, 2023.