88R25151 JCG-F

By:  Guillen, et al. H.B. No. 7

Substitute the following for H.B. No. 7:

By:  Slawson C.S.H.B. No. 7

A BILL TO BE ENTITLED

AN ACT

relating to services and programs in the southern border region of this state to address the effects of ongoing criminal activity and public health threats in that region.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. LEGISLATIVE FINDING

SECTION 1.01.  The legislature, acting with the governor, has the solemn duty to protect and defend the citizens of this state and maintain sovereignty over this state's borders.

ARTICLE 2. BORDER PROTECTION AGREEMENTS

SECTION 2.01.  Title 7, Government Code, is amended by adding Chapter 794 to read as follows:

CHAPTER 794. BORDER PROTECTION AGREEMENTS WITH UNITED MEXICAN STATES

Sec. 794.001.  AUTHORITY FOR AGREEMENTS. On behalf of this state, the governor shall coordinate, develop, and execute agreements with the United Mexican States and the states of the United Mexican States regarding the authority of this state to protect and defend its citizens.

ARTICLE 3. BORDER REGION SPECIALTY COURT PROGRAM

SECTION 3.01.  Chapter 72, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. BORDER PROTECTION COURT GRANT PROGRAM

Sec. 72.201.  DEFINITIONS. In this subchapter:

(1)  "Border-related offense" means an offense:

(A)  associated with or involving:

(i)  a person unlawfully entering or attempting to enter this state by crossing the Texas-Mexico border at any place other than at a port of entry;

(ii)  the smuggling of individuals or contraband across the Texas-Mexico border; or

(iii)  an operative of a transnational cartel;

(B)  similar to an offense described by Paragraph (A) that the office by rule defines as a border-related offense for purposes of this subchapter; or

(C)  for which the office has determined prosecutions have increased as a result of Operation Lone Star.

(2)  "Border region" has the meaning assigned by Section 772.0071.

Sec. 72.202.  GRANT PROGRAM. (a) From money appropriated for that purpose, the office shall establish and administer a grant program to support the operation of courts in the border region with the adjudication of border-related offenses.

(b)  In addition to other funds appropriated by the legislature and for purposes of administering and funding the grant program, the office may:

(1)  seek and apply for any available federal funds; and

(2)  solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure resources are available to achieve the purpose described by Subsection (a).

(c)  The grants awarded under this subchapter may be used for the reimbursement of costs associated with the operation of a court, including the:

(1)  salary of a visiting judge appointed under Chapter 74;

(2)  salary and benefits of an associate judge, court coordinator, court administrator, court reporter, and court interpreter;

(3)  salary and benefits of district and county clerk staff;

(4)  travel costs and other expenses incurred by court personnel and judges in the performance of their duties;

(5)  cost of equipment necessary for personnel dedicated to the processing and adjudicating of border-related offenses; or

(6)  fees and related expenses for the appointment of counsel to represent an indigent defendant under Chapter 26, Code of Criminal Procedure, or the costs to operate a public defender's office or managed assigned counsel program under that chapter, as those fees and expenses relate to the adjudication of border-related offenses.

Sec. 72.203.  RULES. (a) The office shall adopt rules for the administration and operation of the grant program established under this subchapter.

(b)  In adopting the rules, the office shall:

(1)  conduct a study of the data available on crime, arrests, detentions, and convictions to identify offenses for which prosecutions have increased as a result of Operation Lone Star; and

(2)  solicit from governmental officials, community leaders, and other interested persons in the border region information necessary to identify the courts of the region needing financial assistance.

(c)  The rules must include:

(1)  administrative provisions for grants awarded under this subchapter, including:

(A)  eligibility criteria for grant applicants, including criteria to limit eligibility to those applicants experiencing an increase in caseloads;

(B)  grant application procedures;

(C)  guidelines relating to grant amounts;

(D)  procedures for evaluating grant applications; and

(E)  procedures for monitoring the use of grants;

(2)  methods for tracking the effectiveness of grants and the efficiency of the applicants receiving grants; and

(3)  procedures for reporting caseload data at least annually.

Sec. 72.204.  GRANT AMOUNTS. The amount of a grant awarded under this section may not exceed the amount set by the General Appropriations Act.

Sec. 72.205.  REPORTING REQUIREMENTS. The recipient of a grant awarded under this subchapter shall submit to the office an annual report on the grant money spent during the year covered by the report and the purposes for which that money was spent.

Sec. 72.206.  ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the office may use a reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter to pay the costs of administering the grant program.

SECTION 3.02.  As soon as practicable after the effective date of this Act, the Office of Court Administration of the Texas Judicial System shall with respect to Subchapter H, Chapter 72, Government Code, as added by this Act:

(1)  adopt rules as necessary to implement the subchapter; and

(2)  establish the grant program required by the subchapter.

ARTICLE 4. FINANCIAL ASSISTANCE FOR INFRASTRUCTURE, FACILITIES, EQUIPMENT, AND SERVICES IN THE BORDER REGION

SECTION 4.01.  Chapter 421, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. GRANT PROGRAMS FOR INFRASTRUCTURE, FACILITIES, EQUIPMENT, AND SERVICES IN THE BORDER REGION

Sec. 421.111.  DEFINITIONS. In this subchapter:

(1)  "Border region" has the meaning assigned by Section 772.0071.

(2)  "Division" means the criminal justice division established under Section 772.006.

(3)  "Local government" means a municipality, county, special purpose district, or other political subdivision of this state.

Sec. 421.112.  GRANTS PROGRAMS. From money appropriated for that purpose, the division shall establish and administer:

(1)  the Border Protection Equipment and Infrastructure Fund to award grants to state agencies and local governments located or operating in the border region for the construction and maintenance of temporary border security infrastructure, including temporary barriers, fences, wires, roads, trenches, surveillance technology, or other improvements, designed or adapted to surveil or impede the movement of persons or objects across the Texas-Mexico border at locations other than ports of entry and for the purchase or maintenance of equipment related to providing public health and safety services in the border region, including law enforcement services, communication services, and emergency services, to enhance the safety and security of the citizens of this state;

(2)  the Border Protection Criminal Justice Facilities Fund to award grants to state agencies, local governments, or private entities located or operating in the border region for the construction and maintenance of facilities related to prosecuting and adjudicating offenses committed in the border region, including court facilities, processing facilities, detention facilities, criminal justice centers, and other similar facilities;

(3)  the Border Protection Public Safety Personnel Fund to award grants to state agencies or local governments located or operating in the border region for the payment of staff salaries and benefits and the payment of operational expenses related to providing law enforcement services; and

(4)  the Border Protection Secure Trade Fund to award grants to state agencies, local governments, entities operating ports of entry, or private entities located or operating in the border region for the construction of improvements to an area in the immediate vicinity of a port of entry to enhance vehicle inspection capabilities and assist in the investigation, interdiction, and prosecution of persons smuggling individuals or contraband across the Texas-Mexico border and for the construction or improvement of roadways and similar transportation facilities that provide for detailed monitoring of commercial motor vehicles traveling along the roadways and facilities in the border region.

Sec. 421.113.  FEDERAL FUNDS; GIFTS, GRANTS, AND DONATIONS. In addition to other funds appropriated by the legislature and for purposes of administering and funding the grant programs established under Section 421.112, the division may:

(1)  seek and apply for any available federal funds; and

(2)  solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure effective implementation of the programs.

Sec. 421.114.  RULES. (a) The governor shall adopt rules for the administration of this subchapter.

(b)  In adopting the rules, the governor shall solicit from public officials and community leaders in the border region and any other interested stakeholders information necessary to identify the greatest needs for financial assistance in that region.

(c)  In adopting rules that relate to the grant program established under Section 421.112(4), the governor shall consult federal agencies, state agencies, local governments, and private entities with particular knowledge and expertise on the:

(1)  investigation, interdiction, and prosecution of persons smuggling individuals and contraband over the Texas-Mexico border; and

(2)  construction or improvement of roadways and similar transportation facilities that provide for detailed monitoring of commercial motor vehicles traveling along the roadways and facilities.

(d)  The rules must include:

(1)  administrative provisions for grants awarded under this subchapter, including:

(A)  eligibility criteria for grant applicants;

(B)  grant application procedures;

(C)  guidelines relating to grant amounts;

(D)  procedures for evaluating grant applications; and

(E)  procedures for monitoring the use of grants;

(2)  methods for tracking the effectiveness of grants; and

(3)  provisions for donations to the grant program established under Section 421.112(1).

Sec. 421.115.  GRANT AMOUNTS. The amount of a grant awarded under this subchapter may not exceed the amount set by the General Appropriations Act.

Sec. 421.116.  REPORTING REQUIREMENTS. The recipient of a grant awarded under this subchapter shall submit to the division an annual report on the grant money spent during the year covered by the report and the purposes for which that money was spent.

Sec. 421.117.  ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the division may use a reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter to pay the costs of administering this subchapter.

SECTION 4.02.  As soon as practicable after the effective date of this Act, the office of the governor shall with respect to Subchapter G, Chapter 421, Government Code, as added by this Act:

(1)  adopt rules as necessary to implement the subchapter; and

(2)  establish the grant programs required by the subchapter.

ARTICLE 5. BORDER PROTECTION PROPERTY DAMAGE ACCOUNT

SECTION 5.01.  Article 59.06(t)(1), Code of Criminal Procedure, is amended to read as follows:

(t)(1)  This subsection applies only to contraband for which forfeiture is authorized with respect to an offense under Section [~~20.05,~~] 20.06, 20.07, 43.04, or 43.05 or Chapter 20A, Penal Code.

SECTION 5.02.  Article 59.06, Code of Criminal Procedure, is amended by adding Subsection (v) to read as follows:

(v)  Notwithstanding any other provision of this article, with respect to forfeited property seized in connection with an offense under Section 20.05, Penal Code, in a proceeding under Article 59.05 in which judgment is rendered in favor of the state, the attorney representing the state shall transfer the proceeds from the sale of the forfeited property under Subsection (a) to the comptroller for deposit to the credit of the border property damage compensation account established under Chapter 421A, Government Code.

SECTION 5.03.  Subtitle B, Title 4, Government Code, is amended by adding Chapter 421A to read as follows:

CHAPTER 421A. BORDER PROPERTY DAMAGE COMPENSATION ACCOUNT

Sec. 421A.001.  DEFINITIONS. In this chapter:

(1)  "Account" means the border property damage compensation account established under this chapter.

(2)  "Border region" has the meaning assigned by Section 772.0071.

(3)  "Division" means the criminal justice division established under Section 772.006.

Sec. 421A.002.  LEGISLATIVE FINDING. The legislature finds that a person in the border region who incurs actual damages to the person's real or personal property is a victim of crime for purposes of Section 31, Article I, Texas Constitution, if the damage is caused by:

(1)  a person who entered or attempted to enter this state by crossing the Texas-Mexico border at a place other than at a port of entry;

(2)  a person who assisted a person described by Subdivision (1); or

(3)  a law enforcement action taken to repel, arrest, or detain a person described by Subdivision (1) or (2).

Sec. 421A.003.  ACCOUNT ESTABLISHED. (a) The border property damage compensation account is:

(1)  created within the compensation to victims of crime fund; and

(2)  administered by the division under rules adopted by the governor for the purposes authorized by this chapter.

(b)  The account consists of:

(1)  money appropriated, credited, or transferred to the account by the legislature;

(2)  revenue that the legislature by statute dedicates for deposit to the credit of the account;

(3)  investment earnings and interest earned on money in the account;

(4)  gifts, grants, and donations received by the state for the purpose of the account; and

(5)  proceeds received under Article 59.06(v), Code of Criminal Procedure.

Sec. 421A.004.  USE OF MONEY; COMPENSATION PROGRAM. Notwithstanding any other law, from money appropriated from the account for that purpose, the division shall establish a program to compensate a person residing in the border region for actual damages to the person's real or personal property caused by:

(1)  a person who entered or attempted to enter this state by crossing the Texas-Mexico border at a place other than at a port of entry;

(2)  a person who assisted a person described by Subdivision (1); or

(3)  a law enforcement action taken to repel, arrest, or detain a person described by Subdivision (1) or (2).

Sec. 421A.005.  RULES. The governor may adopt rules to administer this chapter.

ARTICLE 6. EDUCATIONAL PROGRAM

SECTION 6.01.  Chapter 61, Education Code, is amended by adding Subchapter D-1 to read as follows:

SUBCHAPTER D-1. BORDER INSTITUTION GRANT PROGRAM

Sec. 61.101.  BORDER INSTITUTION GRANT PROGRAM. (a) In this subchapter, "border region" has the meaning assigned by Section 772.0071, Government Code.

(b)  Subject to the availability of funds, the board shall establish a border institution grant program under which the board awards financial assistance to institutions of higher education located in the border region that administer innovative programs designed to:

(1)  recruit, train, retain, or otherwise increase the number of professionals in fields related to border safety or affected by ongoing criminal activity and public health threats to the border region, as determined by board rule, including by providing a salary increase or stipend to a faculty member who provides instruction to additional students in a degree or certificate program that graduates those professionals; and

(2)  conduct research in areas of study related to border safety or the effects of ongoing criminal activity and public health threats to the border region.

Sec. 61.102.  FEDERAL FUNDS AND GIFTS, GRANTS, AND DONATIONS. In addition to other funds appropriated by the legislature and for the purposes described by Section 61.101, the board may:

(1)  seek and apply for any available federal funds; and

(2)  solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure effective implementation of the grant program established under this subchapter.

Sec. 61.103.  RULES. (a) The board shall adopt rules for the administration of the grant program established under this subchapter. In adopting the rules, the board shall solicit, from border region officials, community leaders in the border region, and other stakeholders, information necessary to identify innovative programs anticipated to produce the best outcomes and serve the greatest need.

(b)  The rules must include:

(1)  administrative provisions for grants awarded under this subchapter, including:

(A)  eligibility criteria for institutions of higher education, including a requirement that the institution demonstrate regional and state workforce need;

(B)  grant application procedures;

(C)  guidelines relating to grant amounts;

(D)  procedures for evaluating grant applications; and

(E)  procedures for monitoring the use of grants; and

(2)  methods for tracking the effectiveness of grants that:

(A)  using data reasonably available to the board, consider relevant information regarding the career paths of professionals described by Section 61.101 during the four-year period following their graduation; and

(B)  evaluate whether and for how long those professionals practice in a field described by Section 61.101 in this state.

Sec. 61.104.  AWARD OF GRANTS. In awarding grants under this subchapter, the board shall give priority to applicants that propose to:

(1)  enhance or leverage existing degree programs that graduate professionals described by Section 61.101;

(2)  establish or maintain a program that serves a rural or underserved area;

(3)  partner with another institution of higher education to develop a joint program;

(4)  establish or maintain a program that incentivizes professionals described by Section 61.101 to serve in their field or a related field of study for at least three consecutive years following graduation; and

(5)  establish or maintain a degree or certificate program to educate professionals in specialties that face significant workforce shortages, including those described by Section 61.101.

Sec. 61.105.  GRANT AMOUNTS. The amount of a grant awarded under this subchapter may not exceed an amount specified in the General Appropriations Act.

Sec. 61.106.  REPORTING REQUIREMENTS. An institution of higher education that receives a grant awarded under this subchapter shall submit to the board an annual report on the amounts and purposes for which grant money was spent during the year covered by the report.

Sec. 61.107.  ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the board may use a reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter to pay the costs of administering this subchapter.

SECTION 6.02.  (a) As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules for the implementation and administration of the border institution grant program established under Subchapter D-1, Chapter 61, Education Code, as added by this Act.

(b)  Not later than September 1, 2024, the Texas Higher Education Coordinating Board shall establish the border institution grant program required by Subchapter D-1, Chapter 61, Education Code, as added by this Act, and shall begin to award grants under the program as soon as practicable after the program is established.

ARTICLE 7. ECONOMIC DEVELOPMENT INITIATIVE

SECTION 7.01.  Chapter 481, Government Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. BORDER PROTECTION ECONOMIC DEVELOPMENT INITIATIVE

Sec. 481.241.  DEFINITION. In this subchapter, "border region" has the meaning assigned by Section 772.0071.

Sec. 481.242.  CAMPAIGN FOR BUSINESSES AND TOURISM. (a) In consultation with stakeholders in the border region, the office shall develop and execute a campaign to:

(1)  attract domestic and foreign entities to:

(A)  locate the headquarters of those entities in the border region; or

(B)  expand the entities' operations to the border region;

(2)  support and promote tourism in the border region; and

(3)  support institutions and initiatives in the border region that create an environment conducive to starting or operating a company whose primary business is providing homeland security technology or services.

(b)  The office may coordinate with and assist any municipality, county, or other political subdivision in supporting or promoting the purposes described by Subsection (a).

Sec. 481.243.  TARGETED RESEARCH AND OUTREACH; SUPPORTIVE PROGRAMS. (a) In developing and executing the campaign described by Section 481.242, the office shall identify and research particular companies and types of companies with a high potential of commercial success if the companies were to operate in the border region.

(b)  For each company identified under Subsection (a), the office shall develop and execute a campaign to attract the company to locate its headquarters or expand operations into the border region.

(c)  For a type of company identified under Subsection (a), the office shall create programs for supporting the formation of new companies in the border region of that type.

Sec. 481.244.  GIFTS, GRANTS, AND DONATIONS. To achieve the purposes of this subchapter, the office shall:

(1)  seek and apply for any available federal funds; and

(2)  solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure effective implementation of this subchapter.

Sec. 481.245.  ANNUAL REPORT. Not later than December 31 of each year, the office shall report to the legislature on the activities of the office under this subchapter.

Sec. 481.246.  ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the office may use a reasonable amount, not to exceed five percent, of any general revenue appropriated for the purposes of this subchapter to administer this subchapter.

ARTICLE 8. EFFECTIVE DATE

SECTION 8.01.  This Act takes effect September 1, 2023.