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H.B. No. 7

A BILL TO BE ENTITLED

1 AN ACT
2 relating to border protection and economic development services,
3 programs, and other measures, including establishing educational
4 programs and the border protection unit, in this state to address
5 the effects of ongoing disasters, including disasters caused by
6 transnational and other criminal activity and public health
7 threats.

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

9 ARTICLE 1. LEGISLATIVE FINDING

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

13 ARTICLE 2. BORDER PROTECTION AGREEMENTS

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

16 CHAPTER 794. BORDER PROTECTION AGREEMENTS WITH UNITED MEXICAN
17 STATES

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

23 ARTICLE 3. BORDER REGION COURT PROGRAM

24 SECTION 3.01. Chapter 72, Government Code, is amended by

1 adding Subchapter H to read as follows:

2 SUBCHAPTER H. BORDER PROTECTION COURT GRANT PROGRAM

3 Sec. 72.201. DEFINITIONS. In this subchapter:

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

5 (A) associated with or involving:

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

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

11 (iii) an operative of a transnational
12 cartel;

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

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

19 (2) "Border region" has the meaning assigned by
20 Section [772.0071](#).

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

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

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

2 and

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

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

10 (1) salary of a visiting judge appointed under Chapter
11 74;

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

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

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

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

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

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

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

5 (1) conduct a study of the data collected for this
6 purpose or otherwise available on crime, arrests, detentions, and
7 convictions to identify offenses for which prosecutions have
8 increased as a result of Operation Lone Star; and

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

13 (c) The rules must include:

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

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

19 (B) grant application procedures;

20 (C) guidelines relating to grant amounts;

21 (D) procedures for evaluating grant
22 applications; and

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

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

26 (3) procedures for reporting caseload data at least
27 annually, including caseload data necessary to update the study

1 described by Section 72.2055.

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

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

10 Sec. 72.2055. ANNUAL REPORT BY OFFICE. Annually, the
11 office shall update the study conducted under Section 72.203(b)(1)
12 using caseload data required to be reported under the rules adopted
13 under Section 72.203(c).

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

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

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

25 (2) establish the grant program required by the
26 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. USE OF FUNDS FOR BORDER PROTECTION AND PUBLIC SAFETY

Sec. 421.111. DEFINITIONS. In this subchapter:

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

(2) "Local government" means a municipality or county.

(3) "Office" means the trustee programs within the
office of the governor.

Sec. 421.112. USE OF CERTAIN FUNDS. From money
appropriated for that purpose, the office, as authorized by Chapter
418, including Subchapter D of that chapter, shall make funds
available to state agencies and local governments for the following
purposes:

(1) the construction and maintenance of facilities
related to prosecuting and adjudicating offenses committed in the
border region, including court facilities, processing facilities,
detention facilities for persons who are 10 years of age or older,
regardless of gender, criminal justice centers, and other similar
facilities;

(2) the payment of staff salaries and benefits and the
payment of operational expenses related to providing law
enforcement services;

(3) the purchase or maintenance of equipment related
to providing public health and safety services in the border

1 region, including law enforcement services, communication
2 services, and emergency services, to enhance the safety and
3 security of the citizens of this state;

4 (4) the construction and maintenance of temporary
5 border security infrastructure, including temporary barriers,
6 fences, wires, roads, trenches, surveillance technology, or other
7 improvements, designed or adapted to surveil or impede the movement
8 of persons or objects across the Texas-Mexico border at locations
9 other than ports of entry;

10 (5) the construction of improvements to an area in the
11 immediate vicinity of a port of entry to enhance vehicle inspection
12 capabilities and assist in the investigation, interdiction, and
13 prosecution of persons smuggling individuals or contraband across
14 the Texas-Mexico border; and

15 (6) the construction or improvement of roadways and
16 similar transportation facilities in the border region that provide
17 for detailed monitoring of commercial motor vehicles traveling
18 along the roadways and facilities.

19 Sec. 421.113. FEDERAL FUNDS; GIFTS, GRANTS, AND DONATIONS.
20 In addition to funds appropriated by the legislature and for
21 purposes of this subchapter, the office may:

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

24 (2) solicit and accept gifts, grants, and donations
25 from any other source, public or private.

26 Sec. 421.114. RULES. The office may adopt rules for the
27 administration of this subchapter.

1 Sec. 421.115. REPORTING REQUIREMENTS. (a) The recipient
2 of funds for a purpose described by Section 421.112 shall submit to
3 the office reports on an interval prescribed by the office
4 regarding the use of the funds and any other issue related to the
5 funds as determined by the office.

6 (b) Funds received by a state agency for a purpose described
7 by Section 421.112 are considered border security funding for
8 purposes of reporting requirements in the General Appropriations
9 Act.

10 Sec. 421.116. ADMINISTRATIVE COSTS. Unless otherwise
11 provided by the appropriation, the division may use a reasonable
12 amount, not to exceed five percent, of any general revenue
13 appropriated for purposes of this subchapter to pay the costs of
14 administering this subchapter.

15 SECTION 4.02. As soon as practicable after the effective
16 date of this Act, the office of the governor shall adopt rules as
17 necessary to implement Subchapter G, Chapter 421, Government Code,
18 as added by this Act.

19 ARTICLE 5. BORDER PROTECTION PROPERTY DAMAGE PROGRAM

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

22 (t)(1) This subsection applies only to contraband for which
23 forfeiture is authorized with respect to an offense under Section
24 [~~20.05, 20.06,~~] 20.07, 43.04, or 43.05 or Chapter 20A, Penal Code.

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

27 (v) Notwithstanding any other provision of this article,

1 with respect to forfeited property seized in connection with an
2 offense under Section 20.05 or 20.06, Penal Code, in a proceeding
3 under Article 59.05 in which judgment is rendered in favor of the
4 state, the attorney representing the state shall transfer the
5 proceeds from the sale of the forfeited property under Subsection
6 (a) to the comptroller for deposit to the credit of the border
7 property damage compensation program established under Chapter
8 56C.

9 SECTION 5.03. Title 1, Code of Criminal Procedure, is
10 amended by adding Chapter 56C to read as follows:

11 CHAPTER 56C. BORDER PROPERTY DAMAGE COMPENSATION PROGRAM

12 Art. 56C.001. DEFINITIONS. In this chapter:

13 (1) "Border crime" means conduct:

14 (A) constituting an offense under:

15 (i) Subchapter D, Chapter 481, Health and
16 Safety Code;

17 (ii) Section 20.05, 20.06, or 38.04, Penal
18 Code; or

19 (iii) Chapter 20A, Penal Code; and

20 (B) involving transnational criminal activity.

21 (2) "Border region" has the meaning assigned by
22 Section 772.0071, Government Code.

23 (3) "Trespasser" has the meaning assigned by Section
24 75.007, Civil Practice and Remedies Code.

25 Art. 56C.002. ADMINISTRATION; RULES. (a) The attorney
26 general shall adopt rules to administer this chapter.

27 (b) Subchapters A and B, Chapter 2001, Government Code,

1 except Sections 2001.004(3) and 2001.005, apply to the attorney
2 general.

3 (c) The attorney general may delegate to a person in the
4 attorney general's office a power or duty given to the attorney
5 general under this chapter.

6 Art. 56C.003. BORDER PROPERTY DAMAGE COMPENSATION PROGRAM.

7 (a) From the funding sources described by Subsection (b), the
8 attorney general shall establish and administer a program to
9 compensate persons residing in the border region who suffer real or
10 personal property damage caused by:

11 (1) a trespasser as a result of an offense under
12 Chapter 28, Penal Code, that was committed in the course of or in
13 furtherance of a border crime; or

14 (2) a law enforcement response to a trespasser who was
15 engaged in a border crime.

16 (b) The attorney general may use money from the following
17 sources to establish the program described by Subsection (a):

18 (1) money appropriated, credited, or transferred by
19 the legislature for purposes of the program;

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

22 (3) investment earnings and interest earned on money
23 held for purposes of administering the program;

24 (4) gifts, grants, and donations received by the state
25 for purposes of the program; and

26 (5) proceeds received under Article 59.06(v).

27 (c) The attorney general shall establish:

1 (1) eligibility criteria for compensation under this
2 article, including requirements for providing proof of eligibility
3 for compensation;

4 (2) application procedures;

5 (3) criteria for evaluating applications and awarding
6 compensation;

7 (4) guidelines related to compensation amounts,
8 provided that the maximum amount awarded per incident causing
9 damage may not exceed \$75,000; and

10 (5) procedures for monitoring the use of compensation
11 awarded under this article and ensuring compliance with any
12 conditions of the award.

13 (d) The attorney general may not award compensation under
14 this article for property damage caused by a trespasser described
15 by Subsection (a)(1) unless the damage is documented in a written
16 report by a law enforcement agency as having occurred in connection
17 with a border crime.

18 (e) In awarding compensation under this article for
19 property damage caused by a trespasser described by Subsection
20 (a)(1), the attorney general may not consider the outcome of any
21 criminal prosecution arising out of the offense under Chapter 28,
22 Penal Code, as a result of which the applicant suffered property
23 damage or the applicable offense listed in Article 56C.001(1)(A).

24 Art. 56C.004. HEARINGS AND PREHEARING CONFERENCES. (a)
25 The attorney general shall determine whether a hearing on an
26 application for compensation under this chapter is necessary.

27 (b) On determining that a hearing is not necessary, the

1 attorney general may approve the application.

2 (c) On determining that a hearing is necessary or on request
3 for a hearing by the applicant, the attorney general shall consider
4 the application at a hearing at a time and place of the attorney
5 general's choosing. The attorney general shall notify all
6 interested persons not later than the 10th day before the date of
7 the hearing.

8 (d) At the hearing the attorney general shall:

9 (1) review the application for compensation; and

10 (2) receive other evidence that the attorney general
11 finds necessary or desirable to evaluate the application properly.

12 (e) The attorney general may appoint hearing officers to
13 conduct hearings or prehearing conferences under this chapter.

14 (f) A hearing or prehearing conference is open to the public
15 unless the hearing officer or attorney general determines in a
16 particular case that all or part of the hearing or conference should
17 be held in private because a private hearing or conference is in the
18 interest of the applicant.

19 (g) Subchapters C through H, Chapter 2001, Government Code,
20 do not apply to the attorney general or the attorney general's
21 orders and decisions.

22 Art. 56C.005. ANNUAL REPORT. Not later than the 100th day
23 after the end of each state fiscal year, the attorney general shall
24 submit to the governor and the legislature a report on the attorney
25 general's activities under this chapter during the preceding fiscal
26 year that includes the following information, disaggregated by each
27 offense listed in Article 56C.001(1)(A):

- 1 (1) the number of applications made;
- 2 (2) the number of applicants receiving compensation;
- 3 and
- 4 (3) the amount of compensation awarded.

5 Art. 56C.006. PAYER OF LAST RESORT. (a) The program
6 established under Article 56C.003 is a payer of last resort for
7 property damage described by that article.

8 (b) The attorney general may not award compensation to an
9 applicant under Article 56C.003 if the attorney general determines
10 that the applicant:

11 (1) is eligible for reimbursement from another source,
12 including under an insurance contract or a state, local, or federal
13 program; and

14 (2) failed to seek reimbursement from the source
15 described by Subdivision (1).

16 ARTICLE 6. EDUCATIONAL PROGRAM

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

19 SUBCHAPTER D-1. BORDER INSTITUTION GRANT PROGRAM

20 Sec. 61.101. BORDER INSTITUTION GRANT PROGRAM. (a) In this
21 subchapter, "border region" has the meaning assigned by Section
22 772.0071, Government Code.

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

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

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

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

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

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

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

1 (b) The rules must include:

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

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

7 (B) grant application procedures;

8 (C) guidelines relating to grant amounts;

9 (D) procedures for evaluating grant
10 applications; and

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

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

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

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

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

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

27 (2) establish or maintain a program that serves a

1 rural or underserved area;

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

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

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

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

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

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

25 SECTION 6.02. (a) As soon as practicable after the
26 effective date of this Act, the Texas Higher Education Coordinating
27 Board shall adopt rules for the implementation and administration

1 of the border institution grant program established under
2 Subchapter D-1, Chapter 61, Education Code, as added by this Act.

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

9 ARTICLE 7. ECONOMIC DEVELOPMENT INITIATIVE

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

12 SUBCHAPTER Q. BORDER PROTECTION ECONOMIC DEVELOPMENT INITIATIVE

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

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

18 (1) attract domestic and foreign entities to:

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

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

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

24 and

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

1 security technology or services.

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

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

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

15 (c) For a type of company identified under Subsection (a),
16 the office shall create programs for supporting the formation of
17 new companies in the border region of that type, excluding direct
18 financial incentives to the company.

19 Sec. 481.244. GIFTS, GRANTS, AND DONATIONS. In addition to
20 funds appropriated, credited, or transferred by the legislature for
21 the purposes of this subchapter, the office shall:

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

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

27 Sec. 481.245. ANNUAL REPORT. Not later than December 31 of

1 each year, the office shall report to the legislature on the
2 activities of the office under this subchapter.

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

8 ARTICLE 8. BORDER PROTECTION PROGRAM OF DEPARTMENT OF PUBLIC
9 SAFETY

10 SECTION 8.01. Article 2.12, Code of Criminal Procedure, is
11 amended to read as follows:

12 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
13 officers:

14 (1) sheriffs, their deputies, and those reserve
15 deputies who hold a permanent peace officer license issued under
16 Chapter 1701, Occupations Code;

17 (2) constables, deputy constables, and those reserve
18 deputy constables who hold a permanent peace officer license issued
19 under Chapter 1701, Occupations Code;

20 (3) marshals or police officers of an incorporated
21 city, town, or village, and those reserve municipal police officers
22 who hold a permanent peace officer license issued under Chapter
23 1701, Occupations Code;

24 (4) rangers, officers, and members of the reserve
25 officer corps commissioned by:

26 (A) the Public Safety Commission; and

27 (B) either:

1 (i) the Director of the Department of
2 Public Safety; or

3 (ii) the unit chief of the Border
4 Protection Unit;

5 (5) investigators of the district attorneys', criminal
6 district attorneys', and county attorneys' offices;

7 (6) law enforcement agents of the Texas Alcoholic
8 Beverage Commission;

9 (7) each member of an arson investigating unit
10 commissioned by a city, a county, or the state;

11 (8) officers commissioned under Section [37.081](#),
12 Education Code, or Subchapter [E](#), Chapter [51](#), Education Code;

13 (9) officers commissioned by the General Services
14 Commission;

15 (10) law enforcement officers commissioned by the
16 Parks and Wildlife Commission;

17 (11) officers commissioned under Chapter [23](#),
18 Transportation Code;

19 (12) municipal park and recreational patrolmen and
20 security officers;

21 (13) security officers and investigators commissioned
22 as peace officers by the comptroller;

23 (14) officers commissioned by a water control and
24 improvement district under Section [49.216](#), Water Code;

25 (15) officers commissioned by a board of trustees
26 under Chapter [54](#), Transportation Code;

27 (16) investigators commissioned by the Texas Medical

1 Board;

2 (17) officers commissioned by:

3 (A) the board of managers of the Dallas County
4 Hospital District, the Tarrant County Hospital District, the Bexar
5 County Hospital District, or the El Paso County Hospital District
6 under Section 281.057, Health and Safety Code;

7 (B) the board of directors of the Ector County
8 Hospital District under Section 1024.117, Special District Local
9 Laws Code;

10 (C) the board of directors of the Midland County
11 Hospital District of Midland County, Texas, under Section 1061.121,
12 Special District Local Laws Code; and

13 (D) the board of hospital managers of the Lubbock
14 County Hospital District of Lubbock County, Texas, under Section
15 1053.113, Special District Local Laws Code;

16 (18) county park rangers commissioned under
17 Subchapter E, Chapter 351, Local Government Code;

18 (19) investigators employed by the Texas Racing
19 Commission;

20 (20) officers commissioned under Chapter 554,
21 Occupations Code;

22 (21) officers commissioned by the governing body of a
23 metropolitan rapid transit authority under Section 451.108,
24 Transportation Code, or by a regional transportation authority
25 under Section 452.110, Transportation Code;

26 (22) investigators commissioned by the attorney
27 general under Section 402.009, Government Code;

- 1 (23) security officers and investigators commissioned
2 as peace officers under Chapter 466, Government Code;
- 3 (24) officers appointed by an appellate court under
4 Subchapter F, Chapter 53, Government Code;
- 5 (25) officers commissioned by the state fire marshal
6 under Chapter 417, Government Code;
- 7 (26) an investigator commissioned by the commissioner
8 of insurance under Section 701.104, Insurance Code;
- 9 (27) apprehension specialists and inspectors general
10 commissioned by the Texas Juvenile Justice Department as officers
11 under Sections 242.102 and 243.052, Human Resources Code;
- 12 (28) officers appointed by the inspector general of
13 the Texas Department of Criminal Justice under Section 493.019,
14 Government Code;
- 15 (29) investigators commissioned by the Texas
16 Commission on Law Enforcement under Section 1701.160, Occupations
17 Code;
- 18 (30) commission investigators commissioned by the
19 Texas Private Security Board under Section 1702.061, Occupations
20 Code;
- 21 (31) the fire marshal and any officers, inspectors, or
22 investigators commissioned by an emergency services district under
23 Chapter 775, Health and Safety Code;
- 24 (32) officers commissioned by the State Board of
25 Dental Examiners under Section 254.013, Occupations Code, subject
26 to the limitations imposed by that section;
- 27 (33) investigators commissioned by the Texas Juvenile

1 Justice Department as officers under Section 221.011, Human
2 Resources Code; and

3 (34) the fire marshal and any related officers,
4 inspectors, or investigators commissioned by a county under
5 Subchapter B, Chapter 352, Local Government Code.

6 SECTION 8.02. Section 411.002(a), Government Code, is
7 amended to read as follows:

8 (a) The Department of Public Safety of the State of Texas is
9 an agency of the state to enforce the laws protecting the public
10 safety, ~~and~~ provide for the prevention and detection of crime,
11 and defend and secure the state's air, maritime, and land borders.

12 The department is composed of the Texas Rangers, the Texas Highway
13 Patrol, the Border Protection Unit, the administrative division,
14 and other divisions that the commission considers necessary.

15 SECTION 8.03. Section 411.004, Government Code, is amended
16 to read as follows:

17 Sec. 411.004. DUTIES AND POWERS OF COMMISSION. The
18 commission shall:

19 (1) formulate plans and policies for:

20 (A) enforcement of state criminal, traffic, and
21 safety laws;

22 (B) prevention of crime;

23 (C) detection and apprehension of persons who
24 violate laws; ~~and~~

25 (D) education of citizens of this state in the
26 promotion of public safety and the observance of law; and

27 (E) defense and security of this state's air,

1 maritime, and land borders;

2 (2) organize the department and supervise its
3 operation;

4 (3) adopt rules considered necessary for carrying out
5 the department's work;

6 (4) maintain records of all proceedings and official
7 orders; and

8 (5) biennially submit a report of its work to the
9 governor and legislature, including the commission's and director's
10 recommendations.

11 SECTION 8.04. Section 411.006(a), Government Code, is
12 amended to read as follows:

13 (a) Subject to Section 411.556, the ~~[The]~~ director shall:

14 (1) be directly responsible to the commission for the
15 conduct of and act as executive director of the Texas Highway
16 Patrol, the Texas Rangers, and other administrative divisions and
17 departments assigned by the commission, other than the Border
18 Protection Unit ~~[the department's affairs];~~

19 (2) ~~[act as executive director of the department,~~
20 ~~(3)]~~ act with the commission in an advisory capacity,
21 without vote;

22 (3) ~~(4)]~~ adopt rules, subject to commission
23 approval, considered necessary for the control of the department;

24 (4) ~~(5)]~~ issue commissions as law enforcement
25 officers, under the commission's direction, to all members of the
26 Texas Rangers and the Texas Highway Patrol and to other officers of
27 the department;

1 (5) [~~(6)~~] appoint, with the advice and consent of the
2 commission, the head of a division or bureau provided for by this
3 chapter;

4 (6) [~~(7)~~] quarterly, annually, and biennially submit
5 to the commission detailed reports of the operation of the
6 department, including statements of its expenditures; and

7 (7) [~~(8)~~] prepare, swear to, submit to the governor,
8 and file in the department's records a quarterly statement
9 containing an itemized list of all money received and its source and
10 all money spent and the purposes for which it was spent.

11 SECTION 8.05. Section 411.007(a), Government Code, is
12 amended to read as follows:

13 (a) Subject to the provisions of this chapter, the director
14 may appoint, promote, reduce, suspend, or discharge any officer or
15 employee of the department, other than an officer or employee of the
16 Border Protection Unit.

17 SECTION 8.06. Section 411.017(a), Government Code, is
18 amended to read as follows:

19 (a) A person commits an offense if, without the director's
20 authorization, the person:

21 (1) manufactures, sells, or possesses a badge,
22 identification card, or other item bearing a department insignia or
23 an insignia deceptively similar to the department's;

24 (2) makes a copy or likeness of a badge,
25 identification card, or department insignia, with intent to use or
26 allow another to use the copy or likeness to produce an item bearing
27 the department insignia or an insignia deceptively similar to the

1 department's; or

2 (3) uses the term "Texas Department of Public Safety,"
3 "Department of Public Safety," "Texas Ranger," ~~[or]~~ "Texas Highway
4 Patrol," or "Border Protection Unit" in connection with an object,
5 with the intent to create the appearance that the object belongs to
6 or is being used by the department.

7 SECTION 8.07. Chapter 411, Government Code, is amended by
8 adding Subchapter S to read as follows:

9 SUBCHAPTER S. BORDER PROTECTION UNIT

10 Sec. 411.551. DEFINITIONS. In this subchapter:

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

13 (2) "Unit" means the Border Protection Unit.

14 (3) "Unit chief" means the person appointed under
15 Section 411.555 as the unit chief.

16 Sec. 411.552. BORDER PROTECTION UNIT; TERM OF
17 AUTHORIZATION. (a) The unit is a division under the commission
18 consisting of the number of commissioned officers and other
19 employees authorized by the legislature.

20 (b) The unit is subject to appropriations by the legislature
21 and, unless continued in existence by the legislature, is abolished
22 December 31, 2030.

23 (c) This subchapter expires December 31, 2030.

24 Sec. 411.553. LIMITATION ON CERTAIN POWERS. The unit and
25 the department, as applicable, may provide law enforcement services
26 as authorized by this subchapter, including Sections 411.0095,
27 411.560(b), and 411.563, in a county in the border region only to

1 the extent authorized in writing by the commissioners court of that
2 county.

3 Sec. 411.554. HEADQUARTERS. The unit must be headquartered
4 in the border region.

5 Sec. 411.555. UNIT CHIEF. (a) The governor shall appoint a
6 United States citizen to serve as the unit chief of the Border
7 Protection Unit. The unit chief serves until removed by the
8 governor.

9 (b) The unit chief may appoint, with the advice and consent
10 of the commission, deputy unit chiefs and assistant unit chiefs who
11 shall perform the duties that the unit chief designates. Deputy
12 unit chiefs and assistant unit chiefs serve until removed by the
13 unit chief.

14 (c) The unit chief, deputy unit chiefs, and assistant unit
15 chiefs are entitled to annual salaries as provided by the
16 legislature.

17 Sec. 411.556. GENERAL POWERS AND DUTIES OF UNIT AND UNIT
18 CHIEF. (a) The unit chief shall:

19 (1) be directly responsible to the commission for all
20 conduct of the unit, but may be removed only by the governor under
21 Section 411.555;

22 (2) act as the executive director of the unit;

23 (3) act with the commission in an advisory capacity,
24 without vote;

25 (4) adopt rules, subject to commission approval,
26 considered necessary for the control and general administration of
27 the unit, including rules governing the procurement of facilities

1 and equipment for the unit and the training and working conditions
2 for unit personnel;

3 (5) issue commissions as law enforcement officers,
4 under the commission's direction, to members of the unit;

5 (6) create as necessary, with the advice and consent
6 of the commission, operational or administrative divisions within
7 the unit and appoint heads of those divisions;

8 (7) employ as necessary commissioned officers and
9 other employees to perform unit operations and functions;

10 (8) quarterly, annually, and biennially submit to the
11 commission detailed reports of the operation of the unit, including
12 statements of its expenditures; and

13 (9) prepare, swear to, submit to the governor, and
14 file in the unit's records a quarterly statement containing an
15 itemized list of all money received and its source and all money
16 spent and the purposes for which it was spent.

17 (b) The unit chief or unit chief's designee shall provide to
18 members of the commission and to employees of the unit, as often as
19 necessary, information regarding the requirements for office or
20 employment under this chapter, including information regarding a
21 person's responsibilities under applicable law relating to
22 standards of conduct for state officers or employees.

23 (c) Subject to Subsection (d), the following provisions
24 apply to the unit chief with respect to the unit in the same manner
25 as the provisions apply to the director with respect to the
26 department or, as applicable, apply to the unit when acting at the
27 direction of the unit chief in the same manner as the provisions

1 apply to the department when acting at the direction of the
2 director:

3 (1) Section 411.007;

4 (2) Section 411.0071;

5 (3) Section 411.0075;

6 (4) Section 411.0079;

7 (5) Section 411.009;

8 (6) Section 411.0095;

9 (7) Section 411.0097, as added by Section 3, Chapter
10 556 (H.B. 1239), Acts of the 79th Legislature, Regular Session,
11 2005;

12 (8) Section 411.0097, as added by Section 1, Chapter
13 693 (S.B. 293), Acts of the 79th Legislature, Regular Session,
14 2005;

15 (9) Section 411.0098;

16 (10) Section 411.013(b);

17 (11) Section 411.0131;

18 (12) Section 411.0132;

19 (13) Section 411.0141(e);

20 (14) Section 411.015;

21 (15) Section 411.016;

22 (16) Section 411.0161;

23 (17) Section 411.0162;

24 (18) Section 411.0163;

25 (19) Section 411.0164;

26 (20) Section 411.017;

27 (21) Section 411.018;

1 (22) Sections 411.0207(c)(1)-(5);

2 (23) Sections 411.0208(d) and (e);

3 (24) Section 411.0209;

4 (25) Section 411.02095;

5 (26) Section 411.0865;

6 (27) Section 411.087(e);

7 (28) Section 411.0891; and

8 (29) Section 411.154.

9 (d) The director may not exercise any operational or
10 administrative control over the unit chief or the unit. The unit
11 chief may not exercise any operational or administrative control
12 over the director or the department, other than the unit.

13 (e) The unit is a criminal justice agency for purposes of
14 this chapter.

15 (f) The unit is a law enforcement agency for purposes of
16 Section 411.1471(b).

17 (g) The unit may assist local law enforcement with the
18 investigation of crime.

19 Sec. 411.557. OFFICE OF AUDIT AND REVIEW FOR UNIT. The
20 governor shall establish the office of audit and review within the
21 unit and appoint the director of the office to perform the duties
22 under Subchapter I with respect to the unit. The director of the
23 office of audit and review of the unit shall serve until removed by
24 the governor.

25 Sec. 411.558. INSPECTOR GENERAL FOR UNIT. (a) The governor
26 shall establish the office of the inspector general within the unit
27 and appoint the inspector general of the unit who shall perform with

1 respect to the unit the duties of Subchapter I-1 or as may be
2 provided by other law. The inspector general of the unit shall
3 serve until removed by the governor.

4 (b) The inspector general of the unit is responsible for:

5 (1) preparing and delivering assessments concerning
6 the administration of the unit to the governor, the legislature,
7 and the unit chief;

8 (2) acting to prevent and detect serious breaches of
9 unit policy, fraud, and abuse of office, including any acts of
10 criminal conduct within the unit; and

11 (3) independently and objectively reviewing,
12 investigating, delegating, and overseeing the investigation of:

13 (A) conduct described by Subdivision (2);

14 (B) criminal activity occurring within the unit;

15 (C) allegations of wrongdoing by unit employees;

16 (D) crimes committed on unit property; and

17 (E) serious breaches of unit policy.

18 Sec. 411.559. OFFICERS; OTHER EMPLOYEES. (a) The unit
19 chief may employ commissioned officers meeting the qualifications
20 described by Section 411.561 to perform the duties of the unit.
21 Those officers are entitled to compensation as provided by the
22 legislature and must be recruited and trained within the border
23 region to the extent practicable.

24 (b) The unit chief may employ individuals who are not
25 officers as necessary to carry out the duties of the unit.

26 (c) Subject to the provisions of this chapter, the unit
27 chief may appoint, promote, reduce, suspend, or discharge any

1 officer or employee of the unit.

2 Sec. 411.5591. USE OF PERSONAL VEHICLE PROHIBITED.

3 Notwithstanding any other provision of this subchapter, an officer
4 or other employee of the unit may not use the officer's or
5 employee's personal vehicle to conduct a traffic stop for any
6 purpose related to the officer's or employee's duties.

7 Sec. 411.560. AUTHORITY OF OFFICERS. (a) A commissioned

8 officer of the unit is governed by the law regulating and defining
9 the powers and duties of sheriffs performing similar duties, except
10 that the officer may make arrests and execute processes in a
11 criminal case in any county in the border region.

12 (b) A commissioned officer of the unit may, to the extent
13 consistent with the United States and Texas Constitutions, arrest,
14 apprehend, or detain persons crossing the Texas-Mexico border
15 unlawfully, and deter persons attempting to cross the border
16 unlawfully, including with the use of non-deadly crowd control
17 measures.

18 Sec. 411.561. QUALIFICATIONS. (a) To be a commissioned
19 officer of the unit, a person must hold a peace officer license
20 issued under Chapter 1701, Occupations Code, and meet any other
21 qualifications set by the commission.

22 (a-1) The unit chief may not employ an officer or other
23 employee if the officer or other employee:

24 (1) has been convicted of a violent offense; or

25 (2) has been dishonorably discharged from the armed
26 forces of the United States or the Texas military forces as shown by
27 the service member's release or discharge documentation.

1 (a-2) For purposes of Subsection (a-1):

2 (1) "Texas military forces" has the meaning assigned
3 by Section 437.001.

4 (2) "Violent offense" means an offense under the law
5 of any state that has as an element the use, attempted use, or
6 threatened use of physical force against any person.

7 (b) The unit is an equal employment opportunity employer and
8 may not discriminate against or give preferential treatment to any
9 employee or job applicant on account of the individual's race,
10 color, sex, national origin, or religion.

11 Sec. 411.562. FACILITIES AND EQUIPMENT; TRAINING. The unit
12 shall acquire equipment and facilities and conduct training
13 necessary to fulfill the operational, intelligence, communication,
14 logistics, and administrative duties provided by this chapter and
15 the unit chief.

16 Sec. 411.563. LAW ENFORCEMENT BORDER PROTECTION FUNCTIONS.
17 The unit chief and director may order commissioned officers under
18 their authority to take, and the commissioned officers may take,
19 the following actions to the extent consistent with the United
20 States and Texas Constitutions:

21 (1) deter and repel persons attempting to enter this
22 state unlawfully at locations other than ports of entry;

23 (2) return aliens to Mexico who:
24 (A) have been observed actually crossing the
25 Texas-Mexico border unlawfully; and

26 (B) were apprehended, detained, or arrested in
27 the vicinity of the Texas-Mexico border; and

1 (3) enhance the examination of aircraft, ships,
2 vehicles, railcars, and cargo at or near ports of entry for the
3 purposes of interdicting fentanyl and other dangerous drugs and
4 interdicting human smuggling.

5 Sec. 411.564. OPERATIONAL PLAN TO COORDINATE BORDER
6 SECURITY. (a) The unit shall develop and recommend to the governor
7 and report to the legislature a strategic plan that establishes the
8 framework for the budget and operations of the unit, including
9 homeland security strategies and the assistance of other state and
10 local entities. The unit shall annually report to the governor and
11 the legislature on the implementation of the strategic plan.

12 (b) The unit shall include in the strategic plan goals,
13 objectives, and performance measures that involve collaboration
14 with other state agencies and local entities.

15 (c) The unit shall create plans and conduct operations
16 consistent with the strategic plan.

17 SECTION 8.08. As soon as practicable after the effective
18 date of this Act, the governor shall appoint the unit chief as
19 prescribed by Section 411.555, Government Code, as added by this
20 Act.

21 ARTICLE 9. SEVERABILITY

22 SECTION 9.01. (a) If any provision of this Act or its
23 application to any person or circumstance is held invalid, the
24 invalidity does not affect other provisions or applications of this
25 Act that can be given effect without the invalid provision or
26 application, and to this end the provisions of this Act are declared
27 to be severable.

1 (b) Subsection (a) of this section does not affect another
2 severability provision contained in this Act.

3 ARTICLE 10. EFFECTIVE DATE

4 SECTION 10.01. This Act takes effect immediately if it
5 receives a vote of two-thirds of all the members elected to each
6 house, as provided by Section 39, Article III, Texas Constitution.
7 If this Act does not receive the vote necessary for immediate
8 effect, this Act takes effect September 1, 2023.