

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

1 AN ACT

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

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

6 ARTICLE 1. LEGISLATIVE FINDING

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

10 ARTICLE 2. BORDER PROTECTION AGREEMENTS

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

13 CHAPTER 794. BORDER PROTECTION AGREEMENTS WITH UNITED MEXICAN
14 STATES

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

20 ARTICLE 3. BORDER REGION SPECIALTY COURT PROGRAM

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

23 SUBCHAPTER H. BORDER PROTECTION COURT GRANT PROGRAM

24 Sec. 72.201. DEFINITIONS. In this subchapter:

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

2 (A) associated with or involving:

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

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

8 (iii) an operative of a transnational
9 cartel;

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

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

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

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

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

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

26 (2) solicit and accept gifts, grants, and donations
27 from any other source, public or private, as necessary to ensure

1 resources are available to achieve the purpose described by
2 Subsection (a).

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

6 (1) salary of a visiting judge appointed under Chapter
7 74;

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

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

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

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

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

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

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

1 (1) conduct a study of the data available on crime,
2 arrests, detentions, and convictions to identify offenses for which
3 prosecutions have increased as a result of Operation Lone Star; and
4 (2) solicit from governmental officials, community
5 leaders, and other interested persons in the border region
6 information necessary to identify the courts of the region needing
7 financial assistance.

8 (c) The rules must include:

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

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

14 (B) grant application procedures;

15 (C) guidelines relating to grant amounts;

16 (D) procedures for evaluating grant
17 applications; and

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

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

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

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

26 Sec. 72.205. REPORTING REQUIREMENTS. The recipient of a
27 grant awarded under this subchapter shall submit to the office an

1 annual report on the grant money spent during the year covered by
2 the report and the purposes for which that money was spent.

3 Sec. 72.206. 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 purposes of this subchapter to pay the costs of
7 administering the grant program.

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

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

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

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

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

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

22 Sec. 421.111. DEFINITIONS. In this subchapter:

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

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

27 (3) "Local government" means a municipality, county,

1 special purpose district, or other political subdivision of this
2 state.

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

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

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

25 (3) the Border Protection Public Safety Personnel Fund
26 to award grants to state agencies or local governments located or
27 operating in the border region for the payment of staff salaries and

1 benefits and the payment of operational expenses related to
2 providing law enforcement services; and

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

14 Sec. 421.113. FEDERAL FUNDS; GIFTS, GRANTS, AND DONATIONS.

15 In addition to other funds appropriated by the legislature and for
16 purposes of administering and funding the grant programs
17 established under Section 421.112, the division may:

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

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

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

25 (b) In adopting the rules, the governor shall solicit from
26 public officials and community leaders in the border region and any
27 other interested stakeholders information necessary to identify

1 the greatest needs for financial assistance in that region.

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

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

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

13 (d) The rules must include:

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

16 (A) eligibility criteria for grant applicants;

17 (B) grant application procedures;

18 (C) guidelines relating to grant amounts;

19 (D) procedures for evaluating grant
20 applications; and

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

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

23 and

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

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

1 Appropriations Act.

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

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

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

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

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

18 ARTICLE 5. BORDER PROTECTION PROPERTY DAMAGE ACCOUNT

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

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

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

26 (v) Notwithstanding any other provision of this article,
27 with respect to forfeited property seized in connection with an

1 offense under Section 20.05, Penal Code, in a proceeding under
2 Article 59.05 in which judgment is rendered in favor of the state,
3 the attorney representing the state shall transfer the proceeds
4 from the sale of the forfeited property under Subsection (a) to the
5 comptroller for deposit to the credit of the border property damage
6 compensation account established under Chapter 421A, Government
7 Code.

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

10 CHAPTER 421A. BORDER PROPERTY DAMAGE COMPENSATION ACCOUNT

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

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

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

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

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

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

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

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

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

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

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

9 (b) The account consists of:

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

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

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

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

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

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

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

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

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

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

7 ARTICLE 6. EDUCATIONAL PROGRAM

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

10 SUBCHAPTER D-1. BORDER INSTITUTION GRANT PROGRAM

11 Sec. 61.101. BORDER INSTITUTION GRANT PROGRAM. (a) In this
12 subchapter, "border region" has the meaning assigned by Section
13 772.0071, Government Code.

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

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

26 (2) conduct research in areas of study related to
27 border safety or the effects of ongoing criminal activity and

1 public health threats to the border region.

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

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

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

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

19 (b) The rules must include:

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

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

25 (B) grant application procedures;

26 (C) guidelines relating to grant amounts;

27 (D) procedures for evaluating grant

1 applications; and

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

3 and

4 (2) methods for tracking the effectiveness of grants

5 that:

6 (A) using data reasonably available to the board,

7 consider relevant information regarding the career paths of

8 professionals described by Section 61.101 during the four-year

9 period following their graduation; and

10 (B) evaluate whether and for how long those

11 professionals practice in a field described by Section 61.101 in

12 this state.

13 Sec. 61.104. AWARD OF GRANTS. In awarding grants under this

14 subchapter, the board shall give priority to applicants that

15 propose to:

16 (1) enhance or leverage existing degree programs that

17 graduate professionals described by Section 61.101;

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

19 rural or underserved area;

20 (3) partner with another institution of higher

21 education to develop a joint program;

22 (4) establish or maintain a program that incentivizes

23 professionals described by Section 61.101 to serve in their field

24 or a related field of study for at least three consecutive years

25 following graduation; and

26 (5) establish or maintain a degree or certificate

27 program to educate professionals in specialties that face

1 significant workforce shortages, including those described by
2 Section 61.101.

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

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

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

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

21 (b) Not later than September 1, 2024, the Texas Higher
22 Education Coordinating Board shall establish the border
23 institution grant program required by Subchapter D-1, Chapter 61,
24 Education Code, as added by this Act, and shall begin to award
25 grants under the program as soon as practicable after the program is
26 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

1 of commercial success if the companies were to operate in the border
2 region.

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

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

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

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

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

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

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

25 ARTICLE 8. EFFECTIVE DATE

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