

1-1 By: Guillen, et al. (Senate Sponsor - Birdwell) H.B. No. 7
 1-2 (In the Senate - Received from the House May 11, 2023;
 1-3 May 11, 2023, read first time and referred to Committee on Border
 1-4 Security; May 19, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 3, Nays 2;
 1-6 May 19, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Birdwell	X			
1-9 Flores	X			
1-10 Blanco		X		
1-11 Hinojosa		X		
1-12 King	X			

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 7 By: Birdwell

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to measures to address public safety threats in this state
 1-18 presented by transnational criminal activity, including by
 1-19 establishing a Texas Border Force, and to compensate persons
 1-20 affected by those threats; increasing criminal penalties; creating
 1-21 criminal offenses.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 ARTICLE 1. TEXAS BORDER FORCE; DEPARTMENT OF PUBLIC SAFETY BORDER
 1-24 SECURITY FUNCTIONS

1-25 SECTION 1.01. Section 411.0043, Government Code, is amended
 1-26 by amending Subsection (a) and adding Subsection (c) to read as
 1-27 follows:

1-28 (a) The commission shall implement a policy requiring the
 1-29 department to use appropriate technological solutions to improve
 1-30 the department's ability to perform its functions. The policy must
 1-31 ensure that:

1-32 (1) the public is able to interact with the department
 1-33 on the Internet; and

1-34 (2) the department's capability to conduct border
 1-35 security operations and similar functions is not impeded by the use
 1-36 of obsolete or outdated technologies.

1-37 (c) The department shall periodically review emerging
 1-38 technologies that may be deployed for border security operations,
 1-39 including technologies and equipment described by Section
 1-40 411.0285, to ensure the department consistently adopts innovative
 1-41 technologies and solutions for those operations.

1-42 SECTION 1.02. Chapter 411, Government Code, is amended by
 1-43 adding Subchapter B-2 to read as follows:

1-44 SUBCHAPTER B-2. TEXAS BORDER FORCE

1-45 Sec. 411.0281. DEFINITION. In this subchapter, "border
 1-46 force" means the Texas Border Force established under this
 1-47 subchapter.

1-48 Sec. 411.0282. TEXAS BORDER FORCE; CHIEF. (a) The Texas
 1-49 Border Force is established in the Texas Rangers division of the
 1-50 department.

1-51 (b) The chief of the Texas Rangers is the chief of the border
 1-52 force.

1-53 Sec. 411.0283. BORDER OPERATIONS. The border force may
 1-54 conduct border security operations along the Texas-Mexico border,
 1-55 including:

1-56 (1) law enforcement operations;

1-57 (2) intelligence gathering, analysis, and
 1-58 dissemination;

1-59 (3) coordination and command of state agencies
 1-60 conducting border security operations;

1-61 (4) surveillance and detection of criminal activity,

2-1 including improper entry of individuals from foreign nations and
 2-2 the smuggling of individuals and controlled substances, using
 2-3 cameras, unmanned aircraft, and other technologies;
 2-4 (5) interdiction of individuals committing criminal
 2-5 activity described by Subdivision (4);
 2-6 (6) coordination of local, state, and federal agencies
 2-7 conducting border security operations, including tactical
 2-8 operations such as special response teams, brush teams, and special
 2-9 weapons and tactics teams; and
 2-10 (7) training and education programs for the
 2-11 professional development of employees and agency partners carrying
 2-12 out border security operations.

2-13 Sec. 411.0284. ASSIGNMENT OF TEXAS MILITARY FORCES SERVICE
 2-14 MEMBERS. (a) In this section, "Texas military forces" has the
 2-15 meaning assigned by Section 437.001.

2-16 (b) The department, at the request of the chief of the
 2-17 border force, may enter into a written agreement with the Texas
 2-18 Military Department for the assignment of service members of the
 2-19 Texas military forces to the border force. The agreement may
 2-20 provide for reimbursement by the department for hiring, training,
 2-21 salary, and employee benefit costs incurred by the Texas military
 2-22 forces in connection with service members assigned to the border
 2-23 force.

2-24 Sec. 411.0285. PURCHASE AND DEPLOYMENT OF CERTAIN
 2-25 TECHNOLOGY AND EQUIPMENT. (a) The department, at the request of
 2-26 the chief of the border force, shall purchase and deploy technology
 2-27 and equipment to enhance the border force's ability to detect and
 2-28 suppress criminal activity along the Texas-Mexico border,
 2-29 including:

2-30 (1) stacked razor wire barriers;

2-31 (2) buoy barriers; and

2-32 (3) surveillance and detection technology to be
 2-33 deployed at and near each port of entry along the Texas-Mexico
 2-34 border to detect and deter the improper entry of individuals from
 2-35 foreign nations and the smuggling of individuals and controlled
 2-36 substances, such as fentanyl, cocaine, heroin, and
 2-37 methamphetamine.

2-38 (b) The surveillance and detection technology described by
 2-39 Subsection (a)(3) may be used to inspect passenger and commercial
 2-40 vehicles passing through a port of entry or traveling in any
 2-41 direction within 30 miles of a port of entry.

2-42 (c) The department shall employ a sufficient number of
 2-43 commercial vehicle inspectors to inspect vehicles using technology
 2-44 described by Subsection (a)(3).

2-45 Sec. 411.0286. HIRING OFFICERS WITH PREVIOUS BORDER PATROL
 2-46 EXPERIENCE. Notwithstanding any other provision of law, the
 2-47 department may, at the time an officer is hired for the border
 2-48 force, elect to credit up to four years of experience as a Border
 2-49 Patrol Agent of the United States Customs and Border Protection for
 2-50 the purpose of calculating the officer's salary under Schedule C.
 2-51 All officers are subject to a one-year probationary period under
 2-52 Section 411.007(g) notwithstanding the officer's rank or salary
 2-53 classification.

2-54 Sec. 411.0287. INCREASED STAFFING; CERTAIN TRAINING. (a)
 2-55 The border force may as necessary to conduct border security
 2-56 operations and ensure the safety of the public along the
 2-57 Texas-Mexico border:

2-58 (1) recruit, employ, and train officers and other
 2-59 staff; and

2-60 (2) contract for additional officers and staff to meet
 2-61 an increased need for border security operations.

2-62 (b) The border force shall expand programs for training
 2-63 officers to serve as members of a brush team.

2-64 Sec. 411.0288. REPORTS. At least once each calendar
 2-65 quarter and at other times determined necessary by the governor or
 2-66 the chief of the border force, the chief of the border force shall
 2-67 submit a report to the governor containing information requested by
 2-68 the governor concerning the border force's operations.

2-69 Sec. 411.0289. NO LIMITATION ON BORDER FORCE AUTHORITY BY

3-1 LOCAL GOVERNMENTS. A political subdivision, including a
3-2 municipality, county, or special purpose district, may not by any
3-3 means limit the jurisdiction or authority of the border force.

3-4 SECTION 1.03. Chapter 820, Government Code, is amended by
3-5 adding Subchapter A-1 to read as follows:

3-6 SUBCHAPTER A-1. CERTAIN MILITARY SERVICE CREDIT

3-7 Sec. 820.021. CERTAIN MILITARY SERVICE CREDIT WITHOUT
3-8 PURCHASE. (a) A cash balance group member hired by the Department
3-9 of Public Safety for the Texas Border Force under Subchapter B-2,
3-10 Chapter 411, who served active federal duty in the armed forces of
3-11 the United States and obtains a peace officer license issued under
3-12 Chapter 1701, Occupations Code, while employed with the border
3-13 force may establish military service credit not to exceed six
3-14 months in the retirement system for the purposes described by
3-15 Subsection (c) by submitting a request to the system in a form and
3-16 manner prescribed by the system.

3-17 (b) The retirement system shall grant the military service
3-18 credit of a member who submits a request as provided by Subsection
3-19 (a) after the system verifies that the member is a cash balance
3-20 group member and served the military service required by that
3-21 subsection.

3-22 (c) Military service credit established under this section
3-23 may be used only to determine whether the cash balance group member
3-24 is eligible to retire and receive a cash balance annuity under this
3-25 chapter. The service credit does not affect eligibility for any
3-26 other purpose, including for purposes of determining eligibility to
3-27 participate in the group benefits program established under Chapter
3-28 1551, Insurance Code.

3-29 SECTION 1.04. Subchapter C, Chapter 2155, Government Code,
3-30 is amended by adding Section 2155.151 to read as follows:

3-31 Sec. 2155.151. CERTAIN PURCHASES BY DEPARTMENT OF PUBLIC
3-32 SAFETY. (a) The Department of Public Safety is delegated all
3-33 purchasing functions relating to the purchase of technologies and
3-34 equipment for use in border security operations, including
3-35 technology and equipment described by Section 411.0285, to ensure
3-36 the department consistently adopts innovative technologies and
3-37 solutions for those operations.

3-38 (b) The Department of Public Safety shall acquire goods and
3-39 services under Subsection (a) by any procurement method that
3-40 provides the best value to the department. The Department of Public
3-41 Safety shall consider the best value standards listed in Section
3-42 2155.074.

3-43 (c) At the request of the Department of Public Safety, the
3-44 comptroller or the Department of Information Resources, as
3-45 appropriate, shall procure goods and services described by
3-46 Subsection (a) for the Department of Public Safety. The Department
3-47 of Public Safety may use the services of the comptroller or the
3-48 Department of Information Resources in procuring goods and services
3-49 described by Subsection (a).

3-50 SECTION 1.05. (a) In reviewing emerging technologies under
3-51 Section 411.0043(c), Government Code, as added by this article, the
3-52 Department of Public Safety shall hold a technology fair at which
3-53 vendors of emerging technology that may be used for conducting
3-54 border security operations demonstrate the capabilities of the
3-55 products.

3-56 (b) The event required by Subsection (a) of this section
3-57 must be held not later than September 1, 2024.

3-58 ARTICLE 2. IMPROPER ENTRY

3-59 SECTION 2.01. Chapter 38, Penal Code, is amended by adding
3-60 Section 38.20 to read as follows:

3-61 Sec. 38.20. IMPROPER ENTRY FROM FOREIGN NATION. (a) In
3-62 this section, "alien" has the meaning assigned by 8 U.S.C. Section
3-63 1101, as that provision existed on January 1, 2023.

3-64 (b) A person who is an alien commits an offense if the
3-65 person:

3-66 (1) enters or attempts to enter this state from a
3-67 foreign nation at any location other than a lawful point of entry;

3-68 (2) eludes examination or inspection by United States
3-69 immigration officers; or

4-1 (3) attempts to enter or obtains entry to this state
4-2 from a foreign nation by an intentionally false or misleading
4-3 representation or the intentional concealment of a material fact.

4-4 (c) An offense under this section is a Class A misdemeanor,
4-5 except that if it is shown on the trial of the offense that the
4-6 person has previously been finally convicted of:

4-7 (1) an offense under this section, the offense is a
4-8 state jail felony;

4-9 (2) a state jail felony described by Subdivision (1)
4-10 or any other felony not listed in Article 42A.054(a), Code of
4-11 Criminal Procedure, the offense is a felony of the second degree; or

4-12 (3) a felony listed in Article 42A.054(a), Code of
4-13 Criminal Procedure, the offense is a felony of the first degree.

4-14 (d) It is an affirmative defense to prosecution under this
4-15 section that:

4-16 (1) the actor has been granted a federal immigration
4-17 benefit entitling the actor to:

4-18 (A) lawful presence in the United States; or

4-19 (B) asylum under 8 U.S.C. Section 1158;

4-20 (2) the actor's conduct does not constitute a
4-21 violation of 8 U.S.C. Section 1325(a); or

4-22 (3) the actor was approved for benefits under the
4-23 federal Deferred Action for Childhood Arrivals program between June
4-24 15, 2012, and July 16, 2021.

4-25 (e) For purposes of Subsection (d)(1), the following
4-26 federal programs do not confer federal immigration benefits
4-27 entitling the actor to lawful presence in the United States:

4-28 (1) the Deferred Action for Parents of Americans and
4-29 Lawful Permanent Residents; and

4-30 (2) any program not enacted by the United States
4-31 Congress that is a successor to or materially similar to the program
4-32 described by Subdivision (1) or Subsection (d)(3).

4-33 (f) A court may not abate the prosecution of an offense
4-34 under this section on the basis that a federal determination
4-35 regarding the immigration status of the actor is pending.

4-36 (g) A law enforcement officer of the Department of Public
4-37 Safety who arrests a person for an offense under this section shall,
4-38 to the extent feasible, detain the person in a facility established
4-39 under Operation Lone Star or a similar border security operation of
4-40 this state.

4-41 ARTICLE 3. MINIMUM SENTENCES FOR SMUGGLING OFFENSES

4-42 SECTION 3.01. Section 20.05(b), Penal Code, is amended to
4-43 read as follows:

4-44 (b) An offense under this section is a felony of the third
4-45 degree with a term of imprisonment of 10 years, except that the
4-46 offense is:

4-47 (1) a felony of the second degree with a minimum term
4-48 of imprisonment of 10 years if:

4-49 (A) the actor commits the offense in a manner
4-50 that creates a substantial likelihood that the smuggled individual
4-51 will suffer serious bodily injury or death;

4-52 (B) the smuggled individual is a child younger
4-53 than 18 years of age at the time of the offense;

4-54 (C) the offense was committed with the intent to
4-55 obtain a pecuniary benefit;

4-56 (D) during the commission of the offense the
4-57 actor, another party to the offense, or an individual assisted,
4-58 guided, or directed by the actor knowingly possessed a firearm; or

4-59 (E) the actor commits the offense under
4-60 Subsection (a)(1)(B); or

4-61 (2) a felony of the first degree with a minimum term of
4-62 imprisonment of 10 years if:

4-63 (A) it is shown on the trial of the offense that,
4-64 as a direct result of the commission of the offense, the smuggled
4-65 individual became a victim of sexual assault, as defined by Section
4-66 22.011, or aggravated sexual assault, as defined by Section 22.021;
4-67 or

4-68 (B) the smuggled individual suffered serious
4-69 bodily injury or death.

5-1 SECTION 3.02. Sections 20.06(e) and (f), Penal Code, are
 5-2 amended to read as follows:

5-3 (e) Except as provided by Subsections (f) and (g), an
 5-4 offense under this section is a felony of the second degree with a
 5-5 minimum term of imprisonment of 10 years.

5-6 (f) An offense under this section is a felony of the first
 5-7 degree with a minimum term of imprisonment of 10 years if:

5-8 (1) the conduct constituting an offense under Section
 5-9 20.05 is conducted in a manner that creates a substantial
 5-10 likelihood that the smuggled individual will suffer serious bodily
 5-11 injury or death; or

5-12 (2) the smuggled individual is a child younger than 18
 5-13 years of age at the time of the offense.

5-14 SECTION 3.03. The changes in law made by this article apply
 5-15 only to an offense committed on or after the effective date of this
 5-16 article. An offense committed before the effective date of this
 5-17 article is governed by the law in effect on the date the offense was
 5-18 committed, and the former law is continued in effect for that
 5-19 purpose. For purposes of this section, an offense was committed
 5-20 before the effective date of this article if any element of the
 5-21 offense was committed before that date.

5-22 ARTICLE 4. FOREIGN TERRORIST ORGANIZATIONS

5-23 SECTION 4.01. The heading to Subchapter D, Chapter 125,
 5-24 Civil Practice and Remedies Code, is amended to read as follows:

5-25 SUBCHAPTER D. MEMBERSHIP IN CRIMINAL STREET GANG OR FOREIGN
 5-26 TERRORIST ORGANIZATION

5-27 SECTION 4.02. Sections 125.061(1) and (3), Civil Practice
 5-28 and Remedies Code, are amended to read as follows:

5-29 (1) "Combination," ~~and~~ "criminal street gang," and
 5-30 "foreign terrorist organization" have the meanings assigned by
 5-31 Section 71.01, Penal Code.

5-32 (3) "Gang activity" means the following types of
 5-33 conduct:

5-34 (A) organized criminal activity as described by
 5-35 Section 71.02, Penal Code;

5-36 (B) terroristic threat as described by Section
 5-37 22.07, Penal Code;

5-38 (C) coercing, inducing, or soliciting ~~[, or~~
 5-39 ~~inducing gang]~~ membership in a criminal street gang or foreign
 5-40 terrorist organization as described by Section 71.022(a) or (a-1),
 5-41 Penal Code;

5-42 (D) criminal trespass as described by Section
 5-43 30.05, Penal Code;

5-44 (E) disorderly conduct as described by Section
 5-45 42.01, Penal Code;

5-46 (F) criminal mischief as described by Section
 5-47 28.03, Penal Code, that causes a pecuniary loss of \$500 or more;

5-48 (G) a graffiti offense in violation of Section
 5-49 28.08, Penal Code;

5-50 (H) a weapons offense in violation of Chapter 46,
 5-51 Penal Code; or

5-52 (I) unlawful possession of a substance or other
 5-53 item in violation of Chapter 481, Health and Safety Code.

5-54 SECTION 4.03. Section 125.062, Civil Practice and Remedies
 5-55 Code, is amended to read as follows:

5-56 Sec. 125.062. PUBLIC NUISANCE; COMBINATION. A
 5-57 combination, ~~or~~ criminal street gang, or foreign terrorist
 5-58 organization that continuously or regularly associates in gang
 5-59 activities is a public nuisance.

5-60 SECTION 4.04. Section 125.063, Civil Practice and Remedies
 5-61 Code, is amended to read as follows:

5-62 Sec. 125.063. PUBLIC NUISANCE; USE OF PLACE. The habitual
 5-63 use of a place by a combination, ~~or~~ criminal street gang, or
 5-64 foreign terrorist organization for engaging in gang activity is a
 5-65 public nuisance.

5-66 SECTION 4.05. Section 125.064(b), Civil Practice and
 5-67 Remedies Code, is amended to read as follows:

5-68 (b) Any person who habitually associates with others to
 5-69 engage in gang activity as a member of a combination, ~~or~~ criminal

6-1 street gang, or foreign terrorist organization may be made a
 6-2 defendant in the suit. Any person who owns or is responsible for
 6-3 maintaining a place that is habitually used for engaging in gang
 6-4 activity may be made a defendant in the suit.

6-5 SECTION 4.06. Section 125.065(a), Civil Practice and
 6-6 Remedies Code, is amended to read as follows:

6-7 (a) If the court finds that a combination, [~~or~~] criminal
 6-8 street gang, or foreign terrorist organization constitutes a public
 6-9 nuisance, the court may enter an order:

6-10 (1) enjoining a defendant in the suit from engaging in
 6-11 the gang activities of the combination, [~~or~~] criminal street gang,
 6-12 or foreign terrorist organization; and

6-13 (2) imposing other reasonable requirements to prevent
 6-14 the combination, [~~or~~] criminal street gang, or foreign terrorist
 6-15 organization from engaging in future gang activities.

6-16 SECTION 4.07. Section 125.069, Civil Practice and Remedies
 6-17 Code, is amended to read as follows:

6-18 Sec. 125.069. USE OF PLACE; EVIDENCE. In an action brought
 6-19 under this subchapter, proof that gang activity by a member of a
 6-20 combination, [~~or~~] a criminal street gang, or a foreign terrorist
 6-21 organization is frequently committed at a place or proof that a
 6-22 place is frequently used for engaging in gang activity by a member
 6-23 of a combination, [~~or~~] a criminal street gang, or a foreign
 6-24 terrorist organization is prima facie evidence that the proprietor
 6-25 knowingly permitted the act, unless the act constitutes conspiring
 6-26 to commit gang activity.

6-27 SECTION 4.08. Sections 125.070(b), (c), and (e), Civil
 6-28 Practice and Remedies Code, are amended to read as follows:

6-29 (b) A criminal street gang or foreign terrorist
 6-30 organization or a member of a criminal street gang or foreign
 6-31 terrorist organization is liable to the state or a governmental
 6-32 entity injured by the violation of a temporary or permanent
 6-33 injunctive order under this subchapter.

6-34 (c) In an action brought against a member of a criminal
 6-35 street gang or a member of a foreign terrorist organization, the
 6-36 plaintiff must show that the member violated the temporary or
 6-37 permanent injunctive order.

6-38 (e) The property of the criminal street gang or foreign
 6-39 terrorist organization or a member of the criminal street gang or
 6-40 foreign terrorist organization may be seized in execution on a
 6-41 judgment under this section. Property may not be seized under this
 6-42 subsection if the owner or interest holder of the property proves by
 6-43 a preponderance of the evidence that the owner or interest holder
 6-44 was not a member of the criminal street gang or foreign terrorist
 6-45 organization and did not violate the temporary or permanent
 6-46 injunctive order. The owner or interest holder of property that is
 6-47 in the possession of a criminal street gang or foreign terrorist
 6-48 organization or a member of the criminal street gang or foreign
 6-49 terrorist organization and that is subject to execution under this
 6-50 subsection must show that the property:

6-51 (1) was stolen from the owner or interest holder; or

6-52 (2) was used or intended to be used without the
 6-53 effective consent of the owner or interest holder by the criminal
 6-54 street gang or foreign terrorist organization or a member of the
 6-55 criminal street gang or foreign terrorist organization.

6-56 SECTION 4.09. Article 67.001, Code of Criminal Procedure,
 6-57 is amended by adding Subdivision (8-a) and amending Subdivision (9)
 6-58 to read as follows:

6-59 (8-a) "Foreign terrorist organization" has the meaning
 6-60 assigned by Section 71.01, Penal Code.

6-61 (9) "Intelligence database" means a collection or
 6-62 compilation of data organized for search and retrieval to evaluate,
 6-63 analyze, disseminate, or use intelligence information relating to a
 6-64 combination, [~~or~~] criminal street gang, or foreign terrorist
 6-65 organization for the purpose of investigating or prosecuting a
 6-66 criminal offense.

6-67 SECTION 4.10. Articles 67.051(a) and (b), Code of Criminal
 6-68 Procedure, are amended to read as follows:

6-69 (a) Subject to Subsection (b), a criminal justice agency or

7-1 juvenile justice agency shall compile criminal information into an
 7-2 intelligence database for the purpose of investigating or
 7-3 prosecuting the criminal activities of combinations, ~~[or]~~ criminal
 7-4 street gangs, or foreign terrorist organizations.

7-5 (b) A law enforcement agency in a municipality with a
 7-6 population of 50,000 or more or in a county with a population of
 7-7 100,000 or more shall compile and maintain in a local or regional
 7-8 intelligence database criminal information relating to a criminal
 7-9 street gang or a foreign terrorist organization as provided by
 7-10 Subsection (a). The agency must compile and maintain the
 7-11 information in accordance with the criminal intelligence systems
 7-12 operating policies established under 28 C.F.R. Section 23.1 et seq.
 7-13 and the submission criteria established under Article 67.054(b).

7-14 SECTION 4.11. Article 67.054(b), Code of Criminal
 7-15 Procedure, is amended to read as follows:

7-16 (b) Criminal information collected under this chapter
 7-17 relating to a criminal street gang or foreign terrorist
 7-18 organization must:

7-19 (1) be relevant to the identification of an
 7-20 organization that is reasonably suspected of involvement in
 7-21 criminal activity; and

7-22 (2) consist of:

7-23 (A) a judgment under any law that includes, as a
 7-24 finding or as an element of a criminal offense, participation in a
 7-25 criminal street gang or foreign terrorist organization;

7-26 (B) a self-admission by an individual of
 7-27 membership in a criminal street gang or foreign terrorist
 7-28 organization ~~[membership]~~ that is made during a judicial
 7-29 proceeding; or

7-30 (C) except as provided by Subsection (c), any two
 7-31 of the following:

7-32 (i) a self-admission by the individual of
 7-33 membership in a criminal street gang or foreign terrorist
 7-34 organization ~~[membership]~~ that is not made during a judicial
 7-35 proceeding, including the use of the Internet or other electronic
 7-36 format or medium to post photographs or other documentation
 7-37 identifying the individual as a member of a criminal street gang or
 7-38 foreign terrorist organization;

7-39 (ii) an identification of the individual as
 7-40 a member of a criminal street gang or foreign terrorist
 7-41 organization ~~[member]~~ by a reliable informant or other individual;

7-42 (iii) a corroborated identification of the
 7-43 individual as a member of a criminal street gang or foreign
 7-44 terrorist organization ~~[member]~~ by an informant or other individual
 7-45 of unknown reliability;

7-46 (iv) evidence that the individual frequents
 7-47 a documented area of a criminal street gang or foreign terrorist
 7-48 organization and associates with known members of a criminal street
 7-49 gang or foreign terrorist organization ~~[members]~~;

7-50 (v) evidence that the individual uses, in
 7-51 more than an incidental manner, criminal street gang or foreign
 7-52 terrorist organization dress, hand signals, tattoos, or symbols,
 7-53 including expressions of letters, numbers, words, or marks,
 7-54 regardless of how or the means by which the symbols are displayed,
 7-55 that are associated with a criminal street gang or foreign
 7-56 terrorist organization that operates in an area frequented by the
 7-57 individual and described by Subparagraph (iv);

7-58 (vi) evidence that the individual has been
 7-59 arrested or taken into custody with known members of a criminal
 7-60 street gang or foreign terrorist organization ~~[members]~~ for an
 7-61 offense or conduct consistent with ~~[criminal street]~~ gang activity
 7-62 as defined by Section 125.061, Civil Practice and Remedies Code;

7-63 (vii) evidence that the individual has
 7-64 visited a known member of a criminal street gang or foreign
 7-65 terrorist organization ~~[member]~~, other than a family member of the
 7-66 individual, while the ~~[gang]~~ member is confined in or committed to a
 7-67 penal institution; or

7-68 (viii) evidence of the individual's use of
 7-69 technology, including the Internet, to recruit new members of a

8-1 criminal street gang or foreign terrorist organization [~~members~~].

8-2 SECTION 4.12. Articles 67.102(a) and (d), Code of Criminal
8-3 Procedure, are amended to read as follows:

8-4 (a) Notwithstanding Chapter 58, Family Code, criminal
8-5 information relating to a child associated with a combination, [~~or~~]
8-6 criminal street gang, or foreign terrorist organization may be
8-7 compiled and released under this chapter regardless of the age of
8-8 the child.

8-9 (d) The governing body of a county or municipality served by
8-10 a law enforcement agency described by Article 67.051(b) may adopt a
8-11 policy to notify the parent or guardian of a child of the agency's
8-12 observations relating to the child's association with a criminal
8-13 street gang or foreign terrorist organization.

8-14 SECTION 4.13. Article 67.251, Code of Criminal Procedure,
8-15 is amended to read as follows:

8-16 Art. 67.251. ESTABLISHMENT OF GANG RESOURCE SYSTEM. The
8-17 office of the attorney general shall establish an electronic gang
8-18 resource system to provide criminal justice agencies and juvenile
8-19 justice agencies with information about criminal street gangs and
8-20 foreign terrorist organizations in this state.

8-21 SECTION 4.14. Articles 67.252(a) and (b), Code of Criminal
8-22 Procedure, are amended to read as follows:

8-23 (a) The gang resource system established under Article
8-24 67.251 may include the following information with regard to any
8-25 gang or foreign terrorist organization:

- 8-26 (1) gang or organization name;
- 8-27 (2) gang or organization identifiers, such as colors
8-28 used, tattoos, and clothing preferences;
- 8-29 (3) criminal activities;
- 8-30 (4) migration trends;
- 8-31 (5) recruitment activities; and
- 8-32 (6) a local law enforcement contact.

8-33 (b) Information in the gang resource system shall be
8-34 accessible according to:

- 8-35 (1) municipality or county; and
- 8-36 (2) gang or organization name.

8-37 SECTION 4.15. Article 67.254(a), Code of Criminal
8-38 Procedure, is amended to read as follows:

8-39 (a) On request by the office of the attorney general, a
8-40 criminal justice agency or juvenile justice agency shall make a
8-41 reasonable attempt to provide gang and foreign terrorist
8-42 organization information to the office of the attorney general for
8-43 the purpose of maintaining an updated, comprehensive gang resource
8-44 system.

8-45 SECTION 4.16. Article 67.255, Code of Criminal Procedure,
8-46 is amended to read as follows:

8-47 Art. 67.255. USE OF INFORMATION. Information in the gang
8-48 resource system may be used in investigating [~~gang-related~~]
8-49 relating to a criminal street gang or foreign terrorist
8-50 organization. Information from the system may be included in an
8-51 affidavit or subpoena or used in connection with any other legal or
8-52 judicial proceeding only if the information is corroborated by
8-53 information not provided by or maintained in the system.

8-54 SECTION 4.17. Section 71.01, Penal Code, is amended by
8-55 adding Subsection (e) to read as follows:

8-56 (e) "Foreign terrorist organization" means three or more
8-57 persons operating as an organization at least partially outside the
8-58 United States who engage in criminal activity and threaten the
8-59 security of this state or its residents, including but not limited
8-60 to a drug cartel.

8-61 SECTION 4.18. Section 71.02(a), Penal Code, is amended to
8-62 read as follows:

8-63 (a) A person commits an offense if, with the intent to
8-64 establish, maintain, or participate in a combination or in the
8-65 profits of a combination or as a member of a criminal street gang or
8-66 foreign terrorist organization, the person commits or conspires to
8-67 commit one or more of the following:

- 8-68 (1) murder, capital murder, arson, aggravated
8-69 robbery, robbery, burglary, theft, aggravated kidnapping,

- 9-1 kidnapping, aggravated assault, aggravated sexual assault, sexual
 9-2 assault, continuous sexual abuse of young child or disabled
 9-3 individual, solicitation of a minor, forgery, deadly conduct,
 9-4 assault punishable as a Class A misdemeanor, burglary of a motor
 9-5 vehicle, or unauthorized use of a motor vehicle;
 9-6 (2) any gambling offense punishable as a Class A
 9-7 misdemeanor;
 9-8 (3) promotion of prostitution, aggravated promotion
 9-9 of prostitution, or compelling prostitution;
 9-10 (4) unlawful manufacture, transportation, repair, or
 9-11 sale of firearms or prohibited weapons;
 9-12 (5) unlawful manufacture, delivery, dispensation, or
 9-13 distribution of a controlled substance or dangerous drug, or
 9-14 unlawful possession of a controlled substance or dangerous drug;
 9-15 (A) through forgery, fraud, misrepresentation,
 9-16 or deception; or
 9-17 (B) with the intent to deliver the controlled
 9-18 substance or dangerous drug;
 9-19 (5-a) causing the unlawful delivery, dispensation, or
 9-20 distribution of a controlled substance or dangerous drug in
 9-21 violation of Subtitle B, Title 3, Occupations Code;
 9-22 (6) any unlawful wholesale promotion or possession of
 9-23 any obscene material or obscene device with the intent to wholesale
 9-24 promote the same;
 9-25 (7) any offense under Subchapter B, Chapter 43,
 9-26 depicting or involving conduct by or directed toward a child
 9-27 younger than 18 years of age;
 9-28 (8) any felony offense under Chapter 32;
 9-29 (9) any offense under Chapter 36;
 9-30 (10) any offense under Chapter 34, 35, or 35A;
 9-31 (11) any offense under Section 37.11(a);
 9-32 (12) any offense under Chapter 20A;
 9-33 (13) any offense under Section 37.10;
 9-34 (14) any offense under Section 38.06, 38.07, 38.09, or
 9-35 38.11;
 9-36 (15) any offense under Section 42.10;
 9-37 (16) any offense under Section 46.06(a)(1) or 46.14;
 9-38 (17) any offense under Section 20.05, ~~or~~ 20.06, or
 9-39 20.07;
 9-40 (18) any offense under Section 16.02; or
 9-41 (19) any offense classified as a felony under the Tax
 9-42 Code.

9-43 SECTION 4.19. The heading to Section 71.022, Penal Code, is
 9-44 amended to read as follows:

9-45 Sec. 71.022. COERCING, INDUCING, OR SOLICITING MEMBERSHIP
 9-46 IN A CRIMINAL STREET GANG OR FOREIGN TERRORIST ORGANIZATION.

9-47 SECTION 4.20. Sections 71.022(a) and (a-1), Penal Code, are
 9-48 amended to read as follows:

9-49 (a) A person commits an offense if the person knowingly
 9-50 causes, enables, encourages, recruits, or solicits another person
 9-51 to become a member of a criminal street gang or foreign terrorist
 9-52 organization which, as a condition of initiation, admission,
 9-53 membership, or continued membership, requires the commission of any
 9-54 conduct which constitutes an offense punishable as a Class A
 9-55 misdemeanor or a felony.

9-56 (a-1) A person commits an offense if, with intent to coerce,
 9-57 induce, or solicit a child to actively participate in the
 9-58 activities of a criminal street gang or foreign terrorist
 9-59 organization, the person:

9-60 (1) threatens the child or a member of the child's
 9-61 family with imminent bodily injury; or

9-62 (2) causes bodily injury to the child or a member of
 9-63 the child's family.

9-64 SECTION 4.21. Section 71.023, Penal Code, is amended to
 9-65 read as follows:

9-66 Sec. 71.023. DIRECTING ACTIVITIES OF CRIMINAL STREET GANGS
 9-67 OR FOREIGN TERRORIST ORGANIZATIONS. (a) A person commits an
 9-68 offense if the person, as part of the identifiable leadership of a
 9-69 criminal street gang or foreign terrorist organization, knowingly

10-1 finances, directs, or supervises the commission of, or a conspiracy
 10-2 to commit, one or more of the following offenses by members of a
 10-3 criminal street gang or foreign terrorist organization:

10-4 (1) a felony offense that is listed in Article
 10-5 42A.054(a), Code of Criminal Procedure;

10-6 (2) a felony offense for which it is shown that a
 10-7 deadly weapon, as defined by Section 1.07, was used or exhibited
 10-8 during the commission of the offense or during immediate flight
 10-9 from the commission of the offense; or

10-10 (3) an offense that is punishable under Section
 10-11 481.112(e) or (f), 481.1121(b)(4), 481.1123(d), (e), or (f),
 10-12 481.115(f), or 481.120(b)(6), Health and Safety Code.

10-13 (b) An offense under this section is a felony of the first
 10-14 degree punishable by imprisonment in the Texas Department of
 10-15 Criminal Justice for life or for any term of not more than 99 years
 10-16 or less than 25 years.

10-17 SECTION 4.22. Chapter 125, Civil Practice and Remedies
 10-18 Code, as amended by this article, applies only to an action
 10-19 commenced on or after the effective date of this article. An action
 10-20 commenced before the effective date of this article is governed by
 10-21 the law as it existed immediately before the effective date of this
 10-22 article, and that law is continued in effect for that purpose.

10-23 SECTION 4.23. Chapter 71, Penal Code, as amended by this
 10-24 article, applies only to an offense committed on or after the
 10-25 effective date of this article. An offense committed before the
 10-26 effective date of this article is governed by the law in effect on
 10-27 the date the offense was committed, and the former law is continued
 10-28 in effect for that purpose. For purposes of this section, an offense
 10-29 was committed before the effective date of this article if any
 10-30 element of the offense occurred before that date.

10-31 ARTICLE 5. LANDOWNER COMPENSATION FOR PROPERTY DAMAGE CAUSED BY
 10-32 CERTAIN CRIMINAL ACTIVITIES

10-33 SECTION 5.01. Title 1, Code of Criminal Procedure, is
 10-34 amended by adding Chapter 56C to read as follows:

10-35 CHAPTER 56C. LANDOWNER COMPENSATION FOR PROPERTY DAMAGE CAUSED BY
 10-36 CERTAIN CRIMINAL ACTIVITIES

10-37 Art. 56C.001. DEFINITIONS. In this chapter:

10-38 (1) "Agricultural land" includes any land the use of
 10-39 which qualifies the land for appraisal based on agricultural use as
 10-40 defined under Subchapter D, Chapter 23, Tax Code.

10-41 (2) "Border crime" means conduct:

10-42 (A) constituting an offense under:

10-43 (i) Subchapter D, Chapter 481, Health and
 10-44 Safety Code;

10-45 (ii) Section 20.05 or 38.04, Penal Code; or

10-46 (iii) Chapter 20A, Penal Code; and

10-47 (B) involving transnational criminal activity.

10-48 (3) "Trespasser" has the meaning assigned by Section
 10-49 75.007, Civil Practice and Remedies Code.

10-50 Art. 56C.002. ADMINISTRATION; RULES. (a) The attorney
 10-51 general shall adopt rules to administer this chapter.

10-52 (b) Subchapters A and B, Chapter 2001, Government Code,
 10-53 except Sections 2001.004(3) and 2001.005, apply to the attorney
 10-54 general.

10-55 (c) The attorney general may delegate to a person in the
 10-56 attorney general's office a power or duty given to the attorney
 10-57 general under this chapter.

10-58 Art. 56C.003. LANDOWNER COMPENSATION PROGRAM. (a) From
 10-59 money appropriated for the purpose, the attorney general shall
 10-60 establish and administer a program to compensate landowners who
 10-61 suffer real property damage on agricultural land caused by:

10-62 (1) a trespasser as a result of an offense under
 10-63 Chapter 28, Penal Code, that was committed in the course of or in
 10-64 furtherance of a border crime; or

10-65 (2) a law enforcement response to a trespasser who was
 10-66 engaged in a border crime.

10-67 (b) The attorney general shall establish:

10-68 (1) eligibility criteria for compensation under this
 10-69 article, including requirements for providing proof of eligibility

11-1 for compensation;
 11-2 (2) application procedures;
 11-3 (3) criteria for evaluating applications and awarding
 11-4 compensation;
 11-5 (4) guidelines related to compensation amounts,
 11-6 provided that the maximum amount awarded per incident causing
 11-7 damage may not exceed \$75,000; and
 11-8 (5) procedures for monitoring the use of compensation
 11-9 awarded under this article and ensuring compliance with any
 11-10 conditions of the award.
 11-11 (c) The attorney general may not award compensation under
 11-12 this article for real property damage caused by a trespasser
 11-13 described by Subsection (a)(1) unless the damage is documented in a
 11-14 written report by a law enforcement agency as having occurred in
 11-15 connection with a border crime.
 11-16 (d) In awarding compensation under this article for real
 11-17 property damage caused by a trespasser described by Subsection
 11-18 (a)(1), the attorney general may not consider the outcome of any
 11-19 criminal prosecution arising out of the offense under Chapter 28,
 11-20 Penal Code, as a result of which the applicant suffered property
 11-21 damage or the applicable offense listed in Article 56C.001(2)(A).
 11-22 Art. 56C.004. HEARINGS AND PREHEARING CONFERENCES. (a) The
 11-23 attorney general shall determine whether a hearing on an
 11-24 application for compensation under this chapter is necessary.
 11-25 (b) On determining that a hearing is not necessary, the
 11-26 attorney general may approve the application.
 11-27 (c) On determining that a hearing is necessary or on request
 11-28 for a hearing by the applicant, the attorney general shall consider
 11-29 the application at a hearing at a time and place of the attorney
 11-30 general's choosing. The attorney general shall notify all
 11-31 interested persons not later than the 10th day before the date of
 11-32 the hearing.
 11-33 (d) At the hearing the attorney general shall:
 11-34 (1) review the application for compensation; and
 11-35 (2) receive other evidence that the attorney general
 11-36 finds necessary or desirable to evaluate the application properly.
 11-37 (e) The attorney general may appoint hearing officers to
 11-38 conduct hearings or prehearing conferences under this chapter.
 11-39 (f) A hearing or prehearing conference is open to the public
 11-40 unless the hearing officer or attorney general determines in a
 11-41 particular case that all or part of the hearing or conference should
 11-42 be held in private because a private hearing or conference is in the
 11-43 interest of the applicant.
 11-44 (g) Subchapters C through H, Chapter 2001, Government Code,
 11-45 do not apply to the attorney general or the attorney general's
 11-46 orders and decisions.
 11-47 Art. 56C.005. ANNUAL REPORT. Not later than the 100th day
 11-48 after the end of each state fiscal year, the attorney general shall
 11-49 submit to the governor and the legislature a report on the attorney
 11-50 general's activities under this chapter during the preceding fiscal
 11-51 year that includes the following information, disaggregated by each
 11-52 offense listed in Article 56C.001(2)(A):
 11-53 (1) the number of applications made;
 11-54 (2) the number of applicants receiving compensation;
 11-55 and
 11-56 (3) the amount of compensation awarded.
 11-57 Art. 56C.006. PAYER OF LAST RESORT. (a) The program
 11-58 established under Article 56C.003 is a payer of last resort for real
 11-59 property damage described by that article.
 11-60 (b) The attorney general may not award compensation to an
 11-61 applicant under Article 56C.003 if the attorney general determines
 11-62 that the applicant:
 11-63 (1) is eligible for reimbursement from another source,
 11-64 including under an insurance contract or a state, local, or federal
 11-65 program; and
 11-66 (2) failed to seek reimbursement from the source
 11-67 described by Subdivision (1).
 11-68 Art. 56C.007. EXPIRATION OF CHAPTER. This chapter expires
 11-69 on the second anniversary of the date that all money appropriated

12-1 for the program established under this chapter has been expended.

12-2 ARTICLE 6. INTERAGENCY WORK GROUP ON BORDER ISSUES

12-3 SECTION 6.01. Sections 772.011(a) and (b), Government Code,
12-4 are amended to read as follows:

12-5 (a) An interagency work group is created to:

12-6 (1) develop or update a process to allow agencies to
12-7 work together on issues that face border communities;

12-8 (2) discuss and coordinate programs and services
12-9 offered to border communities and residents of border communities;
12-10 [~~and~~]

12-11 (3) develop regulatory and legislative
12-12 recommendations to eliminate duplication and combine program
12-13 services;

12-14 (4) identify and anticipate challenges and threats to
12-15 agencies' operations along the Texas-Mexico border;

12-16 (5) develop solutions to overcome the challenges and
12-17 threats described by Subdivision (4); and

12-18 (6) identify strategic opportunities agencies may use
12-19 to enhance the capabilities and effectiveness of their roles in
12-20 this state's operations along the Texas-Mexico border.

12-21 (b) The work group is composed of:

12-22 (1) the chair of the standing substantive committee of
12-23 the senate with primary jurisdiction over border security, or the
12-24 chair's designee;

12-25 (2) the chair of the standing substantive committee of
12-26 the house of representatives with primary jurisdiction over border
12-27 security, or the chair's designee; and

12-28 (3) the heads of the following agencies or their
12-29 designees:

12-30 (A) [~~(1)~~] the Texas Department of Rural Affairs;

12-31 (B) [~~(2)~~] the Texas Department of Housing and
12-32 Community Affairs;

12-33 (C) [~~(3)~~] the Texas Water Development Board;

12-34 (D) [~~(4)~~] the Texas Department of
12-35 Transportation;

12-36 (E) [~~(5)~~] the Texas Commission on Environmental
12-37 Quality;

12-38 (F) [~~(6)~~] the Texas Workforce Commission;

12-39 (G) [~~(7)~~] the Department of State Health
12-40 Services;

12-41 (H) [~~(8)~~] the Health and Human Services
12-42 Commission;

12-43 (I) [~~(9)~~] the General Land Office;

12-44 (J) [~~(10)~~] the Texas Economic Development and
12-45 Tourism Office;

12-46 (K) [~~(11)~~] the Office of State-Federal
12-47 Relations;

12-48 (L) [~~(12)~~] the Texas Higher Education
12-49 Coordinating Board;

12-50 (M) [~~(13)~~] the attorney general's office;

12-51 (N) [~~(14)~~] the secretary of state's office;

12-52 (O) [~~(15)~~] the Department of Public Safety;
12-53 [~~and~~]

12-54 (P) [~~(16)~~] the Railroad Commission of Texas;

12-55 (Q) the Texas Division of Emergency Management;

12-56 (R) the Texas Alcoholic Beverage Commission; and

12-57 (S) the Texas Military Department.

12-58 ARTICLE 7. FINANCIAL ASSISTANCE FOR INFRASTRUCTURE, FACILITIES,
12-59 EQUIPMENT, AND SERVICES IN THE BORDER REGION

12-60 SECTION 7.01. Chapter 421, Government Code, is amended by
12-61 adding Subchapter G to read as follows:

12-62 SUBCHAPTER G. USE OF FUNDS FOR BORDER PROTECTION AND PUBLIC SAFETY

12-63 Sec. 421.111. DEFINITIONS. In this subchapter:

12-64 (1) "Border region" has the meaning assigned by
12-65 Section 772.0071.

12-66 (2) "Local government" means a municipality or county.

12-67 (3) "Office" means the trustee programs within the
12-68 office of the governor.

12-69 Sec. 421.112. USE OF CERTAIN FUNDS. From money

13-1 appropriated for that purpose, the office, as authorized by Chapter
13-2 418, Government Code, including Subchapter D of that chapter, shall
13-3 make funds available to state agencies and local governments for
13-4 the following purposes:

13-5 (1) the construction and maintenance of facilities
13-6 related to prosecuting and adjudicating offenses committed in the
13-7 border region, including court facilities, processing facilities,
13-8 detention facilities, criminal justice centers, and other similar
13-9 facilities;

13-10 (2) the construction of improvements to an area in the
13-11 immediate vicinity of a port of entry to enhance vehicle inspection
13-12 capabilities and assist in the investigation, interdiction, and
13-13 prosecution of persons smuggling individuals or contraband across
13-14 the Texas-Mexico border; and

13-15 (3) the construction or improvement of roadways and
13-16 similar transportation facilities in the border region that provide
13-17 for detailed monitoring of commercial motor vehicles traveling
13-18 along the roadways and facilities.

13-19 ARTICLE 8. BORDER PROTECTION AGREEMENTS

13-20 SECTION 8.01. Title 7, Government Code, is amended by
13-21 adding Chapter 794 to read as follows:

13-22 CHAPTER 794. BORDER PROTECTION AGREEMENTS WITH UNITED MEXICAN
13-23 STATES

13-24 Sec. 794.001. AUTHORITY FOR AGREEMENTS. On behalf of this
13-25 state, the governor shall coordinate, develop, and execute
13-26 agreements with the United Mexican States and the states of the
13-27 United Mexican States regarding the authority of this state to
13-28 protect and defend its citizens.

13-29 ARTICLE 9. SEVERABILITY; EFFECTIVE DATE

13-30 SECTION 9.01. It is the intent of the legislature that every
13-31 provision, section, subsection, sentence, clause, phrase, or word
13-32 in this Act, and every application of the provisions in this Act to
13-33 every person, group of persons, or circumstances, is severable from
13-34 each other. If any application of any provision in this Act to any
13-35 person, group of persons, or circumstances is found by a court to be
13-36 invalid for any reason, the remaining applications of that
13-37 provision to all other persons and circumstances shall be severed
13-38 and may not be affected.

13-39 SECTION 9.02. This Act takes effect September 1, 2023.

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