

By: Lozano

H.B. No. 1611

A BILL TO BE ENTITLED

AN ACT

relating to increasing the minimum term of imprisonment for certain criminal offenses involving the smuggling of persons.

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

SECTION 1. Section 20.05(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a felony of the third degree with a minimum term of imprisonment of five years, except that the offense is:

(1) a felony of the second degree with a minimum term of imprisonment of five years if:

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

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

(C) the offense was committed with the intent to obtain a pecuniary benefit;

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

(E) the actor commits the offense under Subsection (a)(1)(B); or

(2) a felony of the first degree if:

1 (A) it is shown on the trial of the offense that,
2 as a direct result of the commission of the offense, the smuggled
3 individual became a victim of sexual assault, as defined by Section
4 22.011, or aggravated sexual assault, as defined by Section 22.021;
5 or

6 (B) the smuggled individual suffered serious
7 bodily injury or death.

8 SECTION 2. Section 20.06(e), Penal Code, is amended to read
9 as follows:

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

13 SECTION 3. The changes in law made by this Act apply only to
14 an offense committed on or after the effective date of this Act. An
15 offense committed before the effective date of this Act is governed
16 by the law in effect on the date the offense was committed, and the
17 former law is continued in effect for that purpose. For purposes of
18 this section, an offense was committed before the effective date of
19 this Act if any element of the offense was committed before that
20 date.

21 SECTION 4. This Act takes effect September 1, 2023.