

By: Lozano

H.B. No. 3012

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of
smuggling of persons.

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

SECTION 1. Section 20.01, Penal Code, is amended to read as
follows:

Sec. 20.01. DEFINITIONS. In this chapter:

(1) "Restrain" means to restrict a person's movements
without consent, so as to interfere substantially with the person's
liberty, by moving the person from one place to another or by
confining the person. Restraint is "without consent" if it is
accomplished by:

(A) force, intimidation, or deception; or

(B) any means, including acquiescence of the
victim, if:

(i) the victim is a child who is less than
14 years of age or an incompetent person and the parent, guardian,
or person or institution acting in loco parentis has not acquiesced
in the movement or confinement; or

(ii) the victim is a child who is 14 years
of age or older and younger than 17 years of age, the victim is taken
outside of the state and outside a 120-mile radius from the victim's
residence, and the parent, guardian, or person or institution
acting in loco parentis has not acquiesced in the movement.

1 (2) "Abduct" means to restrain a person with intent to
2 prevent his liberation by:

3 (A) secreting or holding him in a place where he
4 is not likely to be found; or

5 (B) using or threatening to use deadly force.

6 (3) "Relative" means a parent or stepparent, ancestor,
7 sibling, or uncle or aunt, including an adoptive relative of the
8 same degree through marriage or adoption.

9 (4) "Person" means an individual or a corporation,
10 association, limited liability company, or other entity or
11 organization governed by the Business Organizations Code.

12 (5) Notwithstanding Section 1.07, "individual" means
13 a human being who has been born and is alive.

14 (6) "Agricultural land" has the meaning assigned by
15 Section 75.001, Civil Practice and Remedies Code.

16 (7) "Firearm" has the meaning assigned by Section
17 46.01.

18 (8) "Special investigator" includes an agent of the
19 United States Department of Homeland Security.

20 (9) "Park", "open space area," "natural area," and
21 "cultural resource site or area" have the meanings assigned by
22 Section 24.001, Parks and Wildlife code.

23 SECTION 2. Section 20.05(a), Penal Code, is amended to read
24 as follows:

25 (a) A person commits an offense if the person knowingly:

26 (1) uses a motor vehicle, aircraft, watercraft, or
27 other means of conveyance to transport an individual with the

1 intent to:

2 (A) conceal the individual from a peace officer
3 or special investigator; or

4 (B) flee from a person the actor knows is a peace
5 officer or special investigator attempting to lawfully arrest or
6 detain the actor;

7 (2) encourages or induces a person to enter or remain
8 in this country in violation of federal law by concealing,
9 harboring, or shielding that person from detection; or

10 (3) assists, guides, or directs two or more
11 individuals to enter or remain on a park, open space area, natural
12 area, cultural resource site or area, or agricultural land without
13 the effective consent of the owner.

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

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