

By: Toth

H.B. No. 5270

A BILL TO BE ENTITLED

AN ACT

relating to creation of the criminal offense of improper entry from foreign nation.

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

SECTION 1. Chapter 38, Penal Code, is amended by adding Section 38.20 to read as follows:

Sec. 38.20. IMPROPER ENTRY FROM FOREIGN NATION. (a) A person who is not a citizen or national of the United State commits an offense if the person:

(1) enters or attempts to enter this state from a foreign nation at any time or place other than as designated by United States immigration officers;

(2) eludes examination or inspection by United States immigration officers; or

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

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

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

(2) a state jail felony described by Subdivision (1) or any other felony not listed in Article 42A.054(a), Code of

1 Criminal Procedure, the offense is a felony of the second degree; or
2 (3) a felony listed in Article [42A.054](#)(a), Code of
3 Criminal Procedure, the offense is a felony of the first degree.

4 SECTION 2. This Act takes effect July 1, 2023, 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 effect on that
8 date the Act takes effect September 1, 2023.