

By: Birdwell

S.B. No. 600

A BILL TO BE ENTITLED

1 AN ACT
2 relating to increasing the minimum term of imprisonment for certain
3 criminal offenses involving the smuggling of persons.

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

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

7 (b) An offense under this section is a felony of the third
8 degree with a term of imprisonment of 10 years, except that the
9 offense is:

10 (1) a felony of the second degree with a minimum term
11 of imprisonment of 10 years if:

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

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

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

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

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

24 (2) a felony of the first degree with a minimum term of

1 imprisonment of 10 years if:

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

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

9 SECTION 2. Sections 20.06(e) and (f), Penal Code, are
10 amended to read as follows:

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

14 (f) An offense under this section is a felony of the first
15 degree with a minimum term of imprisonment of 10 years if:

16 (1) the conduct constituting an offense under Section
17 20.05 is conducted in a manner that creates a substantial
18 likelihood that the smuggled individual will suffer serious bodily
19 injury or death; or

20 (2) the smuggled individual is a child younger than 18
21 years of age at the time of the offense.

22 SECTION 3. The changes in law made by this Act apply only to
23 an offense committed on or after the effective date of this Act. An
24 offense committed before the effective date of this Act is governed
25 by the law in effect on the date the offense was committed, and the
26 former law is continued in effect for that purpose. For purposes of
27 this section, an offense was committed before the effective date of

S.B. No. 600

1 this Act if any element of the offense was committed before that
2 date.

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