

1-1 By: Birdwell S.B. No. 600
1-2 (In the Senate - Filed January 25, 2023; February 17, 2023,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 14, 2023, rereferred to Committee on Border Security;
1-5 April 4, 2023, reported adversely, with favorable Committee
1-6 Substitute by the following vote: Yeas 5, Nays 0; April 4, 2023,
1-7 sent to printer.)

1-8 COMMITTEE VOTE

1-9	Yea	Nay	Absent	PNV
1-10	<u>Birdwell</u>	X		
1-11	<u>Flores</u>	X		
1-12	<u>Blanco</u>	X		
1-13	<u>Hinojosa</u>	X		
1-14	<u>King</u>	X		

1-15 COMMITTEE SUBSTITUTE FOR S.B. No. 600 By: Birdwell

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to increasing the minimum term of imprisonment for certain
1-19 criminal offenses involving the smuggling of persons.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 20.05(b), Penal Code, is amended to read
1-22 as follows:

1-23 (b) An offense under this section is a felony of the third
1-24 degree with a term of imprisonment of 10 years, except that the
1-25 offense is:

1-26 (1) a felony of the second degree with a minimum term
1-27 of imprisonment of 10 years if:

1-28 (A) the actor commits the offense in a manner
1-29 that creates a substantial likelihood that the smuggled individual
1-30 will suffer serious bodily injury or death;

1-31 (B) the smuggled individual is a child younger
1-32 than 18 years of age at the time of the offense;

1-33 (C) the offense was committed with the intent to
1-34 obtain a pecuniary benefit;

1-35 (D) during the commission of the offense the
1-36 actor, another party to the offense, or an individual assisted,
1-37 guided, or directed by the actor knowingly possessed a firearm; or

1-38 (E) the actor commits the offense under
1-39 Subsection (a)(1)(B); or

1-40 (2) a felony of the first degree with a minimum term of
1-41 imprisonment of 10 years if:

1-42 (A) it is shown on the trial of the offense that,
1-43 as a direct result of the commission of the offense, the smuggled
1-44 individual became a victim of sexual assault, as defined by Section
1-45 22.011, or aggravated sexual assault, as defined by Section 22.021;
1-46 or

1-47 (B) the smuggled individual suffered serious
1-48 bodily injury or death.

1-49 SECTION 2. Sections 20.06(e) and (f), Penal Code, are
1-50 amended to read as follows:

1-51 (e) Except as provided by Subsections (f) and (g), an
1-52 offense under this section is a felony of the second degree with a
1-53 minimum term of imprisonment of 10 years.

1-54 (f) An offense under this section is a felony of the first
1-55 degree with a minimum term of imprisonment of 10 years if:

1-56 (1) the conduct constituting an offense under Section
1-57 20.05 is conducted in a manner that creates a substantial
1-58 likelihood that the smuggled individual will suffer serious bodily
1-59 injury or death; or

1-60 (2) the smuggled individual is a child younger than 18
1-61 years of age at the time of the offense.

1-62 SECTION 3. The changes in law made by this Act apply only to
1-63 an offense committed on or after the effective date of this Act. An

2-1 offense committed before the effective date of this Act is governed
2-2 by the law in effect on the date the offense was committed, and the
2-3 former law is continued in effect for that purpose. For purposes of
2-4 this section, an offense was committed before the effective date of
2-5 this Act if any element of the offense was committed before that
2-6 date.

2-7 SECTION 4. This Act takes effect September 1, 2023.

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