

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 20, 2023

TO: Honorable Todd Hunter, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB2424 by Birdwell (relating to illegal entry into this state from Mexico by a person who is not a citizen or legal permanent resident of the United States; creating criminal offenses.), **Committee Report 2nd House, Substituted**

Creating a new criminal offense may result in additional demands upon state correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement. The fiscal implications of the bill cannot be determined due to a lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be subject to criminal penalties.

The bill would create the Class B misdemeanor offense of illegal entry from Mexico. The penalty would be increased to a state jail felony in the case of a previous conviction of the offense. The bill would authorize a peace officer, in lieu of arrest, to remove a person detained for such an offense by collecting any identifying information the person may have, transporting the person to a port of entry, and ordering the person to return to Mexico. The bill would make it a second degree felony if the person refuses to comply with such an order.

The bill would require a law enforcement officer of the Department of Public Safety who arrests a person for illegal entry from Mexico, to the extent feasible, to detain the person in a facility established under Operation Lone Star or a similar border security operation of this state.

The bill would establish liability for indemnification relating to damages that arise out of a cause of action resulting from actions taken by a person to enforce the bill's provisions.

The impact on state correctional populations or on the demand for state correctional resources cannot be determined due to a lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be subject to criminal penalties.

Local Government Impact

While the fiscal impact to units of local government cannot be determined, creating a new criminal offense may result in additional demands upon local correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety

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