

House Bill 7
Senate Amendments
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ARTICLE 1. LEGISLATIVE FINDING

SECTION 1.01. The legislature, acting with the governor, has the solemn duty to protect and defend the citizens of this state and maintain sovereignty over this state's borders.

No equivalent provision. *(But see ARTICLE 8 below.)*

No equivalent provision.

No equivalent provision. *(But see SECTION 8.07 below.)*

SENATE VERSION (IE)

No equivalent provision.

No equivalent provision.

ARTICLE 1. TEXAS BORDER FORCE; DEPARTMENT OF PUBLIC SAFETY BORDER SECURITY FUNCTIONS

SECTION 1.01. Section 411.0043, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The commission shall implement a policy requiring the department to use appropriate technological solutions to improve the department's ability to perform its functions. The policy must ensure that:

(1) the public is able to interact with the department on the Internet; and

(2) the department's capability to conduct border security operations and similar functions is not impeded by the use of obsolete or outdated technologies.

(c) The department shall periodically review emerging technologies that may be deployed for border security operations, including technologies and equipment described by Section 411.0285, to ensure the department consistently adopts innovative technologies and solutions for those operations.

SECTION 1.02. Chapter 411, Government Code, is amended by adding Subchapter B-2 to read as follows:

SUBCHAPTER B-2. TEXAS BORDER FORCE

Sec. 411.0281. DEFINITION. In this subchapter, "border

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force" means the Texas Border Force established under this subchapter.

Sec. 411.0282. TEXAS BORDER FORCE; CHIEF. (a) The Texas Border Force is established in the Texas Rangers division of the department.

(b) The chief of the Texas Rangers is the chief of the border force.

Sec. 411.0283. BORDER OPERATIONS. (a) The border force may conduct border security operations along the Texas-Mexico border, including: [FA4(1)]

(1) law enforcement operations;

(2) intelligence gathering, analysis, and dissemination;

(3) coordination and command of state agencies in border security operations led by the border force; [FA2]

(4) surveillance and detection of criminal activity, including improper entry of individuals from foreign nations and the smuggling of individuals and controlled substances, using cameras, unmanned aircraft, and other technologies;

(5) interdiction of individuals committing criminal activity described by Subdivision (4);

(6) coordination of local, state, and federal agencies conducting border security operations, including tactical operations such as special response teams, brush teams, and special weapons and tactics teams; and

(7) training and education programs for the professional development of employees and agency partners carrying out border security operations.

Only commissioned officers of the border force may carry out the duties assigned to a commissioned peace officer. An employee of the border force who is not a commissioned peace officer may:

(1) Act in support of a commissioned peace officer; and

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(2) Engage in support and infrastructure operations of the border force. [FA4(2)]

Sec. 411.0284. ASSIGNMENT OF TEXAS MILITARY FORCES SERVICE MEMBERS. (a) In this section, "Texas military forces" has the meaning assigned by Section 437.001. (b) The department, at the request of the chief of the border force, may enter into a written agreement with the Texas Military Department for the assignment of service members of the Texas military forces to the border force. The agreement may provide for reimbursement by the department for hiring, training, salary, and employee benefit costs incurred by the Texas military forces in connection with service members assigned to the border force.

Sec. 411.0285. PURCHASE AND DEPLOYMENT OF CERTAIN TECHNOLOGY AND EQUIPMENT. (a) The department, at the request of the chief of the border force, shall purchase and deploy technology and equipment to enhance the border force's ability to detect and suppress criminal activity along the Texas-Mexico border, including:

(1) stacked razor wire barriers;

(2) buoy barriers; and

(3) surveillance and detection technology to be deployed at and near each port of entry along the Texas-Mexico border to detect and deter the improper entry of individuals from foreign nations and the smuggling of individuals and controlled substances, such as fentanyl, cocaine, heroin, and methamphetamine.

(b) The surveillance and detection technology described by Subsection (a)(3) may be used to inspect passenger and commercial vehicles passing through a port of entry or traveling in any direction within 30 miles of a port of entry.

(c) The department shall employ a sufficient number of

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commercial vehicle inspectors to inspect vehicles using technology described by Subsection (a)(3).

(d) Funds used to purchase technology and equipment described by Subsection (a) are considered funds expended for border security for purposes of reporting requirements in the General Appropriations Act, and the Legislative Budget Board may prescribe the form and manner of reporting the relevant budgeted and expended amounts and performance indicator results. [FA1]

Sec. 411.0286. HIRING OFFICERS WITH PREVIOUS BORDER PATROL OR MILITARY EXPERIENCE. Notwithstanding any other provision of law, the department may, at the time an officer is hired for the border force, elect to credit up to four years of experience as a Border Patrol Agent of the United States Customs and Border Protection or a member of the armed forces of the United States for the purpose of calculating the officer's salary under Schedule C. All officers are subject to a one-year probationary period under Section 411.007(g) notwithstanding the officer's rank or salary classification. [FA3(1)-(2)]

Sec. 411.0287. INCREASED STAFFING; CERTAIN TRAINING. (a) The border force may as necessary to conduct border security operations and ensure the safety of the public along the Texas-Mexico border:

(1) recruit, employ, and train officers and other staff; and
(2) contract for additional officers and staff to meet an increased need for border security operations.

(b) The border force shall expand programs for training officers to serve as members of a brush team.

Sec. 411.0288. REPORTS. At least once each calendar quarter and at other times determined necessary by the governor or the chief of the border force, the chief of the

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border force shall submit a report to the governor containing information requested by the governor concerning the border force's operations.

Sec. 411.0289. NO LIMITATION ON BORDER FORCE AUTHORITY BY LOCAL GOVERNMENTS. A political subdivision, including a municipality, county, or special purpose district, may not by any means limit the jurisdiction or authority of the border force.

No equivalent provision.

Same as House version. SECTION 1.03. [Deleted by FA3(3)]

No equivalent provision.

SECTION 1.04. Subchapter C, Chapter 2155, Government Code, is amended by adding Section 2155.151 to read as follows:

Sec. 2155.151. CERTAIN PURCHASES BY DEPARTMENT OF PUBLIC SAFETY. (a) The Department of Public Safety is delegated all purchasing functions relating to the purchase of technologies and equipment for use in border security operations, including technology and equipment described by Section 411.0285, to ensure the department consistently adopts innovative technologies and solutions for those operations.

(b) The Department of Public Safety shall acquire goods and services under Subsection (a) by any procurement method that provides the best value to the department. The Department of Public Safety shall consider the best value standards listed in Section 2155.074.

(c) At the request of the Department of Public Safety, the comptroller or the Department of Information Resources, as appropriate, shall procure goods and services described by Subsection (a) for the Department of Public Safety. The

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Department of Public Safety may use the services of the comptroller or the Department of Information Resources in procuring goods and services described by Subsection (a).

No equivalent provision.

SECTION 1.05. (a) In reviewing emerging technologies under Section 411.0043(c), Government Code, as added by this article, the Department of Public Safety shall hold a technology fair at which vendors of emerging technology that may be used for conducting border security operations demonstrate the capabilities of the products.
(b) The event required by Subsection (a) of this section must be held not later than September 1, 2024.

No equivalent provision.

ARTICLE 2. IMPROPER ENTRY

No equivalent provision.

SECTION 2.01. Chapter 38, Penal Code, is amended by adding Section 38.20 to read as follows:
Sec. 38.20. IMPROPER ENTRY FROM FOREIGN NATION. (a) In this section, "alien" has the meaning assigned by 8 U.S.C. Section 1101, as that provision existed on January 1, 2023.
(b) A person who is an alien commits an offense if the person:
(1) enters or attempts to enter this state from a foreign nation at any location other than a lawful point of entry;
(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.
(c) An offense under this section is a Class A misdemeanor.

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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 Criminal Procedure, the offense is a felony of the second degree; or

(3) a felony listed in Article 42A.054(a), Code of Criminal Procedure, the offense is a felony of the first degree.

(d) It is an affirmative defense to prosecution under this section that:

(1) the actor has been granted a federal immigration benefit entitling the actor to:

(A) lawful presence in the United States; or

(B) asylum under 8 U.S.C. Section 1158;

(2) the actor's conduct does not constitute a violation of 8 U.S.C. Section 1325(a); or

(3) the actor was approved for benefits under the federal Deferred Action for Childhood Arrivals program between June 15, 2012, and July 16, 2021.

(e) For purposes of Subsection (d)(1), the following federal programs do not confer federal immigration benefits entitling the actor to lawful presence in the United States:

(1) the Deferred Action for Parents of Americans and Lawful Permanent Residents; and

(2) any program not enacted by the United States Congress that is a successor to or materially similar to the program described by Subdivision (1) or Subsection (d)(3).

(f) A court may not abate the prosecution of an offense under this section on the basis that a federal determination regarding the immigration status of the actor is pending.

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(g) A law enforcement officer of the Department of Public Safety who arrests a person for an offense under this section shall, to the extent feasible, detain the person in a facility established under Operation Lone Star or a similar border security operation of this state.

No equivalent provision.

ARTICLE 3. MINIMUM SENTENCES FOR SMUGGLING OFFENSES

No equivalent provision.

SECTION 3.01. Section 20.05(b), Penal Code, is amended to read as follows:

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

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

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

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

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

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

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

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

(A) it is shown on the trial of the offense that, as a direct result of the commission of the offense, the smuggled

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individual became a victim of sexual assault, as defined by Section 22.011, or aggravated sexual assault, as defined by Section 22.021; or
(B) the smuggled individual suffered serious bodily injury or death.

No equivalent provision.

SECTION 3.02. Sections 20.06(e) and (f), Penal Code, are amended to read as follows:

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

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

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

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

No equivalent provision.

SECTION 3.03. The changes in law made by this article apply only to an offense committed on or after the effective date of this article. An offense committed before the effective date of this article is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this article if any element of the offense was committed before that date.

No equivalent provision.

Same as House version. ARTICLE 4. [Deleted by FA5(1)]

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No equivalent provision.	Same as House version. SECTION 4.01. [Deleted by FA5(1)]	
No equivalent provision.	Same as House version. SECTION 4.02. [Deleted by FA5(1)]	
No equivalent provision.	Same as House version. SECTION 4.03. [Deleted by FA5(1)]	
No equivalent provision.	Same as House version. SECTION 4.04. [Deleted by FA5(1)]	
No equivalent provision.	Same as House version. SECTION 4.05. [Deleted by FA5(1)]	
No equivalent provision.	Same as House version. SECTION 4.06. [Deleted by FA5(1)]	
No equivalent provision.	Same as House version. SECTION 4.07. [Deleted by FA5(1)]	
No equivalent provision.	Same as House version. SECTION 4.08. [Deleted by FA5(1)]	
No equivalent provision.	Same as House version. SECTION 4.09. [Deleted by FA5(1)]	
No equivalent provision.	Same as House version. SECTION 4.10. [Deleted by FA5(1)]	
No equivalent provision.	Same as House version. SECTION 4.11. [Deleted by FA5(1)]	

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No equivalent provision.

Same as House version. SECTION 4.12. [Deleted by FA5(1)]

No equivalent provision.

Same as House version. SECTION 4.13. [Deleted by FA5(1)]

No equivalent provision.

Same as House version. SECTION 4.14. [Deleted by FA5(1)]

No equivalent provision.

Same as House version. SECTION 4.15. [Deleted by FA5(1)]

No equivalent provision.

Same as House version. SECTION 4.16. [Deleted by FA5(1)]

No equivalent provision.

Same as House version. SECTION 4.17. [Deleted by FA5(1)]

No equivalent provision.

Same as House version. SECTION 4.18. [Deleted by FA5(1)]

No equivalent provision.

Same as House version. SECTION 4.19. [Deleted by FA5(1)]

No equivalent provision.

Same as House version. SECTION 4.20. [Deleted by FA5(1)]

No equivalent provision.

Same as House version. SECTION 4.21. [Deleted by FA5(1)]

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No equivalent provision.

Same as House version. SECTION 4.22. [Deleted by FA5(1)]

No equivalent provision.

Same as House version. SECTION 4.23. [Deleted by FA5(1)]

No equivalent provision.

ARTICLE 6. INTERAGENCY WORK GROUP ON BORDER ISSUES

No equivalent provision.

SECTION 6.01. Sections 772.011(a) and (b), Government Code, are amended to read as follows:

(a) An interagency work group is created to:

(1) develop or update a process to allow agencies to work together on issues that face border communities;

(2) discuss and coordinate programs and services offered to border communities and residents of border communities;

[and]

(3) develop regulatory and legislative recommendations to eliminate duplication and combine program services;

(4) identify and anticipate challenges and threats to agencies' operations along the Texas-Mexico border;

(5) develop solutions to overcome the challenges and threats described by Subdivision (4); and

(6) identify strategic opportunities agencies may use to enhance the capabilities and effectiveness of their roles in this state's operations along the Texas-Mexico border.

(b) The work group is composed of:

(1) the chair of the standing substantive committee of the senate with primary jurisdiction over border security, or the chair's designee;

(2) the chair of the standing substantive committee of the house of representatives with primary jurisdiction over border

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security, or the chair's designee; and
(3) the heads of the following agencies or their designees:
(A) ~~(1)~~ the Texas Department of Rural Affairs;
(B) ~~(2)~~ the Texas Department of Housing and Community Affairs;
(C) ~~(3)~~ the Texas Water Development Board;
(D) ~~(4)~~ the Texas Department of Transportation;
(E) ~~(5)~~ the Texas Commission on Environmental Quality;
(F) ~~(6)~~ the Texas Workforce Commission;
(G) ~~(7)~~ the Department of State Health Services;
(H) ~~(8)~~ the Health and Human Services Commission;
(I) ~~(9)~~ the General Land Office;
(J) ~~(10)~~ the Texas Economic Development and Tourism Office;
(K) ~~(11)~~ the Office of State-Federal Relations;
(L) ~~(12)~~ the Texas Higher Education Coordinating Board;
(M) ~~(13)~~ the attorney general's office;
(N) ~~(14)~~ the secretary of state's office;
(O) ~~(15)~~ the Department of Public Safety; ~~and~~
(P) ~~(16)~~ the Railroad Commission of Texas;
(Q) the Texas Division of Emergency Management;
(R) the Texas Alcoholic Beverage Commission; and
(S) the Texas Military Department.

ARTICLE 2. BORDER PROTECTION AGREEMENTS

SECTION 2.01. Title 7, Government Code, is amended by adding Chapter 794 to read as follows:

CHAPTER 794. BORDER PROTECTION AGREEMENTS WITH UNITED MEXICAN STATES

Sec. 794.001. AUTHORITY FOR AGREEMENTS. On behalf of this state, the governor may coordinate, develop, and

ARTICLE 8. Same heading as House version.

SECTION 8.01. Same as House version. [FA8]

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execute agreements with the United Mexican States and the states of the United Mexican States regarding the authority of this state to protect and defend its citizens.

ARTICLE 3. BORDER REGION COURT PROGRAM

SECTION 3.01. Chapter 72, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. BORDER PROTECTION COURT GRANT PROGRAM

Sec. 72.201. DEFINITIONS. In this subchapter:

(1) "Border-related offense" means an offense:

(A) associated with or involving:

(i) a person unlawfully entering or attempting to enter this state by crossing the Texas-Mexico border at any place other than at a port of entry;

(ii) the smuggling of individuals or contraband across the Texas-Mexico border; or

(iii) an operative of a transnational cartel;

(B) similar to an offense described by Paragraph (A) that the office by rule defines as a border-related offense for purposes of this subchapter; or

(C) for which the office has determined prosecutions have significantly increased as a result of Operation Lone Star.

(2) "Border region" has the meaning assigned by Section 772.0071.

Sec. 72.202. GRANT PROGRAM. (a) From money appropriated for that purpose, the office shall establish and administer a grant program to support the operation of courts in the border region with the adjudication of border-related offenses.

(b) In addition to other funds appropriated by the legislature

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ARTICLE __. Same heading as House version. [FA6]

SECTION __.01. Chapter 72, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. BORDER PROTECTION COURT GRANT PROGRAM

Sec. 72.201. DEFINITIONS. In this subchapter:

(1) "Border-related offense" means an offense:

(A) associated with or involving:

(i) a person unlawfully entering or attempting to enter this state by crossing the Texas-Mexico border at any place other than at a port of entry;

(ii) the smuggling of individuals or contraband across the Texas-Mexico border; or

(iii) an operative of a transnational cartel;

(B) similar to an offense described by Paragraph (A) that the office by rule defines as a border-related offense for purposes of this subchapter; or

(C) for which the office has determined prosecutions have significantly increased as a result of Operation Lone Star.

(2) "Border region" has the meaning assigned by Section 772.0071.

Sec. 72.202. GRANT PROGRAM. (a) From money appropriated for that purpose, the office shall establish and administer a grant program to support the operation of courts in the border region with the adjudication of border-related offenses.

(b) In addition to other funds appropriated by the legislature

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and for purposes of administering and funding the grant program, the office may:

(1) seek and apply for any available federal funds; and
(2) solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure resources are available to achieve the purpose described by Subsection (a).

(c) The grants awarded under this subchapter may be used for the reimbursement of costs associated with the operation of a court, including the:

- (1) salary of a visiting judge appointed under Chapter 74;
- (2) salary and benefits of an associate judge, court coordinator, court administrator, court reporter, and court interpreter;
- (3) salary and benefits of district and county clerk staff;
- (4) travel costs and other expenses incurred by court personnel and judges in the performance of their duties;
- (5) cost of equipment necessary for personnel dedicated to the processing and adjudicating of border-related offenses; or
- (6) fees and related expenses for the appointment of counsel to represent an indigent defendant under Chapter 26, Code of Criminal Procedure, or the costs to operate a public defender's office or managed assigned counsel program under that chapter, as those fees and expenses relate to the adjudication of border-related offenses.

Sec. 72.203. RULES. (a) The office shall adopt rules for the administration and operation of the grant program established under this subchapter.

(b) In adopting the rules, the office shall:

- (1) conduct a study of the data collected for this purpose or

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and for purposes of administering and funding the grant program, the office may:

(1) seek and apply for any available federal funds; and
(2) solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure resources are available to achieve the purpose described by Subsection (a).

(c) The grants awarded under this subchapter may be used for the reimbursement of costs associated with the operation of a court, including the:

- (1) salary of a visiting judge appointed under Chapter 74;
- (2) salary and benefits of an associate judge, court coordinator, court administrator, court reporter, and court interpreter;
- (3) salary and benefits of district and county clerk staff;
- (4) travel costs and other expenses incurred by court personnel and judges in the performance of their duties;
- (5) cost of equipment necessary for personnel dedicated to the processing and adjudicating of border-related offenses;
- (6) fees and related expenses for the appointment of counsel to represent an indigent defendant under Chapter 26, Code of Criminal Procedure, or the costs to operate a public defender's office or managed assigned counsel program under that chapter, as those fees and expenses relate to the adjudication of border-related offenses; or
- (7) salary, benefits, and related expenses of prosecution personnel.

Sec. 72.203. RULES. (a) The office shall adopt rules for the administration and operation of the grant program established under this subchapter.

(b) In adopting the rules, the office shall:

- (1) conduct a study of the data collected for this purpose or

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otherwise available on crime, arrests, detentions, and convictions to identify offenses for which prosecutions have increased as a result of Operation Lone Star; and

(2) solicit from governmental officials, community leaders, and other interested persons in the border region information necessary to identify the courts of the region needing financial assistance.

(c) The rules must include:

(1) administrative provisions for grants awarded under this subchapter, including:

(A) eligibility criteria for grant applicants, including criteria to limit eligibility to those applicants experiencing an increase in caseloads;

(B) grant application procedures;

(C) guidelines relating to grant amounts;

(D) procedures for evaluating grant applications; and

(E) procedures for monitoring the use of grants;

(2) methods for tracking the effectiveness of grants and the efficiency of the applicants receiving grants; and

(3) procedures for reporting caseload data at least annually, including caseload data necessary to update the study described by Section 72.2055.

Sec. 72.204. GRANT AMOUNTS. The amount of a grant awarded under this section may not exceed the amount set by the General Appropriations Act.

Sec. 72.205. REPORTING REQUIREMENTS FOR GRANT RECIPIENTS. The recipient of a grant awarded under this subchapter shall submit to the office an annual report on the grant money spent during the year covered by the report and the purposes for which that money was spent.

Sec. 72.2055. ANNUAL REPORT BY OFFICE. Annually, the office shall update the study conducted under Section

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otherwise available on crime, arrests, detentions, and convictions to identify offenses for which prosecutions have increased as a result of Operation Lone Star; and

(2) solicit from governmental officials, community leaders, and other interested persons in the border region information necessary to identify the courts of the region needing financial assistance.

(c) The rules must include:

(1) administrative provisions for grants awarded under this subchapter, including:

(A) eligibility criteria for grant applicants, including criteria to limit eligibility to those applicants experiencing an increase in caseloads;

(B) grant application procedures;

(C) guidelines relating to grant amounts;

(D) procedures for evaluating grant applications; and

(E) procedures for monitoring the use of grants;

(2) methods for tracking the effectiveness of grants and the efficiency of the applicants receiving grants; and

(3) procedures for reporting caseload data at least annually, including caseload data necessary to update the study described by Section 72.2055.

Sec. 72.204. GRANT AMOUNTS. The amount of a grant awarded under this subchapter may not exceed the amount set by the General Appropriations Act.

Sec. 72.205. REPORTING REQUIREMENTS FOR GRANT RECIPIENTS. The recipient of a grant awarded under this subchapter shall submit to the office an annual report on the grant money spent during the year covered by the report and the purposes for which that money was spent.

Sec. 72.2055. ANNUAL REPORT BY OFFICE. Annually, the office shall update the study conducted under Section

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72.203(b)(1) using caseload data required to be reported under the rules adopted under Section 72.203(c).

Sec. 72.206. ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the office may use a reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter to pay the costs of administering the grant program.

SECTION 3.02. As soon as practicable after the effective date of this Act, the Office of Court Administration of the Texas Judicial System shall with respect to Subchapter H, Chapter 72, Government Code, as added by this Act:

- (1) adopt rules as necessary to implement the subchapter; and
- (2) establish the grant program required by the subchapter.

ARTICLE 4. FINANCIAL ASSISTANCE FOR INFRASTRUCTURE, FACILITIES, EQUIPMENT, AND SERVICES IN THE BORDER REGION

SECTION 4.01. Chapter 421, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. USE OF FUNDS FOR BORDER PROTECTION AND PUBLIC SAFETY

Sec. 421.111. DEFINITIONS. In this subchapter:

- (1) "Border region" has the meaning assigned by Section 772.0071.
- (2) "Local government" means a municipality or county.
- (3) "Office" means the trustee programs within the office of the governor.

Sec. 421.112. USE OF CERTAIN FUNDS. From money appropriated for that purpose, the office, as authorized by

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72.203(b)(1) using caseload data required to be reported under the rules adopted under Section 72.203(c).

Sec. 72.206. ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the office may use a reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter to pay the costs of administering the grant program. [FA6]

SECTION .02. As soon as practicable after the effective date of this article, the Office of Court Administration of the Texas Judicial System shall with respect to Subchapter H, Chapter 72, Government Code, as added by this article:

- (1) adopt rules as necessary to implement the subchapter; and
- (2) establish the grant program required by the subchapter. [FA6]

ARTICLE 7. Same heading as House version.

SECTION 7.01. Chapter 421, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. USE OF FUNDS FOR BORDER PROTECTION AND PUBLIC SAFETY

Sec. 421.111. DEFINITIONS. In this subchapter:

- (1) "Border region" has the meaning assigned by Section 772.0071.
- (2) "Local government" means a municipality or county.
- (3) "Office" means the trustee programs within the office of the governor.

Sec. 421.112. USE OF CERTAIN FUNDS. From money appropriated for that purpose, the office, as authorized by

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Chapter 418, including Subchapter D of that chapter, shall make funds available to state agencies and local governments for the following purposes:

(1) the construction and maintenance of facilities related to prosecuting and adjudicating offenses committed in the border region, including court facilities, processing facilities, detention facilities for persons who are 10 years of age or older, regardless of gender, criminal justice centers, and other similar facilities;

(2) the payment of staff salaries and benefits and the payment of operational expenses related to providing law enforcement services;

(3) the purchase or maintenance of equipment related to providing public health and safety services in the border region, including law enforcement services, communication services, and emergency services, to enhance the safety and security of the citizens of this state;

(4) the construction and maintenance of temporary border security infrastructure, including temporary barriers, fences, wires, roads, trenches, surveillance technology, or other improvements, designed or adapted to surveil or impede the movement of persons or objects across the Texas-Mexico border at locations other than ports of entry;

(5) the construction of improvements to an area in the immediate vicinity of a port of entry to enhance vehicle inspection capabilities and assist in the investigation, interdiction, and prosecution of persons smuggling individuals or contraband across the Texas-Mexico border; and

(6) the construction or improvement of roadways and similar transportation facilities in the border region that provide for

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Chapter 418, Government Code, including Subchapter D of that chapter, shall make funds available to state agencies and local governments for the following purposes:

(1) the construction and maintenance of facilities related to prosecuting and adjudicating offenses committed in the border region, including court facilities, processing facilities, detention facilities, criminal justice centers, and other similar facilities;

(3) the payment of staff salaries and benefits and the payment of operational expenses related to providing law enforcement services, emergency services, detention services, and court administration services;

(4) the construction and maintenance of temporary border security infrastructure, including temporary walls, barriers, fences, wires, trenches, surveillance technology, or other improvements, designed or adapted to surveil or impede the movement of persons or objects across the Texas-Mexico border at locations other than ports of entry;

(2) the construction of improvements to an area in the immediate vicinity of a port of entry to enhance vehicle inspection capabilities and assist in the investigation, interdiction, and prosecution of persons smuggling individuals or contraband across the Texas-Mexico border; [FA7(1)] and

(5) any other activity that the office determines necessary to address offenses that are committed in the border region or are

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detailed monitoring of commercial motor vehicles traveling along the roadways and facilities.

Sec. 421.113. FEDERAL FUNDS; GIFTS, GRANTS, AND DONATIONS. In addition to funds appropriated by the legislature and for purposes of this subchapter, the office may:
(1) seek and apply for any available federal funds; and
(2) solicit and accept gifts, grants, and donations from any other source, public or private.

Sec. 421.114. RULES. The office may adopt rules for the administration of this subchapter.

Sec. 421.115. REPORTING REQUIREMENTS. (a) The recipient of funds for a purpose described by Section 421.112 shall submit to the office reports on an interval prescribed by the office regarding the use of the funds and any other issue related to the funds as determined by the office.

(b) Funds received by a state agency for a purpose described by Section 421.112 are considered border security funding for purposes of reporting requirements in the General Appropriations Act.

Sec. 421.116. ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the division may use a reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter to pay the costs of administering this subchapter.

SECTION 4.02. As soon as practicable after the effective date of this Act, the office of the governor shall adopt rules as necessary to implement Subchapter G, Chapter 421, Government Code, as added by this Act.

ARTICLE 5. BORDER PROTECTION PROPERTY DAMAGE PROGRAM

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related to transnational criminal activity. [FA7(2)]

Sec. 421.113. ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the office may use a reasonable amount, not to exceed five percent, of any funds appropriated for purposes of this subchapter to pay the costs of administering this subchapter. [FA7(3)]

No equivalent provision.

No equivalent provision. ARTICLE 5. [Deleted by FA5(2)]

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SECTION 5.01. Article 59.06(t)(1), Code of Criminal Procedure, is amended to read as follows:

(t)(1) This subsection applies only to contraband for which forfeiture is authorized with respect to an offense under Section [~~20.05, 20.06,~~] 20.07, 43.04, or 43.05 or Chapter 20A, Penal Code.

SECTION 5.02. Article 59.06, Code of Criminal Procedure, is amended by adding Subsection (v) to read as follows:

(v) Notwithstanding any other provision of this article, with respect to forfeited property seized in connection with an offense under Section 20.05 or 20.06, Penal Code, in a proceeding under Article 59.05 in which judgment is rendered in favor of the state, the attorney representing the state shall transfer the proceeds from the sale of the forfeited property under Subsection (a) to the comptroller for deposit to the credit of the border property damage compensation program established under Chapter 56C.

SECTION 5.03. Title 1, Code of Criminal Procedure, is amended by adding Chapter 56C to read as follows:

CHAPTER 56C. BORDER PROPERTY DAMAGE COMPENSATION PROGRAM

Art. 56C.001. DEFINITIONS. In this chapter:

(1) "Border crime" means conduct:

(A) constituting an offense under:

(i) Subchapter D, Chapter 481, Health and Safety Code;

(ii) Section 20.05, 20.06, or 38.04, Penal Code; or

(iii) Chapter 20A, Penal Code; and

(B) involving transnational criminal activity.

(2) "Border region" has the meaning assigned by Section 772.0071, Government Code.

SENATE VERSION (IE)

No equivalent provision.

No equivalent provision.

No equivalent provision.
FA5(2)]

SECTION 5.01. [Deleted by

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(3) "Trespasser" has the meaning assigned by Section 75.007, Civil Practice and Remedies Code.

Art. 56C.002. ADMINISTRATION; RULES. (a) The attorney general shall adopt rules to administer this chapter.

(b) Subchapters A and B, Chapter 2001, Government Code, except Sections 2001.004(3) and 2001.005, apply to the attorney general.

(c) The attorney general may delegate to a person in the attorney general's office a power or duty given to the attorney general under this chapter.

Art. 56C.003. BORDER PROPERTY DAMAGE COMPENSATION PROGRAM. (a) From the funding sources described by Subsection (b), the attorney general shall establish and administer a program to compensate persons residing in the border region who suffer real or personal property damage caused by:

(1) a trespasser as a result of an offense under Chapter 28, Penal Code, that was committed in the course of or in furtherance of a border crime; or

(2) a law enforcement response to a trespasser who was engaged in a border crime.

(b) The attorney general may use money from the following sources to establish the program described by Subsection (a):

(1) money appropriated, credited, or transferred by the legislature for purposes of the program;

(2) revenue that the legislature by statute dedicates for deposit to the credit of the program;

(3) investment earnings and interest earned on money held for purposes of administering the program;

(4) gifts, grants, and donations received by the state for purposes of the program; and

(5) proceeds received under Article 59.06(v).

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(c) The attorney general shall establish:

(1) eligibility criteria for compensation under this article, including requirements for providing proof of eligibility for compensation;

(2) application procedures;

(3) criteria for evaluating applications and awarding compensation;

(4) guidelines related to compensation amounts, provided that the maximum amount awarded per incident causing damage may not exceed \$75,000; and

(5) procedures for monitoring the use of compensation awarded under this article and ensuring compliance with any conditions of the award.

(d) The attorney general may not award compensation under this article for property damage caused by a trespasser described by Subsection (a)(1) unless the damage is documented in a written report by a law enforcement agency as having occurred in connection with a border crime.

(e) In awarding compensation under this article for property damage caused by a trespasser described by Subsection (a)(1), the attorney general may not consider the outcome of any criminal prosecution arising out of the offense under Chapter 28, Penal Code, as a result of which the applicant suffered property damage or the applicable offense listed in Article 56C.001(1)(A).

Art. 56C.004. HEARINGS AND PREHEARING CONFERENCES. (a) The attorney general shall determine whether a hearing on an application for compensation under this chapter is necessary.

(b) On determining that a hearing is not necessary, the attorney general may approve the application.

(c) On determining that a hearing is necessary or on request

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for a hearing by the applicant, the attorney general shall consider the application at a hearing at a time and place of the attorney general's choosing. The attorney general shall notify all interested persons not later than the 10th day before the date of the hearing.

(d) At the hearing the attorney general shall:

(1) review the application for compensation; and

(2) receive other evidence that the attorney general finds necessary or desirable to evaluate the application properly.

(e) The attorney general may appoint hearing officers to conduct hearings or prehearing conferences under this chapter.

(f) A hearing or prehearing conference is open to the public unless the hearing officer or attorney general determines in a particular case that all or part of the hearing or conference should be held in private because a private hearing or conference is in the interest of the applicant.

(g) Subchapters C through H, Chapter 2001, Government Code, do not apply to the attorney general or the attorney general's orders and decisions.

Art. 56C.005. ANNUAL REPORT. Not later than the 100th day after the end of each state fiscal year, the attorney general shall submit to the governor and the legislature a report on the attorney general's activities under this chapter during the preceding fiscal year that includes the following information, disaggregated by each offense listed in Article 56C.001(1)(A):

(1) the number of applications made;

(2) the number of applicants receiving compensation; and

(3) the amount of compensation awarded.

Art. 56C.006. PAYER OF LAST RESORT. (a) The program established under Article 56C.003 is a payer of last resort for property damage described by that article.

(b) The attorney general may not award compensation to an

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applicant under Article 56C.003 if the attorney general determines that the applicant:

(1) is eligible for reimbursement from another source, including under an insurance contract or a state, local, or federal program; and

(2) failed to seek reimbursement from the source described by Subdivision (1).

ARTICLE 6. EDUCATIONAL PROGRAM

SECTION 6.01. Chapter 61, Education Code, is amended by adding Subchapter D-1 to read as follows:

SUBCHAPTER D-1. BORDER INSTITUTION GRANT PROGRAM

Sec. 61.101. BORDER INSTITUTION GRANT PROGRAM. (a) In this subchapter, "border region" has the meaning assigned by Section 772.0071, Government Code.

(b) Subject to the availability of funds, the board shall establish a border institution grant program under which the board awards financial assistance to institutions of higher education located in the border region that administer innovative programs designed to:

(1) recruit, train, retain, or otherwise increase the number of professionals in fields related to border safety or affected by ongoing criminal activity and public health threats to the border region, as determined by board rule, including by providing a salary increase or stipend to a faculty member who provides instruction to additional students in a degree or certificate program that graduates those professionals; and

(2) conduct research in areas of study related to border safety or the effects of ongoing criminal activity and public health threats to the border region.

SENATE VERSION (IE)

No equivalent provision.

No equivalent provision.

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Sec. 61.102. FEDERAL FUNDS AND GIFTS, GRANTS, AND DONATIONS. In addition to other funds appropriated by the legislature and for the purposes described by Section 61.101, the board may:

- (1) seek and apply for any available federal funds; and
- (2) solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure effective implementation of the grant program established under this subchapter.

Sec. 61.103. RULES. (a) The board shall adopt rules for the administration of the grant program established under this subchapter. In adopting the rules, the board shall solicit, from border region officials, community leaders in the border region, and other stakeholders, information necessary to identify innovative programs anticipated to produce the best outcomes and serve the greatest need.

(b) The rules must include:

(1) administrative provisions for grants awarded under this subchapter, including:

(A) eligibility criteria for institutions of higher education, including a requirement that the institution demonstrate regional and state workforce need;

(B) grant application procedures;

(C) guidelines relating to grant amounts;

(D) procedures for evaluating grant applications; and

(E) procedures for monitoring the use of grants; and

(2) methods for tracking the effectiveness of grants that:

(A) using data reasonably available to the board, consider relevant information regarding the career paths of professionals described by Section 61.101 during the four-year period following their graduation; and

(B) evaluate whether and for how long those professionals

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practice in a field described by Section 61.101 in this state.

Sec. 61.104. AWARD OF GRANTS. In awarding grants under this subchapter, the board shall give priority to applicants that propose to:

(1) enhance or leverage existing degree programs that graduate professionals described by Section 61.101;

(2) establish or maintain a program that serves a rural or underserved area;

(3) partner with another institution of higher education to develop a joint program;

(4) establish or maintain a program that incentivizes professionals described by Section 61.101 to serve in their field or a related field of study for at least three consecutive years following graduation; and

(5) establish or maintain a degree or certificate program to educate professionals in specialties that face significant workforce shortages, including those described by Section 61.101.

Sec. 61.105. GRANT AMOUNTS. The amount of a grant awarded under this subchapter may not exceed an amount specified in the General Appropriations Act.

Sec. 61.106. REPORTING REQUIREMENTS. An institution of higher education that receives a grant awarded under this subchapter shall submit to the board an annual report on the amounts and purposes for which grant money was spent during the year covered by the report.

Sec. 61.107. ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the board may use a reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter to pay the costs of administering this subchapter.

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SECTION 6.02. (a) As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules for the implementation and administration of the border institution grant program established under Subchapter D-1, Chapter 61, Education Code, as added by this Act.

(b) Not later than September 1, 2024, the Texas Higher Education Coordinating Board shall establish the border institution grant program required by Subchapter D-1, Chapter 61, Education Code, as added by this Act, and shall begin to award grants under the program as soon as practicable after the program is established.

ARTICLE 7. ECONOMIC DEVELOPMENT INITIATIVE

SECTION 7.01. Chapter 481, Government Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. BORDER PROTECTION ECONOMIC DEVELOPMENT INITIATIVE

Sec. 481.241. DEFINITION. In this subchapter, "border region" has the meaning assigned by Section 772.0071.

Sec. 481.242. CAMPAIGN FOR BUSINESSES AND TOURISM. (a) In consultation with stakeholders in the border region, the office shall develop and execute a campaign to:

(1) attract domestic and foreign entities to:

(A) locate the headquarters of those entities in the border region; or

(B) expand the entities' operations to the border region;

(2) support and promote tourism in the border region; and

(3) support institutions and initiatives in the border region that create an environment conducive to starting or operating a

SENATE VERSION (IE)

No equivalent provision.

No equivalent provision.

No equivalent provision.

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company whose primary business is providing homeland security technology or services.

(b) The office may coordinate with and assist any municipality, county, or other political subdivision in supporting or promoting the purposes described by Subsection (a).

Sec. 481.243. TARGETED RESEARCH AND OUTREACH; SUPPORTIVE PROGRAMS. (a) In developing and executing the campaign described by Section 481.242, the office shall identify and research particular companies and types of companies with a high potential of commercial success if the companies were to operate in the border region.

(b) For each company identified under Subsection (a), the office shall develop and execute a campaign to attract the company to locate its headquarters or expand operations into the border region.

(c) For a type of company identified under Subsection (a), the office shall create programs for supporting the formation of new companies in the border region of that type, excluding direct financial incentives to the company.

Sec. 481.244. GIFTS, GRANTS, AND DONATIONS. In addition to funds appropriated, credited, or transferred by the legislature for the purposes of this subchapter, the office shall:
(1) seek and apply for any available federal funds; and
(2) solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure effective implementation of this subchapter.

Sec. 481.245. ANNUAL REPORT. Not later than December 31 of each year, the office shall report to the legislature on the activities of the office under this subchapter.

Sec. 481.246. ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the office may use a

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reasonable amount, not to exceed five percent, of any general revenue appropriated for the purposes of this subchapter to administer this subchapter.

ARTICLE 8. BORDER PROTECTION PROGRAM OF DEPARTMENT OF PUBLIC SAFETY

SECTION 8.01. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

- (1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (4) rangers, officers, and members of the reserve officer corps commissioned by:
 - (A) the Public Safety Commission; and
 - (B) either:
 - (i) the Director of the Department of Public Safety; or
 - (ii) the unit chief of the Border Protection Unit;
- (5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
- (6) law enforcement agents of the Texas Alcoholic Beverage Commission;
- (7) each member of an arson investigating unit commissioned

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No equivalent provision. *(But see SECTION 1 above.)*

No equivalent provision.

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by a city, a county, or the state;

(8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;

(9) officers commissioned by the General Services Commission;

(10) law enforcement officers commissioned by the Parks and Wildlife Commission;

(11) officers commissioned under Chapter 23, Transportation Code;

(12) municipal park and recreational patrolmen and security officers;

(13) security officers and investigators commissioned as peace officers by the comptroller;

(14) officers commissioned by a water control and improvement district under Section 49.216, Water Code;

(15) officers commissioned by a board of trustees under Chapter 54, Transportation Code;

(16) investigators commissioned by the Texas Medical Board;

(17) officers commissioned by:

(A) the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, the Bexar County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code;

(B) the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code;

(C) the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code; and

(D) the board of hospital managers of the Lubbock County Hospital District of Lubbock County, Texas, under Section

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- 1053.113, Special District Local Laws Code;
- (18) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;
- (19) investigators employed by the Texas Racing Commission;
- (20) officers commissioned under Chapter 554, Occupations Code;
- (21) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;
- (22) investigators commissioned by the attorney general under Section 402.009, Government Code;
- (23) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;
- (24) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;
- (25) officers commissioned by the state fire marshal under Chapter 417, Government Code;
- (26) an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;
- (27) apprehension specialists and inspectors general commissioned by the Texas Juvenile Justice Department as officers under Sections 242.102 and 243.052, Human Resources Code;
- (28) officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;
- (29) investigators commissioned by the Texas Commission on Law Enforcement under Section 1701.160, Occupations Code;
- (30) commission investigators commissioned by the Texas

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Private Security Board under Section 1702.061, Occupations Code;

(31) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;

(32) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;

(33) investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; and

(34) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

SECTION 8.02. Section 411.002(a), Government Code, is amended to read as follows:

(a) The Department of Public Safety of the State of Texas is an agency of the state to enforce the laws protecting the public safety, ~~and~~ provide for the prevention and detection of crime, and defend and secure the state's air, maritime, and land borders. The department is composed of the Texas Rangers, the Texas Highway Patrol, the Border Protection Unit, the administrative division, and other divisions that the commission considers necessary.

No equivalent provision.

SECTION 8.03. Section 411.004, Government Code, is amended to read as follows:

Sec. 411.004. DUTIES AND POWERS OF COMMISSION.

The commission shall:

(1) formulate plans and policies for:

(A) enforcement of state criminal, traffic, and safety laws;

No equivalent provision.

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- (B) prevention of crime;
- (C) detection and apprehension of persons who violate laws;
~~[and]~~
- (D) education of citizens of this state in the promotion of public safety and the observance of law; and
- (E) defense and security of this state's air, maritime, and land borders;
- (2) organize the department and supervise its operation;
- (3) adopt rules considered necessary for carrying out the department's work;
- (4) maintain records of all proceedings and official orders; and
- (5) biennially submit a report of its work to the governor and legislature, including the commission's and director's recommendations.

SECTION 8.04. Section 411.006(a), Government Code, is amended to read as follows:

- (a) Subject to Section 411.556, the ~~[The]~~ director shall:
 - (1) be directly responsible to the commission for the conduct of and act as executive director of the Texas Highway Patrol, the Texas Rangers, and other administrative divisions and departments assigned by the commission, other than the Border Protection Unit ~~[the department's affairs];~~
 - (2) ~~[act as executive director of the department;~~
 - ~~[(3)]~~ act with the commission in an advisory capacity, without vote;
 - ~~(3)~~ ~~[(4)]~~ adopt rules, subject to commission approval, considered necessary for the control of the department;
 - ~~(4)~~ ~~[(5)]~~ issue commissions as law enforcement officers, under the commission's direction, to all members of the Texas Rangers and the Texas Highway Patrol and to other officers of

No equivalent provision.

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the department;

(5) [~~(6)~~] appoint, with the advice and consent of the commission, the head of a division or bureau provided for by this chapter;

(6) [~~(7)~~] quarterly, annually, and biennially submit to the commission detailed reports of the operation of the department, including statements of its expenditures; and

(7) [~~(8)~~] prepare, swear to, submit to the governor, and file in the department's records a quarterly statement containing an itemized list of all money received and its source and all money spent and the purposes for which it was spent.

SECTION 8.05. Section 411.007(a), Government Code, is amended to read as follows:

(a) Subject to the provisions of this chapter, the director may appoint, promote, reduce, suspend, or discharge any officer or employee of the department, other than an officer or employee of the Border Protection Unit.

No equivalent provision.

SECTION 8.06. Section 411.017(a), Government Code, is amended to read as follows:

(a) A person commits an offense if, without the director's authorization, the person:

(1) manufactures, sells, or possesses a badge, identification card, or other item bearing a department insignia or an insignia deceptively similar to the department's;

(2) makes a copy or likeness of a badge, identification card, or department insignia, with intent to use or allow another to use the copy or likeness to produce an item bearing the department insignia or an insignia deceptively similar to the department's; or

(3) uses the term "Texas Department of Public Safety,"

No equivalent provision.

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"Department of Public Safety," "Texas Ranger," [øf] "Texas Highway Patrol," or "Border Protection Unit" in connection with an object, with the intent to create the appearance that the object belongs to or is being used by the department.

SECTION 8.07. Chapter 411, Government Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. BORDER PROTECTION UNIT

Sec. 411.551. DEFINITIONS. In this subchapter:

(1) "Border region" has the meaning assigned by Section 772.0071.

(2) "Unit" means the Border Protection Unit.

(3) "Unit chief" means the person appointed under Section 411.555 as the unit chief.

Sec. 411.552. BORDER PROTECTION UNIT; TERM OF AUTHORIZATION. (a) The unit is a division under the commission consisting of the number of commissioned officers and other employees authorized by the legislature.

(b) The unit is subject to appropriations by the legislature and, unless continued in existence by the legislature, is abolished December 31, 2030.

(c) This subchapter expires December 31, 2030.

Sec. 411.553. LIMITATION ON CERTAIN POWERS. The unit and the department, as applicable, may provide law enforcement services as authorized by this subchapter, including Sections 411.0095, 411.560(b), and 411.563, in a county in the border region only to the extent authorized in writing by the commissioners court of that county.

Sec. 411.554. HEADQUARTERS. The unit must be headquartered in the border region.

Sec. 411.555. UNIT CHIEF. (a) The governor shall appoint a United States citizen to serve as the unit chief of the Border

No equivalent provision. *(But see SECTION 1.02 above.)*

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Protection Unit. The unit chief serves until removed by the governor.

(b) The unit chief may appoint, with the advice and consent of the commission, deputy unit chiefs and assistant unit chiefs who shall perform the duties that the unit chief designates. Deputy unit chiefs and assistant unit chiefs serve until removed by the unit chief.

(c) The unit chief, deputy unit chiefs, and assistant unit chiefs are entitled to annual salaries as provided by the legislature.

Sec. 411.556. GENERAL POWERS AND DUTIES OF UNIT AND UNIT CHIEF. (a) The unit chief shall:

(1) be directly responsible to the commission for all conduct of the unit, but may be removed only by the governor under Section 411.555;

(2) act as the executive director of the unit;

(3) act with the commission in an advisory capacity, without vote;

(4) adopt rules, subject to commission approval, considered necessary for the control and general administration of the unit, including rules governing the procurement of facilities and equipment for the unit and the training and working conditions for unit personnel;

(5) issue commissions as law enforcement officers, under the commission's direction, to members of the unit;

(6) create as necessary, with the advice and consent of the commission, operational or administrative divisions within the unit and appoint heads of those divisions;

(7) employ as necessary commissioned officers and other employees to perform unit operations and functions;

(8) quarterly, annually, and biennially submit to the commission detailed reports of the operation of the unit, including statements of its expenditures; and

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(9) prepare, swear to, submit to the governor, and file in the unit's records a quarterly statement containing an itemized list of all money received and its source and all money spent and the purposes for which it was spent.

(b) The unit chief or unit chief's designee shall provide to members of the commission and to employees of the unit, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable law relating to standards of conduct for state officers or employees.

(c) Subject to Subsection (d), the following provisions apply to the unit chief with respect to the unit in the same manner as the provisions apply to the director with respect to the department or, as applicable, apply to the unit when acting at the direction of the unit chief in the same manner as the provisions apply to the department when acting at the direction of the director:

(1) Section 411.007;

(2) Section 411.0071;

(3) Section 411.0075;

(4) Section 411.0079;

(5) Section 411.009;

(6) Section 411.0095;

(7) Section 411.0097, as added by Section 3, Chapter 556 (H.B. 1239), Acts of the 79th Legislature, Regular Session, 2005;

(8) Section 411.0097, as added by Section 1, Chapter 693 (S.B. 293), Acts of the 79th Legislature, Regular Session, 2005;

(9) Section 411.0098;

(10) Section 411.013(b);

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- (11) Section 411.0131;
- (12) Section 411.0132;
- (13) Section 411.0141(e);
- (14) Section 411.015;
- (15) Section 411.016;
- (16) Section 411.0161;
- (17) Section 411.0162;
- (18) Section 411.0163;
- (19) Section 411.0164;
- (20) Section 411.017;
- (21) Section 411.018;
- (22) Sections 411.0207(c)(1)-(5);
- (23) Sections 411.0208(d) and (e);
- (24) Section 411.0209;
- (25) Section 411.02095;
- (26) Section 411.0865;
- (27) Section 411.087(e);
- (28) Section 411.0891; and
- (29) Section 411.154.

(d) The director may not exercise any operational or administrative control over the unit chief or the unit. The unit chief may not exercise any operational or administrative control over the director or the department, other than the unit.

(e) The unit is a criminal justice agency for purposes of this chapter.

(f) The unit is a law enforcement agency for purposes of Section 411.1471(b).

(g) The unit may assist local law enforcement with the investigation of crime.

Sec. 411.557. OFFICE OF AUDIT AND REVIEW FOR UNIT. The governor shall establish the office of audit and review within the unit and appoint the director of the office to

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perform the duties under Subchapter I with respect to the unit. The director of the office of audit and review of the unit shall serve until removed by the governor.

Sec. 411.558. INSPECTOR GENERAL FOR UNIT. (a) The governor shall establish the office of the inspector general within the unit and appoint the inspector general of the unit who shall perform with respect to the unit the duties of Subchapter I-1 or as may be provided by other law. The inspector general of the unit shall serve until removed by the governor.

(b) The inspector general of the unit is responsible for:

(1) preparing and delivering assessments concerning the administration of the unit to the governor, the legislature, and the unit chief;

(2) acting to prevent and detect serious breaches of unit policy, fraud, and abuse of office, including any acts of criminal conduct within the unit; and

(3) independently and objectively reviewing, investigating, delegating, and overseeing the investigation of:

(A) conduct described by Subdivision (2);

(B) criminal activity occurring within the unit;

(C) allegations of wrongdoing by unit employees;

(D) crimes committed on unit property; and

(E) serious breaches of unit policy.

Sec. 411.559. OFFICERS; OTHER EMPLOYEES. (a) The unit chief may employ commissioned officers meeting the qualifications described by Section 411.561 to perform the duties of the unit. Those officers are entitled to compensation as provided by the legislature and must be recruited and trained within the border region to the extent practicable.

(b) The unit chief may employ individuals who are not officers as necessary to carry out the duties of the unit.

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(c) Subject to the provisions of this chapter, the unit chief may appoint, promote, reduce, suspend, or discharge any officer or employee of the unit.

Sec. 411.5591. USE OF PERSONAL VEHICLE PROHIBITED. Notwithstanding any other provision of this subchapter, an officer or other employee of the unit may not use the officer's or employee's personal vehicle to conduct a traffic stop for any purpose related to the officer's or employee's duties.

Sec. 411.560. AUTHORITY OF OFFICERS. (a) A commissioned officer of the unit is governed by the law regulating and defining the powers and duties of sheriffs performing similar duties, except that the officer may make arrests and execute processes in a criminal case in any county in the border region.

(b) A commissioned officer of the unit may, to the extent consistent with the United States and Texas Constitutions, arrest, apprehend, or detain persons crossing the Texas-Mexico border unlawfully, and deter persons attempting to cross the border unlawfully, including with the use of non-deadly crowd control measures.

Sec. 411.561. QUALIFICATIONS. (a) To be a commissioned officer of the unit, a person must hold a peace officer license issued under Chapter 1701, Occupations Code, and meet any other qualifications set by the commission.

(a-1) The unit chief may not employ an officer or other employee if the officer or other employee:

(1) has been convicted of a violent offense; or

(2) has been dishonorably discharged from the armed forces of the United States or the Texas military forces as shown by the service member's release or discharge documentation.

(a-2) For purposes of Subsection (a-1):

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(1) "Texas military forces" has the meaning assigned by Section 437.001.

(2) "Violent offense" means an offense under the law of any state that has as an element the use, attempted use, or threatened use of physical force against any person.

(b) The unit is an equal employment opportunity employer and may not discriminate against or give preferential treatment to any employee or job applicant on account of the individual's race, color, sex, national origin, or religion.

Sec. 411.562. FACILITIES AND EQUIPMENT; TRAINING. The unit shall acquire equipment and facilities and conduct training necessary to fulfill the operational, intelligence, communication, logistics, and administrative duties provided by this chapter and the unit chief.

Sec. 411.563. LAW ENFORCEMENT BORDER PROTECTION FUNCTIONS. The unit chief and director may order commissioned officers under their authority to take, and the commissioned officers may take, the following actions to the extent consistent with the United States and Texas Constitutions:

(1) deter and repel persons attempting to enter this state unlawfully at locations other than ports of entry;

(2) return aliens to Mexico who:

(A) have been observed actually crossing the Texas-Mexico border unlawfully; and

(B) were apprehended, detained, or arrested in the vicinity of the Texas-Mexico border; and

(3) enhance the examination of aircraft, ships, vehicles, railcars, and cargo at or near ports of entry for the purposes of interdicting fentanyl and other dangerous drugs and interdicting human smuggling.

Sec. 411.564. OPERATIONAL PLAN TO COORDINATE

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BORDER SECURITY. (a) The unit shall develop and recommend to the governor and report to the legislature a strategic plan that establishes the framework for the budget and operations of the unit, including homeland security strategies and the assistance of other state and local entities. The unit shall annually report to the governor and the legislature on the implementation of the strategic plan.
(b) The unit shall include in the strategic plan goals, objectives, and performance measures that involve collaboration with other state agencies and local entities.
(c) The unit shall create plans and conduct operations consistent with the strategic plan.

SECTION 8.08. As soon as practicable after the effective date of this Act, the governor shall appoint the unit chief as prescribed by Section 411.555, Government Code, as added by this Act.

ARTICLE 9. SEVERABILITY

SECTION 9.01. (a) If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.
(b) Subsection (a) of this section does not affect another severability provision contained in this Act.

ARTICLE 10. EFFECTIVE DATE

SENATE VERSION (IE)

No equivalent provision.

ARTICLE 9. SEVERABILITY; EFFECTIVE DATE

SECTION 9.01. It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act to every person, group of persons, or circumstances, is severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid for any reason, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected.

No equivalent provision. *(But see heading for ARTICLE 9*

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SECTION 10.01. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

SENATE VERSION (IE)

above.)

SECTION 9.02. This Act takes effect September 1, 2023.

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