

BILL ANALYSIS

C.S.H.B. 133

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Homeland Security, Public Safety & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Transnational repression refers to the actions of foreign governments attempting to suppress or politically persecute their citizens or dissidents living abroad, including in the United States, through the use of covert tactics such as surveillance, intimidation, harassment, and threats of violence to control individuals who speak out against them. The bill author has informed the committee that in recent years, countries like China, Russia, and Iran have been linked to such practices, targeting activists, journalists, and political dissidents in the United States to stifle freedom of expression and prevent criticism of their governments. The bill author has also informed the committee that this growing issue poses a significant threat to the rights and safety of U.S. citizens. C.S.H.B. 133 seeks to address these issues by creating new criminal offenses specifically targeting such activities and by establishing a law enforcement training program regarding transnational repression.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 133 amends the Penal Code to create the offense of transnational repression for a person who does the following:

- commits or conspires to commit an offense of trafficking of persons, assault, aggravated assault, harassment, stalking, or compelling prostitution;
- commits or conspires to commit one of those offenses with the intent to do one of the following:
 - cause another person to act on behalf of a foreign government or a foreign terrorist organization;
 - cause another person to leave or be confined in the United States;
 - discourage another person from engaging in protected conduct; or
 - retaliate against another person for engaging in protected conduct; and
- commits or conspires to commit that offense as an agent of a foreign government or foreign terrorist organization.

C.S.H.B. 133 establishes that the penalty for transnational repression is one category higher than the most serious offense of trafficking of persons, assault, aggravated assault, harassment, stalking, or compelling prostitution that was committed or conspired to be committed, except if

the most serious offense is a felony of the first degree, the offense is a felony of the first degree with a minimum term of confinement of 15 years.

C.S.H.B. 133 creates the second degree felony offense of unauthorized enforcement of foreign law for a person who, as an agent of a foreign government or foreign terrorist organization, does the following without the approval of the state or the United States:

- prevents another person in Texas from violating the laws of a foreign government; or
- detects, investigates, monitors, or surveilles another person in Texas for the purpose of preventing the other person from violating the laws of a foreign government.

C.S.H.B. 133 amends the Government Code to require the Department of Public Safety (DPS) to develop a training program for peace officers regarding transnational repression not later than April 1, 2026. The bill requires the training program to do the following:

- prepare peace officers to identify transnational repression, develop practices for preventing, reporting, and responding to transnational repression, and recognize communities targeted by transnational repression and misinformation that may be perpetuated by an agent of a foreign government or foreign terrorist organization; and
- include information about foreign governments and foreign terrorist organizations that are frequently involved in transnational repression and the methods those governments and organizations use.

The bill requires DPS to regularly update the training to address emerging threats and new transnational repression methods used by agents of a foreign government or foreign terrorist organization.

C.S.H.B. 133 requires DPS, in collaboration with the governor's office, to conduct a study on the threat of transnational repression, as that conduct is described by the bill's provisions. The bill requires DPS, not later than March 1, 2026, to prepare and submit to each member of the legislature a report on the conclusions of the study and any recommendations for legislative or other action to reduce the threat of transnational repression. These provisions expire April 1, 2026.

C.S.H.B. 133 defines the following terms:

- "agent of a foreign government or foreign terrorist organization" as a person acting on behalf of or otherwise employed or controlled by a foreign government or foreign terrorist organization;
- "foreign terrorist organization" by reference to statutory provisions relating to organized crime; and
- "protected conduct" as any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by the Texas Constitution.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 133 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and substitute create the offense of transnational repression, the substitute revises the conduct constituting the offense by including the following as applicable conduct:

- committing or conspiring to commit an offense of trafficking of persons or compelling prostitution; and

- committing or conspiring to commit the requisite conduct with the intent to cause another person to be confined in the United States.

While both the introduced and substitute establish penalties for transnational repression based on the penalty for the most serious offense that was committed or conspired to be committed, the substitute omits the exception from the introduced that, if the most serious offense of assault, aggravated assault, harassment, or stalking is a Class A misdemeanor, the offense is a Class A misdemeanor with a minimum term of confinement of 180 days.

Whereas the introduced required the criminal investigation division of DPS to develop a training program for peace officers regarding transnational repression, the substitute instead requires DPS to develop such a program. Accordingly, the substitute replaces references in the applicable bill provisions to the criminal investigation division of DPS with DPS.