

## **BILL ANALYSIS**

C.S.H.B. 214

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

### **BACKGROUND AND PURPOSE**

Last session, the Texas Legislature passed S.B. 1518, which provided a robust framework to address the threat of terrorism by creating a list of offenses that could be prosecuted under the statute. Furthermore, U.S. Immigration and Customs Enforcement reports that the trafficking of weapons and ammunition contributes to violent crime and organized criminal activity, affecting public safety. The author has informed the committee that the existing legal framework created under that legislation may not fully address certain acts of terrorism that involve kidnapping, bribery, or telecommunication crimes or adequately cover individuals who engage in illegal firearm or ammunition transactions. C.S.H.B. 214 seeks to provide law enforcement greater authority to prosecute terrorism and firearm smuggling offenses by expanding the conduct constituting those offenses.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 214 amends the Penal Code to expand the conduct that constitutes firearm smuggling to include knowingly engaging in the business of transporting or transferring ammunition for a firearm that the person knows was acquired in violation of the laws of any state or of the United States. The bill establishes that a person is considered to engage in the business of transporting or transferring ammunition for a firearm if the person engages in that conduct on more than one occasion or for profit or any other form of remuneration.

C.S.H.B. 214 expands the conduct that constitutes terrorism to include committing or conspiring to commit any of the following offenses with the intent to intimidate or coerce the public or a substantial group of the public or to influence, by intimidation or coercion, the policy, conduct, or activities of the state, a political subdivision of the state, or the United States:

- aggravated kidnapping or continuous smuggling of persons;
- criminal mischief, if the offense was committed using a firearm or explosive weapon, as those terms are defined by statutory provisions relating to weapons;
- commercial bribery;
- fraudulent use or possession of identifying information, if punishable as a third degree felony or any higher category of offense;
- breach of computer security;
- unauthorized use of telecommunications service;

- manufacture, possession, or delivery of unlawful telecommunications device;
- theft of telecommunications service;
- publication of a telecommunications access device;
- false caller identification information display;
- impersonating a public servant, if the public servant the actor impersonates or conspires to impersonate is a peace officer;
- prohibited weapons offenses with respect to an explosive weapon, machine gun, or an improvised explosive device;
- components of explosives offenses; or
- firearm and ammunition smuggling.

C.S.H.B. 214 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date 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 these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 214 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.

The introduced and the substitute both expand the conduct that constitutes terrorism to include committing or conspiring to commit certain offenses with the specified requisite intent but differ in the following ways:

- the introduced included committing or conspiring to commit the following offenses, which the substitute does not include:
  - unlawful use of a criminal instrument or mechanical security device;
  - unlawful interception, use, or disclosure of wire, oral, or electronic communications;
  - unlawful use of a pen register or trap and trace device;
  - unlawful access to stored communications;
  - illegal divulgence of public communications;
  - unlawful installation of a tracking device;
  - smuggling of persons;
  - harassment by persons in certain facilities or harassment of public servants;
  - criminal trespass;
  - false identification as a peace officer or misrepresentation of property;
  - hindering apprehension or prosecution;
  - taking or attempting to take a weapon from a peace officer, federal special investigator, correctional facility employee or official, parole officer, community supervision and corrections department officer, or commissioned security officer;
  - interference with an emergency request for assistance;
  - illumination of an aircraft by intense light;
  - unlawful use of fireworks; and
  - engaging in organized criminal activity;
- while the introduced and the substitute both include among the expanded conduct committing or conspiring to commit criminal mischief, fraudulent use or possession of identifying information, or impersonating a public servant, the substitute contains

provisions absent from the introduced that limit the inclusion of the offenses to specific conduct constituting each offense; and

- whereas the introduced included among the expanded conduct committing or conspiring to commit prohibited weapons offenses, the substitute limits the inclusion of the offense to conduct constituting the offense that involves an explosive weapon, machine gun, or improvised explosive device.