

BILL ANALYSIS

S.B. 659

By: Schwertner

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

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee of recent and alarming instances in Texas in which individuals have utilized state and U.S. military resources in human smuggling activities, including the misuse of military vehicles, secure databases, weapons, knowledge, and facilities for transporting smuggled persons, which exploits essential resources and jeopardizes lives. As such, the bill sponsor has further informed the committee that, while Texas has been forced to supplant the border security efforts neglected by the federal government at the taxpayers' expense, stronger legal tools are necessary to discourage individuals from abusing the trust bestowed on them with the duty to serve our state and protect our border. S.B. 659 seeks to address this issue and emphasize that Texas will not tolerate the misuse of taxpayer dollars, especially by those entrusted with government resources, by revising the conduct that constitutes the offense of smuggling of persons and by enhancing the penalty for that offense if the actor used government resources to facilitate the commission of the offense.

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

S.B. 659 amends the Penal Code to expand the conduct that constitutes the offense of smuggling of persons by including the following:

- knowingly assisting, soliciting, encouraging, directing, aiding, or attempting to aid another in the use of a motor vehicle, aircraft, watercraft, or other means of conveyance to transport an individual with the intent to do the following:
 - conceal the individual from a peace officer or special investigator; or
 - flee or aid the person using the motor vehicle, aircraft, watercraft, or other means of conveyance in fleeing from a person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor or person the actor assisted, solicited, encouraged, directed, aided, or attempted to aid in using the motor vehicle, aircraft, watercraft, or other means of conveyance; and
- knowingly taking an individual to or forcing an individual to remain on public or private property without the individual's effective consent.

Additionally, the bill replaces the conduct constituting the offense of smuggling of persons that involves knowingly assisting, guiding, or directing two or more individuals to enter or remain on agricultural land without the effective consent of the owner with the conduct of knowingly

assisting, guiding, or directing an individual to enter or remain on public or private property without the effective consent of the owner.

S.B. 659 enhances the penalty for the offense of smuggling of persons from a third degree felony with a term of imprisonment of 10 years to a first degree felony with a minimum term of imprisonment of 10 years if the actor used government resources to facilitate the commission of the offense.

S.B. 659 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.