

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 659
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent months, there have been alarming instances in Texas where state and U.S. military resources have been utilized in human smuggling activities. Reports indicate that individuals have misused military vehicles, secure databases, weapons, knowledge, and facilities for transporting smuggled persons, exploiting essential resources and jeopardizing lives. As such, 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 emphasizes that Texas will not tolerate the misuse of taxpayer dollars, especially by those entrusted with government resources and the duty to combat human smuggling. The bill would enhance the penalty for such abuse, establishing that the use of government resources in human smuggling efforts is a first degree felony with a minimum sentence of 10 years. Additionally, two sections have been edited to capture not only the individuals smuggling illegal immigrants, but also those who are assisting the smugglers. One key change involves the section related to property, which now makes it a criminal offense if a smuggler directs one or more individuals to enter or remain on public or private property. These changes help ensure greater protection of property rights and strengthen enforcement against smuggling activities. The bill will assert that our state's commitment to combating human trafficking, enhancing border security, and safeguarding vulnerable individuals will not be undercut by ulterior motives of self-service or harm of others.

Key Provisions of S.B. 659

- The bill amends Section 20.05(b) of the Texas Penal Code to impose a first degree felony charge for the offense of human smuggling using government resources, carrying a minimum sentence of 10 years in prison.
- The bill amends Section (a)(1) to also capture individuals that assist directly or indirectly or directs another individual to use a motor vehicle, aircraft, watercraft, or other means.

The bill changes Section (a)(3) to say that if a smuggler directs one or more people to enter or stay on any public or private property, it is a criminal offense, instead of just applying to agricultural land.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 659 amends current law relating to the prosecution and punishment of the offense of smuggling of persons.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 20.05(a) and (b), Penal Code, as follows:

(a) Provides that a person commits an offense if the person knowingly:

(1) uses or assists, solicits, encourages, directs, aides, or attempts 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:

(A) makes no changes to this paragraph; or

(B) 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;

(2) makes a nonsubstantive change to this subdivision;

(3) assists, guides, or directs an individual, rather than two or more individuals, to enter or remain on public or private property, rather than agricultural land, without the effective consent of the owner; or

(4) takes an individual to or forces an individual to remain on public or private property without the individual's effective consent.

(b) Provides that, subject to certain subsections, an offense under Section 20.05 (Smuggling of Persons) is a felony of the third degree with a term of imprisonment of 10 years, except that the offense is a felony of the second degree with a minimum term of imprisonment of 10 years if certain offenses are committed, or a felony of the first degree with a minimum term of imprisonment of 10 years if certain offenses are committed, including if the actor used government resources to facilitate the commission of the offense. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.