

BILL ANALYSIS

Senate Research Center
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S.B. 2202
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Border Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Over the last several years, the crisis at the southern border has grown increasingly dangerous with the overwhelming influx of illegal immigrants and consistent flow of transnational criminal activity, including the smuggling of weapons, money, drugs, and people. Mexican cartels and other foreign terrorist organizations heavily rely on smuggled firearms from the United States that enable them to arm their members, carry out their operations, and fuel their profits. According to the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), approximately 68 percent of guns recovered in Mexico between 2017 and 2021 can be traced back to the United States. Currently, federal law targets cartel members and those trafficking guns to the cartels; however, no similar statute exists in state law. This bill seeks to fill this gap and provide law enforcement and prosecutors statutory language to target foreign terrorist organizations and the trafficking of guns.

S.B. 2202 creates the offense of knowingly or intentionally transferring a firearm and receiving remuneration for the transfer to an individual the person knows is a member of a foreign terrorist organization.

As proposed, S.B. 2202 amends current law relating to the trafficking of a firearm to a foreign terrorist organization and to the unlawful transfer of firearms between this state and the United Mexican States and creates a criminal offense.

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 Chapter 46, Penal Code, by adding Section 46.145, as follows:

Sec. 46.145. **TRAFFICKING FIREARM TO FOREIGN TERRORIST ORGANIZATION.** (a) Defines "foreign terrorist organization."

(b) Provides that a person commits an offense if the person intentionally or knowingly transfers, for profit or any other form of remuneration, a firearm to an individual who the person knows is a member of a foreign terrorist organization or intends to transfer the firearm to a member of a foreign terrorist organization.

(c) Provides that an offense under this section is a felony of the second degree.

(d) Provides that this section does not apply to a person licensed as a firearms dealer, manufacturer, or importer under 18 U.S.C. Section 923 who is lawfully engaged in the business of dealing in, manufacturing, or importing firearms.

SECTION 2. Amends Sections 411.02095(a) and (d), Government Code, as follows:

(a) Authorizes the Department of Public Safety of the State of Texas (DPS) to establish a program throughout this state for preventing and detecting:

(1) the unlawful possession or the unlawful and imminent movement or transfer between this state and an adjacent state or the United Mexican States of firearms in violation of Section 46.145, Penal Code; and

(2) makes no changes to this subdivision.

(d) Requires DPS to implement the program established under Section 411.02095 (Statewide Program for the Prevention and Detection of Certain Criminal Offenses) in conjunction with the United Mexican States and federal and local law enforcement agencies.

SECTION 3. Amends Section 411.02096(a), Government Code, as follows:

(a) Requires DPS, not later than January 31 of each year, to collect information for the preceding calendar year related to the carrying of firearms and the unlawful transfer of firearms between this state and the United Mexican States by persons in this state, including:

(1) makes a nonsubstantive change to this subdivision;

(2) the number of firearms that were seized by a law enforcement agency in this state or the United Mexican States, or that were otherwise identified as being used to commit an offense in this state or the United Mexican States, if the seizure or offense occurred at any time following the unlawful transfer of those firearms from the United Mexican States to this state or this state to the United Mexican States; and

(3) creates this subdivision from existing text and makes a conforming change.

SECTION 4. Effective date: September 1, 2025.