

By: Hopper

H.B. No. 1303

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain criminal offenses involving illegal entry into  
3 or illegal presence in this state by a person who is an alien,  
4 including the enforcement of those offenses; increasing criminal  
5 penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Article 5B.001, Code of Criminal Procedure, is  
8 amended to read as follows:

9 Art. 5B.001. ENFORCEMENT PROHIBITED IN CERTAIN LOCATIONS.  
10 Notwithstanding any other law, a peace officer may not arrest or  
11 detain a person for purposes of enforcing a provision of Chapter 51,  
12 Penal Code, if the person is on the premises or grounds of:

13 (1) ~~[a public or private primary or secondary school~~  
14 ~~for educational purposes,~~

15 ~~[(2) a church, synagogue, or other established place~~  
16 ~~of religious worship,~~

17 ~~[(3)]~~ a health care facility, as defined by Section  
18 161.471, Health and Safety Code, including a facility a state  
19 agency maintains or operates to provide health care, or the office  
20 of a health care provider, as defined by Section 161.471, Health and  
21 Safety Code, provided that the person is on the premises or grounds  
22 of the facility or office for the purpose of receiving medical  
23 treatment relating to an offense committed against the person; or

24 (2) ~~[(4)]~~ a SAFE-ready facility, as defined by Section

1 323.001, Health and Safety Code, or another facility that provides  
2 forensic medical examinations to sexual assault survivors in  
3 accordance with Chapter 323, Health and Safety Code, provided that  
4 the person is on the premises or grounds of the facility for  
5 purposes of obtaining a forensic medical examination and treatment.

6 SECTION 2. Section 51.02(b), Penal Code, is amended to read  
7 as follows:

8 (b) An offense under this section is a state jail felony  
9 [~~Class B misdemeanor~~], except that the offense is a [~~state jail~~]  
10 felony of the third degree if it is shown on the trial of the offense  
11 that the defendant has been previously convicted of an offense  
12 under this section.

13 SECTION 3. Section 51.03(b), Penal Code, is amended to read  
14 as follows:

15 (b) An offense under this section is a felony of the third  
16 degree [~~Class A misdemeanor~~], except that the offense is:

17 (1) a felony of the second [~~third~~] degree if:

18 (A) the defendant's removal was subsequent to a  
19 conviction for commission of two or more misdemeanors involving  
20 drugs, crimes against a person, or both;

21 (B) the defendant was excluded pursuant to 8  
22 U.S.C. Section 1225(c) because the defendant was excludable under 8  
23 U.S.C. Section 1182(a)(3)(B);

24 (C) the defendant was removed pursuant to the  
25 provisions of 8 U.S.C. Chapter 12, Subchapter V; or

26 (D) the defendant was removed pursuant to 8  
27 U.S.C. Section 1231(a)(4)(B); or

1           (2) a felony of the first [~~second~~] degree if the  
2 defendant was removed subsequent to a conviction for the commission  
3 of a felony.

4           SECTION 4. Section 51.04(b), Penal Code, is amended to read  
5 as follows:

6           (b) An offense under this section is a felony of the first  
7 [~~second~~] degree.

8           SECTION 5. Sections 51.02(c) and (d), Penal Code, are  
9 repealed.

10          SECTION 6. The changes in law made by this Act apply only to  
11 an offense committed on or after the effective date of this Act. An  
12 offense committed before the effective date of this Act is governed  
13 by the law in effect on the date the offense was committed, and the  
14 former law is continued in effect for that purpose. For purposes of  
15 this section, an offense was committed before the effective date of  
16 this Act if any element of the offense occurred before that date.

17          SECTION 7. This Act takes effect September 1, 2025.