

By: Gerdes

H.B. No. 1832

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for certain criminal offenses involving illegal entry into or illegal presence in this state by a person who is an alien; increasing criminal penalties.

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

SECTION 1. This Act may be cited as the Dangerous Aliens Act.

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

(b) An offense under this section is a Class B misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted of an offense:

(1) under this section;

(2) under Chapter 49, other than Section 49.02 or 49.031;

(3) under the laws of another state or foreign country involving an offense containing elements that are substantially similar to the elements of an offense described by Subdivision (2);
or

(4) involving drugs or crimes against a person.

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

(b) An offense under this section is a Class A misdemeanor,

except that the offense is:

(1) a felony of the third degree if:

(A) the defendant's removal was subsequent to a conviction for commission of one or two [~~or more~~] misdemeanors:

(i) under Chapter 49, other than Section 49.02 or 49.031;

(ii) under the laws of another state or foreign country involving an offense containing elements that are substantially similar to the elements of an offense described by Subparagraph (i); or

(iii) involving drugs or [~~7~~] crimes against a person[~~, or both~~];

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

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

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

(2) a felony of the second degree if the defendant was removed subsequent to a conviction for the commission of:

(A) three or more misdemeanors described by Subdivision (1)(A); or

(B) a felony other than a felony described by Subdivision (3); or

(3) a felony of the first degree if the defendant was removed subsequent to a conviction for the commission of a felony:

1 (A) under Title 5 of this code; or

2 (B) under the laws of another state or foreign
3 country involving an offense containing elements that are
4 substantially similar to the elements of an offense described by
5 Paragraph (A).

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

8 (b) An offense under this section is a felony of the second
9 degree, except that the offense is a felony of the first degree if
10 the offense described by Subsection (a)(1) with which the person
11 has been charged or of which the person was convicted is an offense
12 under Section 51.03 that is punishable under Subsection (b)(3) of
13 that section.

14 SECTION 5. The changes in law made by this Act apply only to
15 an offense committed on or after the effective date of this Act. An
16 offense committed before the effective date of this Act is governed
17 by the law in effect on the date the offense was committed, and the
18 former law is continued in effect for that purpose. For purposes of
19 this section, an offense was committed before the effective date of
20 this Act if any element of the offense occurred before that date.

21 SECTION 6. This Act takes effect September 1, 2025.