

By: Lopez of Cameron

H.B. No. 4616

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offenses of transnational repression and unauthorized enforcement of foreign law and to a study and law enforcement training regarding transnational repression.

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

SECTION 1. Chapter 76, Penal Code, is amended by adding Sections 76.045 and 76.046 to read as follows:

Sec. 76.045. TRANSNATIONAL REPRESSION. (a) In this section:

(1) "Agent of a foreign government or foreign terrorist organization" means a person acting on behalf of or otherwise employed or controlled by a foreign government or foreign terrorist organization.

(2) "Foreign terrorist organization" has the meaning assigned by Section 71.01.

(3) "Protected conduct" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution.

(b) A person commits an offense if:

(1) the person commits or conspires to commit an offense under:

(A) Section 22.01;

(B) Section 22.02;

1 (C) Section 42.07; or

2 (D) Section 42.072;

3 (2) the person commits or conspires to commit an
4 offense described by Subdivision (1) with the intent to:

5 (A) cause another person to act on behalf of a
6 foreign government or a foreign terrorist organization;

7 (B) cause another person to leave the United
8 States;

9 (C) discourage another person from engaging in
10 protected conduct; or

11 (D) retaliate against another person for
12 engaging in protected conduct; and

13 (3) the person commits or conspires to commit that
14 offense as an agent of a foreign government or foreign terrorist
15 organization.

16 (c) An offense under this section is one category higher
17 than the most serious offense listed in Subsection (b)(1) that was
18 committed or conspired to be committed, except that:

19 (1) if the most serious offense is a Class A
20 misdemeanor, the offense under this section is a Class A
21 misdemeanor with a minimum term of confinement of 180 days; and

22 (2) if the most serious offense is a felony of the
23 first degree, the offense under this section is a felony of the
24 first degree with a minimum term of confinement of 15 years.

25 Sec. 76.046. UNAUTHORIZED ENFORCEMENT OF FOREIGN LAW. (a)
26 In this section, "agent of a foreign government or foreign
27 terrorist organization" has the meaning assigned by Section 76.045.

1 (b) A person commits an offense if, as an agent of a foreign
2 government or foreign terrorist organization, the person, without
3 the approval of this state or the United States:

4 (1) prevents another person in this state from
5 violating the laws of a foreign government; or

6 (2) detects, investigates, monitors, or surveilles
7 another person in this state for the purpose of preventing the other
8 person from violating the laws of a foreign government.

9 (c) An offense under this section is a felony of the second
10 degree.

11 SECTION 2. Subchapter A, Chapter 411, Government Code, is
12 amended by adding Section 411.02098 to read as follows:

13 Sec. 411.02098. TRANSNATIONAL REPRESSION TRAINING PROGRAM.

14 (a) In this section:

15 (1) "Agent of a foreign government or foreign
16 terrorist organization" and "agent" mean a person acting on behalf
17 of or otherwise employed or controlled by a foreign government or
18 foreign terrorist organization.

19 (2) "Foreign terrorist organization" has the meaning
20 assigned by Section 71.01, Penal Code.

21 (3) "Peace officer" means an individual described by
22 Article 2A.001, Code of Criminal Procedure.

23 (4) "Transnational repression" means conduct
24 described by Section 76.045(b), Penal Code.

25 (b) The criminal investigations division of the department
26 shall develop a training program for peace officers regarding
27 transnational repression. The training program must:

1 (1) prepare peace officers to:

2 (A) identify transnational repression;

3 (B) develop practices for preventing, reporting,
4 and responding to transnational repression; and

5 (C) recognize communities targeted by
6 transnational repression and misinformation that may be
7 perpetuated by an agent of a foreign government or foreign
8 terrorist organization; and

9 (2) include information about foreign governments and
10 foreign terrorist organizations that are frequently involved in
11 transnational repression and the methods those governments and
12 organizations use.

13 (c) The criminal investigations division shall regularly
14 update the training under Subsection (b) to address emerging
15 threats and new transnational repression methods used by agents of
16 a foreign government or foreign terrorist organization.

17 SECTION 3. (a) The criminal investigations division of the
18 Department of Public Safety of the State of Texas, in collaboration
19 with the office of the governor, shall conduct a study on the threat
20 of transnational repression, as that conduct is described by
21 Section 76.045(b), Penal Code, as added by this Act. Not later than
22 March 1, 2026, the Department of Public Safety shall prepare and
23 submit to each member of the legislature a report on the conclusions
24 of the study and any recommendations for legislative or other
25 action to reduce the threat of transnational repression.

26 (b) This section expires April 1, 2026.

27 SECTION 4. Not later than April 1, 2026, the criminal

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1 investigations division of the Department of Public Safety shall
2 develop the training required by Section 411.02098, Government
3 Code, as added by this Act.

4 SECTION 5. This Act takes effect September 1, 2025.