

By: Schwertner

S.B. No. 659

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of smuggling of persons.

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

SECTION 1. Sections 20.05(a) and (b), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person knowingly:

(1) uses or assists, solicits, encourages, directs, aids, 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) conceal the individual from a peace officer or special investigator; 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) encourages or induces a person to enter or remain in this country in violation of federal law by concealing, harboring, or shielding that person from detection; ~~[or]~~

(3) assists, guides, or directs an individual ~~[two or~~

1 ~~more individuals]~~ to enter or remain on public or private property  
2 ~~[agricultural land]~~ without the effective consent of the owner; or  
3 (4) takes an individual to or forces an individual to  
4 remain on public or private property without the individual's  
5 effective consent.

6 (b) Subject to Subsections (b-1) and (b-2), an offense under  
7 this section is a felony of the third degree with a term of  
8 imprisonment of 10 years, except that the offense is:

9 (1) a felony of the second degree with a minimum term  
10 of imprisonment of 10 years if:

11 (A) the actor commits the offense in a manner  
12 that creates a substantial likelihood that the smuggled individual  
13 will suffer serious bodily injury or death;

14 (B) the smuggled individual is a child younger  
15 than 18 years of age at the time of the offense;

16 (C) the offense was committed with the intent to  
17 obtain a pecuniary benefit;

18 (D) during the commission of the offense the  
19 actor, another party to the offense, or an individual assisted,  
20 guided, or directed by the actor knowingly possessed a firearm; or

21 (E) the actor commits the offense under  
22 Subsection (a)(1)(B); or

23 (2) a felony of the first degree with a minimum term of  
24 imprisonment of 10 years if:

25 (A) it is shown on the trial of the offense that,  
26 as a direct result of the commission of the offense, the smuggled  
27 individual became a victim of sexual assault, as defined by Section

1 22.011, or aggravated sexual assault, as defined by Section 22.021;  
2 [~~or~~]

3 (B) the smuggled individual suffered serious  
4 bodily injury or death; or

5 (C) the actor used government resources to  
6 facilitate the commission of the offense.

7 SECTION 2. The change in law made by this Act applies only  
8 to an offense committed on or after the effective date of this Act.  
9 An offense committed before the effective date of this Act is  
10 governed by the law in effect on the date the offense was committed,  
11 and the former law is continued in effect for that purpose. For  
12 purposes of this section, an offense was committed before the  
13 effective date of this Act if any element of the offense occurred  
14 before that date.

15 SECTION 3. This Act takes effect September 1, 2025.