

By: Schwertner

S.B. No. 659

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of smuggling of persons through the use of government resources.

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

SECTION 1. Section 20.05(b), Penal Code, is amended to read as follows:

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

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

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

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

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

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

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

(2) a felony of the first degree with a minimum term of

1 imprisonment of 10 years if:

2 (A) it is shown on the trial of the offense that,
3 as a direct result of the commission of the offense, the smuggled
4 individual became a victim of sexual assault, as defined by Section
5 22.011, or aggravated sexual assault, as defined by Section 22.021;
6 ~~[or]~~

7 (B) the smuggled individual suffered serious
8 bodily injury or death; or

9 (C) the offense is committed under Subsection
10 (a)(2) and the actor used government resources to facilitate the
11 commission of the offense.

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

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