

1-1 By: Schwertner S.B. No. 659
1-2 (In the Senate - Filed December 19, 2024; February 3, 2025,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 23, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 23, 2025,
1-6 sent to printer.)

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|------|---------------------|-----|-----|--------|-----|
| 1-7 | COMMITTEE VOTE | | | | |
| 1-8 | | Yea | Nay | Absent | PNV |
| 1-9 | Flores | X | | | |
| 1-10 | Parker | X | | | |
| 1-11 | Hagenbuch | X | | | |
| 1-12 | Hinojosa of Hidalgo | X | | | |
| 1-13 | Huffman | X | | | |
| 1-14 | King | X | | | |
| 1-15 | Miles | | | X | |

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 659 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the prosecution and punishment of the offense of
1-20 smuggling of persons.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 20.05(a) and (b), Penal Code, are
1-23 amended to read as follows:

1-24 (a) A person commits an offense if the person knowingly:

1-25 (1) uses or assists, solicits, encourages, directs,
1-26 aids, or attempts to aid another in the use of a motor vehicle,
1-27 aircraft, watercraft, or other means of conveyance to transport an
1-28 individual with the intent to:

1-29 (A) conceal the individual from a peace officer
1-30 or special investigator; or

1-31 (B) flee or aid the person using the motor
1-32 vehicle, aircraft, watercraft, or other means of conveyance in
1-33 fleeing from a person the actor knows is a peace officer or special
1-34 investigator attempting to lawfully arrest or detain the actor or
1-35 person the actor assisted, solicited, encouraged, directed, aided,
1-36 or attempted to aid in using the motor vehicle, aircraft,
1-37 watercraft, or other means of conveyance;

1-38 (2) encourages or induces a person to enter or remain
1-39 in this country in violation of federal law by concealing,
1-40 harboring, or shielding that person from detection; ~~or~~

1-41 (3) assists, guides, or directs an individual ~~[two or~~
1-42 ~~more individuals]~~ to enter or remain on public or private property
1-43 ~~[agricultural land]~~ without the effective consent of the owner; or

1-44 (4) takes an individual to or forces an individual to
1-45 remain on public or private property without the individual's
1-46 effective consent.

1-47 (b) Subject to Subsections (b-1) and (b-2), an offense under
1-48 this section is a felony of the third degree with a term of
1-49 imprisonment of 10 years, except that the offense is:

1-50 (1) a felony of the second degree with a minimum term
1-51 of imprisonment of 10 years if:

1-52 (A) the actor commits the offense in a manner
1-53 that creates a substantial likelihood that the smuggled individual
1-54 will suffer serious bodily injury or death;

1-55 (B) the smuggled individual is a child younger
1-56 than 18 years of age at the time of the offense;

1-57 (C) the offense was committed with the intent to
1-58 obtain a pecuniary benefit;

1-59 (D) during the commission of the offense the
1-60 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
imprisonment of 10 years if:

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

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

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

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

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

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