

# HOUSE JOURNAL

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EIGHTY-EIGHTH LEGISLATURE, THIRD CALLED SESSION

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## PROCEEDINGS

FIFTH DAY (CONTINUED) — WEDNESDAY, OCTOBER 25, 2023

The house met at 10:20 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 7).

Present — Mr. Speaker(C); Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Absent, Excused — Gervin-Hawkins.

The invocation was offered by the Reverend Callan Sweeney, chaplain, as follows:

Almighty God, in this life, you have called all to be faithful stewards and servants of that charge entrusted to them. We thank you for the privilege of our stately charge to serve the people of Texas, and through her, all the world. But we understand, O Lord, that much will be required of the person entrusted with much, and still more will be demanded of the person entrusted with more. In holy fear, we ask that you grant us the grace to rise to so noble a task, the wisdom to know right from wrong, the prudence of discernment in action, and the perseverance to see the good to completion. For thine is the kingdom, the power, and the glory, forever and ever. Amen.

The chair recognized Representative Holland who led the house in the pledges of allegiance to the United States and Texas flags.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business in the district:

Gervin-Hawkins on motion of Morales Shaw.

**COMMITTEES GRANTED PERMISSION TO MEET**

Representative Geren moved that the house grant permission for all committees and subcommittees to meet while the house is in session, through and including Monday, October 30, pursuant to their committee postings.

Permission to meet was granted.

**HR 74 - ADOPTED  
(by Schofield)**

Representative Schofield moved to suspend all necessary rules to take up and consider at this time **HR 74**.

The motion prevailed.

The following resolution was laid before the house:

**HR 74**, In memory of Karon Kaye Tinsley Goolsby of Katy.

**HR 74** was unanimously adopted by a rising vote.

**HR 60 - ADOPTED  
(by Troxclair)**

Representative Troxclair moved to suspend all necessary rules to take up and consider at this time **HR 60**.

The motion prevailed.

The following resolution was laid before the house:

**HR 60**, In memory of Mark Barry "Buck" Rogers of Boerne.

**HR 60** was unanimously adopted by a rising vote.

On motion of Representative Vasut, the names of all the members of the house were added to **HR 60** as signers thereof.

**HR 28 - ADOPTED  
(by Darby, Kuempel, and Lambert)**

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 28**.

The motion prevailed.

The following resolution was laid before the house:

**HR 28**, In memory of Bill Little, former athletic administrator at UT Austin.

**HR 28** was unanimously adopted by a rising vote.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 28** as signers thereof.

**HR 43 - ADOPTED**  
**(by Darby)**

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 43**.

The motion prevailed.

The following resolution was laid before the house:

**HR 43**, Congratulating the Angelo State University baseball team on winning the 2023 NCAA Division II national championship.

**HR 43** was adopted.

**HR 40 - ADOPTED**  
**(by Bucy)**

Representative Bucy moved to suspend all necessary rules to take up and consider at this time **HR 40**.

The motion prevailed.

The following resolution was laid before the house:

**HR 40**, Commending Anagha Deepak of Round Rock High School on her participation in the 2023 U.S. Youth Ambassadors Program in Ecuador.

**HR 40** was adopted.

**GENERAL STATE CALENDAR**  
**SENATE BILLS**  
**SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 7 ON SECOND READING**  
**(Leach, Klick, Troxclair, Raymond, et al. - House Sponsors)**

**CSSB 7**, A bill to be entitled An Act relating to prohibiting a private employer from adopting or enforcing certain COVID-19 vaccine mandates; authorizing an administrative penalty.

**Amendment No. 1**

Representatives Harrison and Schatzline offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee report) as follows:

(1) On page 1, strike lines 14 and 15 and substitute "a person".

(2) Strike page 1, line 24 through page 2, line 1, and substitute the following:

"requiring a person to be vaccinated against COVID-19 for any reason, including".

(3) On page 2, lines 4-6, strike "an employee, contractor, applicant for employment, or applicant for a contract position" and substitute "a person".

(4) On page 2, lines 26-27 and page 3, line 1, strike "An employee, contractor, applicant for employment, or applicant for a contract position" and substitute "A person".

(5) On page 4, line 5, between "unless" and "the employer", insert "the complaint was filed by an employee, contractor, applicant for employment, or applicant for a contract position and".

### **Amendment No. 1 - Point of Order**

Representative Zwiener raised a point of order against further consideration of Amendment No. 1 under Article III, Section 40, of the Texas Constitution. The speaker sustained the point of order, announcing his decision to the house as follows:

Representative Zwiener raises a point of order against further consideration of the Harrison Amendment under Article III, Section 40, Texas Constitution on the grounds that the subject matter of the amendment is not included in the governor's proclamation.

The proclamation submits the subject of "legislation prohibiting COVID-19 vaccines by private employers." The amendment would apply the bill's mandate prohibition to any person, regardless of whether the person is performing work for a private employer. The proclamation "confine[s] the business to a particular field which may be covered in such way as the Legislature may determine." 87 H. Jour. 2d C.S. 354 (2021); 55 H. Jour. 1st C.S. 156 (1957). The field in this case is confined to legislation related to those who perform work for private employers.

Accordingly, the point of order is well-taken and sustained.

The ruling precluded further consideration of Amendment No. 1.

### **Amendment No. 2**

Representatives Harrison, Schatzline, Tinderholt, and Toth offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee report) as follows:

(1) On page 1, line 14, strike "or".

(2) On page, line 15, strike ";" and substitute ", student, or applicant for admission.".

(3) On page 1, line 24, strike "or".

(4) On page 2, line 1, strike "position" and substitute "position, student, or applicant for admission".

(5) On page 2, line 2, strike "or a contract position" and substitute ", a contract position, or admission.".

(6) On page 2, line 5, strike "or".

(7) On page 2, line 6, strike "position" and substitute "position, student, or applicant for admission".

(8) On page 2, line 27, strike "or".

(9) On page 3, line 1, strike "position" and substitute "position, student, or applicant for admission".

(10) On page 4, line 7, strike "or".

(11) On page 4, line 13, strike "." and substitute "; or".

(12) On page 4, between lines 13 and 14, insert the following:

"(3) re-admits the student or admits the applicant for admission."

### **Amendment No. 2 - Point of Order**

Representative Zwiener raised a point of order against further consideration of Amendment No. 2 under Article III, Section 40, of the Texas Constitution. The speaker sustained the point of order, announcing his decision to the house as follows:

Representative Zwiener raises a point of order against further consideration of the Harrison Amendment under Article III, Section 40, Texas Constitution on the grounds that the subject matter of the amendment is not included in the governor's proclamation.

The proclamation submits the subject of "legislation prohibiting COVID-19 vaccines by private employers." The amendment would apply the bill's mandate prohibition to any person, regardless of whether the person is performing work for a private employer. The proclamation "confine[s] the business to a particular field which may be covered in such way as the Legislature may determine." 87 H. Jour. 2d C.S. 354 (2021); 55 H. Jour. 1st C.S. 156 (1957). The field in this case is confined to legislation related to those who perform work for private employers.

Accordingly, the point of order is well-taken and sustained.

The ruling precluded further consideration of Amendment No. 2.

### **Amendment No. 3**

Representative Cain offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) as follows:

(1) On page 1, between 17 and 18, insert the following:

(2) "Contractor" means a person who undertakes specific work for an employer in exchange for a benefit without submitting to the control of the employer over the manner, methods, or details of the work.

(3) Renumber subsequent subdivisions of Sec. 81D.001 accordingly.

### **Amendment No. 3 - Point of Order**

Representative Zwiener raised a point of order against further consideration of Amendment No. 3 under Article III, Section 40, of the Texas Constitution on the grounds that the subject matter of the amendment is not included in the governor's proclamation. The point of order was withdrawn.

A record vote was requested.

Amendment No. 3 was adopted by (Record 8): 88 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.;

Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Muñoz; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gervin-Hawkins.

### STATEMENT OF VOTE

When Record No. 8 was taken, I was excused because of important business in the district. I would have voted no.

Gervin-Hawkins

#### Amendment No. 4

Representative Turner offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee report) as follows:

(1) On page 1, between lines 21 and 22, insert the following appropriately numbered section:

Sec. 81D. . APPLICABILITY. This chapter does not apply to an employer who is:

(1) a health care facility that is a provider of services, as defined by Section 1861, Social Security Act (42 U.S.C. Section 1395x);

(2) a health care provider or physician, as those terms are defined by Section 74.001, Civil Practice and Remedies Code; or

(3) a child-care facility, as defined by Section 42.002, Human Resources Code.

(2) On page 2, strike lines 7-25.

(3) On page 3, strike lines 13-17 and substitute the following:  
the complainant's refusal to be vaccinated against COVID-19.

(4) Renumber the sections of proposed Chapter 81D, Health and Safety Code, and any cross-references to those sections accordingly.

A record vote was requested.

Amendment No. 4 failed of adoption by (Record 9): 61 Yeas, 84 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gervin-Hawkins.

Absent — Isaac; Romero.

### STATEMENTS OF VOTE

When Record No. 9 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 9 was taken, I was in the house but away from my desk. I would have voted no.

Isaac

### REMARKS ORDERED PRINTED

Representative Collier moved to print all remarks on **CSSB 7**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **CSSB 7**.]

### Amendment No. 5

Representative Anchía offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee report) on page 2, between lines 6 and 7, by inserting the following appropriately numbered section and renumbering subsequent sections of proposed Chapter 81D, Health and Safety Code, and any cross-references to those sections, accordingly:

Sec. 81D. . ADVERSE ACTION EXCEPTION FOR EMPLOYERS OTHER THAN CERTAIN HEALTH CARE FACILITIES, HEALTH CARE PROVIDERS, AND PHYSICIANS. (a) This section does not apply to an employer who is a "health care facility," "health care provider," or "physician," as those terms are defined by Section 81D.0035.

(b) The following actions taken by an employer with respect to an employee or contractor to protect the health and safety of individuals at the employer's worksite are not considered adverse actions under this chapter:

- (1) offering the employee or contractor the option to work remotely;
- (2) asking the employee or contractor to use personal protective equipment;
- (3) moving the employee's or contractor's workspace to another area of the employee's or contractor's current worksite;
- (4) reassigning the employee's or contractor's work responsibilities without adversely affecting the employee's or contractor's compensation or benefits; or
- (5) if a statewide or regional public health disaster or a statewide or regional public health emergency is declared under Chapter 418, Government Code, or Section 81.0813 of this code, in response to a COVID-19 outbreak, offering the employee or contractor a leave of absence during the period the disaster or emergency is in effect.

A record vote was requested.

Amendment No. 5 failed of adoption by (Record 10): 62 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Rane; Raymond; Rogers; Schaefer; Schatzline; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gervin-Hawkins.

Absent — Lopez, J.; Schofield.



### STATEMENTS OF VOTE

When Record No. 10 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 10 was taken, I was in the house but away from my desk. I would have voted no.

J. Lopez

### Amendment No. 6

Representatives Toth, Schatzline, Harrison, and Tinderholt offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee report) on page 4, line 4, by striking "\$10,000" and substituting "\$50,000".

A record vote was requested.

Amendment No. 6 was adopted by (Record 11): 87 Yeas, 57 Nays, 4 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; King, K.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Martinez; Metcalf; Meyer; Morales, C.; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Perez; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, T.; Longoria; Lopez, R.; Manuel; Martinez Fischer; Meza; Moody; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Plesa; Price; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Wu; Zwiener.

Present, not voting — Mr. Speaker(C); Allen; Herrero; Walle.

Absent, Excused — Gervin-Hawkins.

### STATEMENTS OF VOTE

When Record No. 11 was taken, I was excused because of important business in the district. I would have voted no.

Gervin-Hawkins

When Record No. 11 was taken, I was shown voting yes. I intended to vote no.

Guerra

When Record No. 11 was taken, I was shown voting yes. I intended to vote no.

Lalani

When Record No. 11 was taken, I was shown voting yes. I intended to vote no.

C. Morales

When Record No. 11 was taken, I was shown voting yes. I intended to vote no.

Perez

### **Amendment No. 7**

Representatives Tinderholt, Toth, Harrison, and Schatzline offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee report) on page 4 by striking lines 2 through 21 and substituting the following:

Sec. 81D.006. ADMINISTRATIVE PENALTY. If, following an investigation under Section 81D.004, the commission determines that the employer violated this chapter, the commission:

(1) shall:

(A) impose on the employer an administrative penalty in an amount equal to \$10,000 for each violation; and

(B) require the employer, as applicable, to:

(i) hire the applicant for employment or offer a contract to the applicant for a contract position; or

(ii) reinstate the employee or contractor and provide the employee or contractor with back pay from the date the employer took the adverse action and makes every reasonable effort to reverse the effects of the adverse action, including reestablishing employee benefits for which the employee or contractor otherwise would have been eligible if the adverse action had not been taken; and

(2) may recover from the employer reasonable investigative costs incurred by the commission in conducting the investigation.

### **Amendment No. 7 - Point of Order**

Representative Zwiener raised a point of order against further consideration of Amendment No. 7 under Rule 11, Section 2, of the House Rules. The speaker sustained the point of order, announcing his decision to the house as follows:

Representative Zwiener raises a point of order against further consideration of the Tinderholt Amendment under Rule 11, Section 2, on the grounds that the amendment is not germane to the bill.

The bill would authorize an employer to avoid the imposition of administrative penalties by reinstating a fired employee with back pay. The Tinderholt Amendment would require the workforce commission to both impose administrative penalties and reinstate the employee with back pay.

An amendment may not completely negate a grant of discretion provided by a bill. 88 H. Jour. 4880 (2023). Under the bill, the employer had discretion in addressing the effects of an adverse action. The Tinderholt Amendment would remove the discretion entirely by requiring the commission to order mandatory action. *Id.* Thus, the amendment is not germane.

Accordingly, the point of order is well-taken and sustained.

The ruling precluded further consideration of Amendment No. 7.

A record vote was requested.

**CSSB 7**, as amended, was passed to third reading by (Record 12): 90 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Muñoz; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Turner; Vo; Walle; Wu; Wiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gervin-Hawkins.

### STATEMENTS OF VOTE

When Record No. 12 was taken, I was excused because of important business in the district. I would have voted no.

Gervin-Hawkins

When Record No. 12 was taken, I was shown voting no. I intended to vote yes.

E. Morales

When Record No. 12 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

#### **SB 4 ON SECOND READING**

**(Guillen, E. Morales, J. Lopez, Raymond, Holland, et al. - House Sponsors)**

**SB 4**, A bill to be entitled An Act relating to the punishment for certain criminal conduct involving the smuggling of persons or the operation of a stash house; increasing criminal penalties.

#### **Amendment No. 1**

Representative Moody offered the following amendment to **SB 4**:

Amend **SB 4** (house committee report) by striking SECTION 1 of the bill (page 1, line 6, through page 2, line 15) and renumbering subsequent SECTIONS of the bill accordingly.

A record vote was requested.

Amendment No. 1 failed of adoption by (Record 13): 59 Yeas, 85 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morales, E.; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gervin-Hawkins.

Absent — Allison; Johnson, J.D.; Thierry.

## STATEMENTS OF VOTE

When Record No. 13 was taken, I was in the house but away from my desk. I would have voted no.

Allison

When Record No. 13 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 13 was taken, my vote failed to register. I would have voted yes.

Thierry

### Amendment No. 2

Representative Flores offered the following amendment to **SB 4**:

Amend **SB 4** (house committee printing) as follows:

(1) On page 4, line 10, strike "Subsection (b)" and substitute "Subsections (a) and (b)".

(2) On page 4, between lines 11 and 12, insert the following:

(a) A person commits an offense if the person, with the intent to obtain a pecuniary benefit, knowingly:

(1) uses 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 from a person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor;

(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 two or more individuals to enter or remain on agricultural land without the effective consent of the owner.

(3) On page 4, strike lines 22 and 23 and substitute the following:

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

(4) On page 4, line 24, strike "(D)" and substitute "[~~(D)~~]".

(5) On page 4, line 27, strike "(E)" and substitute "(D) [~~(E)~~]".

(6) On page 6, line 6, strike "(C), (D), or (E)" and substitute "(C), or (D)".

(7) On page 6, line 26, strike "Section 20.07(b), Penal Code, is" and substitute "Sections 20.07(a) and (b), Penal Code, are".

(8) Immediately following page 6, line 27, insert the following:

(a) A person commits an offense if the person, with the intent to obtain a pecuniary benefit, knowingly:

(1) uses or permits another to use any real estate, building, room, tent, vehicle, boat, or other property owned by the person or under the person's control to commit an offense or to facilitate the commission of an offense under Section 20.05, 20.06, 20A.02, 20A.03, 43.04, or 43.05; or

(2) rents or leases any property to another, intending that the property be used as described by Subdivision (1).

A record vote was requested.

Amendment No. 2 failed of adoption by (Record 14): 60 Yeas, 85 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morales, E.; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smith; Spiller; Stucky; Swanson; Tepper; Timesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gervin-Hawkins.

Absent — Allison; Johnson, J.D.

### STATEMENTS OF VOTE

When Record No. 14 was taken, I was in the house but away from my desk. I would have voted no.

Allison

When Record No. 14 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 3

Representative Perez offered the following amendment to **SB 4**:

Amend **SB 4** (house committee printing) on page 6 as follows:

(1) On line 8, between "third" and "degree", insert "or fourth".

(2) On line 9, between "third" and "degree", insert "or fourth".

A record vote was requested.

Amendment No. 3 failed of adoption by (Record 15): 59 Yeas, 86 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morales, E.; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gervin-Hawkins.

Absent — Guerra; Johnson, J.D.

#### STATEMENT OF VOTE

When Record No. 15 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

#### Amendment No. 4

Representative Hernandez offered the following amendment to **SB 4**:

Amend **SB 4** (house committee printing) as follows:

(1) On page 4, line 10, strike "Subsection (b)" and substitute "Subsections (b) and (c)".

(2) On page 6, line 8, strike "third" and substitute "fourth".

(3) On page 6, line 9, strike "third" and substitute "fourth".

(4) On page 6, between lines 12 and 13, insert the following:

(c) It is an affirmative defense to prosecution of an offense under this section, other than an offense punishable under Subsection (b)(1)(A) or (b)(2), that the actor is related to the smuggled individual within the third [~~second~~] degree of consanguinity or, at the time of the offense, within the third [~~second~~] degree of affinity.

A record vote was requested.

Amendment No. 4 failed of adoption by (Record 16): 61 Yeas, 85 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smith; Spiller; Stucky; Swanson; Tepper; Timesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gervin-Hawkins.

Absent — Dutton.

### STATEMENT OF VOTE

When Record No. 16 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 5

Representative Garcia offered the following amendment to **SB 4**:

Amend **SB 4** (house committee printing) as follows:

- (1) On page 4, line 10, strike "(b-1) and (b-2)" and substitute "(b-1), (b-2), and (b-3)".
- (2) On page 4, line 12, strike "and (b-2)" and substitute ", (b-2), and (b-3)".
- (3) On page 6, between lines 12 and 13, insert the following:



(b-3) The minimum term of imprisonment required by Subsection (b) does not apply if the actor was younger than 20 years of age at the time the offense was committed.

(4) On page 6, lines 13 and 14, strike "Sections 20.06(e) and (f), Penal Code, are amended" and substitute "Section 20.06, Penal Code, is amended by amending Subsections (e) and (f) and adding Subsection (h)".

(5) On page 6, between lines 25 and 26, insert the following:

(h) Notwithstanding Subsection (e) or (f), the minimum term of imprisonment required by either of those subsections does not apply if the actor was younger than 20 years of age at the time the offense was committed.

(6) On page 6, line 26, strike "Section 20.07(b), Penal Code, is amended" and substitute "Section 20.07, Penal Code, is amended by amending Subsection (b) and adding Subsection (b-1)".

(7) On page 7, lines 7 and 8, strike "under Section 20.06, 20A.03, or 43.05; or" and substitute the following:  
under:

(A) Section 20.06;

(B) Section 20A.03; or

(C) Section 43.05; or

(8) On page 7, between lines 15 and 16, insert the following:

(b-1) Notwithstanding Subsection (b), if the actor was younger than 20 years of age at the time the offense was committed, an offense under this section is a Class A misdemeanor, except that an offense otherwise punishable under Subsection (b)(1)(C) or (b)(2) is a felony of the third degree.

(9) On page 8, strike lines 1-3 and substitute the following:  
it is shown on the trial of the offense that the actor:

(1) committed the offense in the course of committing an offense under Section 20.05(a)(2); and

(2) was 20 years of age or older at the time the offense was committed.

(10) On page 8, strike lines 18 and 19 and substitute the following:  
actor:

(A) committed the offense in the course of committing an offense under Section 20.05(a)(2); and

(B) was 20 years of age or older at the time the offense was committed.

(11) On page 9, strike lines 14 and 15 and substitute the following:  
the actor:

(i) committed the offense in the course of committing an offense under Section 20.05(a)(2); and

(ii) was 20 years of age or older at the time the offense was committed.

(12) On page 10, strike lines 24 and 25 and substitute the following:  
trial of the offense that the defendant:

(A) committed the offense in the course of committing an offense under Section 20.05(a)(2); and

(B) was 20 years of age or older at the time the offense was committed.

(13) On page 11, strike lines 3 and 4 and substitute the following:  
of the offense that the actor:

(1) committed the offense in the course of committing an offense under Section 20.05(a) (2); and

(2) was 20 years of age or older at the time the offense was committed.

A record vote was requested.

Amendment No. 5 failed of adoption by (Record 17): 61 Yeas, 84 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dorazio; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Wiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morales, E.; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gervin-Hawkins.

Absent — Johnson, J.D.; Schatzline.

### STATEMENTS OF VOTE

When Record No. 17 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 17 was taken, I was in the house but away from my desk. I would have voted no.

Schatzline

### Amendment No. 6

Representative Moody offered the following amendment to **SB 4**:

Amend **SB 4** (house committee report) as follows:

(1) On page 4, line 10, strike "and (b-2)" and substitute ", (b-2), and (b-3)".

(2) On page 4, line 12, strike "and (b-2)" and substitute ", (b-2), and (b-3)".

(3) On page 6, between lines 12 and 13, insert the following:

(b-3) The court may impose a sentence for a term of years that is less than the minimum term required by this section, but not less than the minimum term required for the applicable category of offense under Subchapter C, Chapter 12, if, after considering the nature and circumstances of the offense and the history and characteristics of the defendant, the court makes a written finding that:

(1) the imposition of the minimum term otherwise required by this section would be unduly harsh; and

(2) the imposition of the sentence authorized by this subsection would maintain public safety and would not depreciate the seriousness of the offense or promote disrespect for the law.

(4) On page 6, lines 13 and 14, strike "Sections 20.06(e) and (f), Penal Code, are amended" and substitute "Section 20.06, Penal Code, is amended by amending Subsections (e) and (f) and adding Subsection (h)".

(5) On page 6, between lines 25 and 26, insert the following:

(h) Notwithstanding Subsection (e) or (f), the court may impose a sentence for a term of years that is less than the minimum term required by either of those subsections, but not less than the minimum term required for the applicable category of offense under Subchapter C, Chapter 12, if, after considering the nature and circumstances of the offense and the history and characteristics of the defendant, the court makes a written finding that:

(1) the imposition of the minimum term otherwise required by Subsection (e) or (f), as applicable, would be unduly harsh; and

(2) the imposition of the sentence authorized by this subsection would maintain public safety and would not depreciate the seriousness of the offense or promote disrespect for the law.

(6) On page 6, line 26, strike "Section 20.07(b), Penal Code, is amended" and substitute "Section 20.07, Penal Code, is amended by amending Subsection (b) and adding Subsection (b-1)".

(7) On page 7, between lines 15 and 16, insert the following:

(b-1) Notwithstanding Subsection (b), the court may impose a sentence for a term of years that is less than the minimum term required by that subsection, but not less than the minimum term required for the applicable category of offense under Subchapter C, Chapter 12, if, after considering the nature and circumstances of the offense and the history and characteristics of the defendant, the court makes a written finding that:

(1) the imposition of the minimum term otherwise required by Subsection (b) would be unduly harsh; and

(2) the imposition of the sentence authorized by this subsection would maintain public safety and would not depreciate the seriousness of the offense or promote disrespect for the law.

(C.J. Harris in the chair)

A record vote was requested.

Amendment No. 6 failed of adoption by (Record 18): 63 Yeas, 83 Nays, 2 Present, not voting.

Yeas — Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Lujan; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker; Harris, C.J.(C).

Absent, Excused — Gervin-Hawkins.

### STATEMENTS OF VOTE

When Record No. 18 was taken, I was shown voting no. I intended to vote yes.

Allen

When Record No. 18 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 7

Representative Ramos offered the following amendment to **SB 4**:

Amend **SB 4** (house committee report) on page 6, between lines 12 and 13, by inserting the following appropriately lettered subsection:

( ) It is not an affirmative defense to prosecution of an offense under this section that the actor is a business as described by Section 1.002, Business Organizations Code.

A record vote was requested.

Amendment No. 7 failed of adoption by (Record 19): 61 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker; Harris, C.J.(C).

Absent, Excused — Gervin-Hawkins.

Absent — Rose.

### STATEMENT OF VOTE

When Record No. 19 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print all remarks on **SB 4**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **SB 4**.]

A record vote was requested.

**SB 4** was passed to third reading by (Record 20): 90 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.(C); Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morales, E.; Morrison; Muñoz; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond;

Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales Shaw; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker.

Absent, Excused — Gervin-Hawkins.

### **STATEMENT OF VOTE**

When Record No. 20 was taken, I was excused because of important business in the district. I would have voted no.

Gervin-Hawkins

### **GENERAL STATE CALENDAR HOUSE BILLS SECOND READING**

The following bills were laid before the house and read second time:

#### **HB 6 ON SECOND READING (by Jetton, Bonnen, DeAyala, et al.)**

**HB 6**, A bill to be entitled An Act relating to making an appropriation for the construction, operation, and maintenance of border barrier infrastructure.

### **PARLIAMENTARY INQUIRY**

**REPRESENTATIVE GATES**: Is it correct that the rules of the house as adopted in our rules resolution during the regular session continue to apply during a special session?

**CHAIR (C.J. Harris in the chair)**: Yes.

**GATES**: Why does a body adopt rules at the beginning of a session rather than at any other point of a session?

**CHAIR**: That is not a proper parliamentary inquiry.

**GATES**: Do our house precedents also apply during a special session to the same extent as during a regular session?

**CHAIR**: Mr. Gates, that is not a proper parliamentary inquiry.

**GATES**: This session, members have and will file bills and resolutions that are subject to points of order under our house rules. So I want to make sure what rules and precedents will apply to those measures. For example, House Rule 14, Section 1, is part of our rules, is it not?

CHAIR: Mr. Gates, the chair has given previous guidance on proper parliamentary procedure. Please bring your inquiry down front and visit with the parliamentarians.

GATES: Mr. Speaker, I believe that these are important questions that the body of the house needs to have an opportunity to hear. May I just go on to the next question?

CHAIR: No, sir, you may not. Please come down front and visit with the parliamentarians.

### **HB 6 - POINT OF ORDER**

Representative Ortega raised a point of order against further consideration of **HB 6** under Rule 4, Section 32(c)(1), of the House Rules on the grounds that the background and purpose statement in the bill analysis is substantially or materially misleading. The point of order was withdrawn.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of important business in the district:

Shine on motion of Darby.

### **HB 6 - (consideration continued)**

#### **Amendment No. 1**

Representative Jetton offered the following amendment to **HB 6**:

Amend **HB 6** (house committee report) as follows:

(1) On page 1, add the following section after line 10:

"SECTION 2. PROHIBITION ON THE USE OF FUNDS. The money appropriated by this Act may not be used to:

- (a) acquire property through the exercise of eminent domain;
- (b) build a barrier along this state's international border with Mexico on property acquired through the exercise of eminent domain;
- (c) acquire property for a barrier that abuts the jurisdictional boundary between this state and another U.S. state; or
- (d) build a barrier that abuts the jurisdictional boundary between this state and another U.S. state."

(2) On page 1, line 11 strike the words "SECTION 2" in the existing section and replace it with "SECTION 3".

### **REMARKS ORDERED PRINTED**

Representative Martinez Fischer moved to print all remarks on **HB 6**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **HB 6**.]

A record vote was requested.

Amendment No. 1 was adopted by (Record 21): 134 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Goldman; González, J.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kumpel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Morrison; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Flores; Morales, E.; Morales Shaw; Reynolds.

Present, not voting — Mr. Speaker; Harris, C.J.(C).

Absent, Excused — Gervin-Hawkins; Shine.

Absent — Davis; González, M.; Harrison; Johnson, J.D.; Moody; Morales, C.; Muñoz.

### STATEMENTS OF VOTE

When Record No. 21 was taken, I was shown voting no. I intended to vote yes.

Flores

When Record No. 21 was taken, I was excused because of important business in the district. I would have voted no.

Gervin-Hawkins

When Record No. 21 was taken, I was in the house but away from my desk. I would have voted yes.

C. Morales

When Record No. 21 was taken, I was shown voting no. I intended to vote yes.

E. Morales

When Record No. 21 was taken, I was shown voting no. I intended to vote yes.

Morales Shaw

### Amendment No. 2

Representative Martinez Fischer offered the following amendment to **HB 6**:

Amend **HB 6** (house committee printing) on page 1 of the bill as follows:



(1) On line 5, strike "APPROPRIATION" and substitute "APPROPRIATIONS".

(2) On line 6, between "GOVERNOR." and "The", insert "(a)".

(3) On line 6, strike "\$1,500,000,000" and substitute "\$1,400,000,000".

(4) Between lines 10 and 11, insert the following:

(b) The amount of \$100,000,000 is appropriated from the general revenue fund to the Truisted Programs within the Office of the Governor for use during the two-year period beginning on the effective date of this Act for the purpose of providing grants to counties adjacent to this state's international border with the United Mexican States. Money received by a county as a result of a grant described by this subsection may only be used to:

(1) hire additional law enforcement personnel;

(2) purchase equipment for additional law enforcement personnel;

(3) pay overtime pay for law enforcement personnel; and

(4) pay for other expenses related to the holding in county jail facilities of individuals unlawfully in this state or the processing of autopsies of individuals unlawfully in this state.

#### **Amendment No. 2 - Point of Order**

Representative Vasut raised a point of order against further consideration of Amendment No. 2 under Article III, Section 40, of the Texas Constitution on the grounds that the subject matter of the amendment is not included in the governor's proclamation. The point of order was withdrawn.

Amendment No. 2 was withdrawn.

#### **Amendment No. 3**

Representative Hinojosa offered the following amendment to **HB 6**:

Amend **HB 6** (house committee printing) on page 1 by striking lines 5 through 10 and substituting the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. APPROPRIATION TO TEXAS EDUCATION AGENCY. The amount of \$1,500,000,000 is appropriated from the general revenue fund to the Texas Education Agency for use during the two-year period beginning on the effective date of this Act to increase the amount of the school safety allotment under Section 48.115, Education Code, for the state fiscal biennium ending August 31, 2025, to the greatest amount possible.

#### **Amendment No. 3 - Point of Order**

Representative Cain raised a point of order against further consideration of Amendment No. 3 under Article III, Section 40, of the Texas Constitution on the grounds that the subject matter of the amendment is not included in the governor's proclamation. The point of order was withdrawn.

Amendment No. 3 was withdrawn.

#### **Amendment No. 4**

Representative Martinez Fischer offered the following amendment to **HB 6**:

Amend **HB 6** (house committee printing) on page 1 of the bill as follows:

(1) On line 6, between "GOVERNOR." and "The", insert "(a)".

(2) Between lines 10 and 11, insert the following:

(b) The Trusteed Programs within the Office of the Governor may not contract with any known antisemitic, white supremacist, or other known hate group to construct, operate, or maintain border barrier infrastructure for which money is appropriated under Subsection (a) of this section.

A record vote was requested.

Amendment No. 4 was adopted by (Record 22): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Gates; Gerdes; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harrison; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Harris, C.J.(C).

Absent, Excused — Gervin-Hawkins; Shine.

Absent — Campos; Garcia; Johnson, A.; Murr.

### STATEMENTS OF VOTE

When Record No. 22 was taken, I was in the house but away from my desk. I would have voted yes.

Campos

When Record No. 22 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

When Record No. 22 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 22 was taken, I was in the house but away from my desk.  
I would have voted yes.

A. Johnson

When Record No. 22 was taken, I was in the house but away from my desk.  
I would have voted yes.

Murr

### **Amendment No. 5**

Representative J. González offered the following amendment to **HB 6**:

Amend **HB 6** (house committee printing) on page 1, line 10, after "infrastructure", by adding ", other than river buoys".

(Speaker in the chair)

A record vote was requested.

Amendment No. 5 failed of adoption by (Record 23): 62 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Anderson; Bernal; Bhojani; Bowers; Bryant; Bucy; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gervin-Hawkins; Shine.

Absent — Campos; Garcia.

### **STATEMENTS OF VOTE**

When Record No. 23 was taken, I was in the house but away from my desk.  
I would have voted yes.

Campos

When Record No. 23 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

When Record No. 23 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### **Amendment No. 6**

Representative Thierry offered the following amendment to **HB 6**:

Amend **HB 6** (house committee printing) on page 1, line 10, after "infrastructure", by adding "located along this state's international border with the United Mexican States".

Amendment No. 6 was withdrawn.

A record vote was requested.

**HB 6**, as amended, was passed to engrossment by (Record 24): 84 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Muñoz; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Anchía; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gervin-Hawkins; Shine.

Absent — King, T.

### **STATEMENT OF VOTE**

When Record No. 24 was taken, I was excused because of important business in the district. I would have voted no.

Gervin-Hawkins

**HB 4 ON SECOND READING**  
**(by Spiller, Hefner, Hunter, K. Bell, et al.)**

**HB 4**, A bill to be entitled An Act relating to prohibitions on the illegal entry into or illegal presence in this state by a person who is an alien, the enforcement of those prohibitions, and authorizing the removal of persons who violate certain of those prohibitions in lieu of arrest; creating criminal offenses.

**HB 4 - POINT OF ORDER**

Representative Zwiener raised a point of order against further consideration of **HB 4** under Rule 8, Section 1(a)(1), of the House Rules on the grounds that the bill caption failed to give reasonable notice of the subject of the bill. The point of order was withdrawn.

**HB 4 - POINT OF ORDER**

Representative Ortega raised a point of order against further consideration of **HB 4** under Article III, Section 40, of the Texas Constitution on the grounds that the subject matter of the bill is not included in the governor's proclamation. The point of order was withdrawn.

**HB 4 - POINT OF ORDER**

Representative Neave Criado raised a point of order against further consideration of **HB 4** under Article III, Section 40, of the Texas Constitution. The speaker overruled the point of order, announcing his decision to the house as follows:

Representative Neave Criado raises a point of order against further consideration of **HB 4** under Article III, Section 40, Texas Constitution, on the grounds that the subject matter of the bill is not included in the governor's proclamation.

The proclamation submits the subject of "legislation to do more to reduce illegal immigration by," among other things, "creating criminal offenses for illegal entry into this state from a foreign nation and illegal reentry or presence following . . . removal" and "providing indemnification of public officials, employees or contractors in connection" therewith.

The application of Section 51.04, Penal Code, as added by the bill, is tied directly to the acts of a person who fails to comply with a peace officer's order of removal. Sections 117.003(d) and 117.004, Civil Practices and Remedies Code, as added by the bill, are tied directly to providing indemnification of the proclamation's covered classes.

The proclamation "confine[s] the business to a particular field which may be covered in such way as the Legislature may determine." 55 H. Jour. 1st C.S. 156 (1957). Thus, the proclamation is not required to detail every element of proposed legislation. Here, the complained-of sections are directly related to the major elements specified in the proclamation.

Accordingly, the point of order is respectfully overruled.

### HB 4 - POINT OF ORDER

Representative Morales Shaw raised a point of order against further consideration of **HB 4** under Rule 4, Section 32(c)(1), of the House Rules. The speaker overruled the point of order, announcing his decision to the house as follows:

Representative Morales Shaw raises a point of order against further consideration of **HB 4** under Rule 4, Section 32(c)(1), on the grounds that the background and purpose statement is substantially or materially misleading.

Ms. Morales Shaw alleges that the statement that the bill creates "criminal offenses . . . that can be enforced by all law enforcement officials in Texas" is misleading because the term "officials" is vague and may or may not refer solely to elected officials.

The background and purpose statement may use terms colloquially as they are understood by a reader of average intelligence and that use is neither substantially nor materially misleading. 88 H. Jour. 5129 (2023). Here, the statement does exactly that. *See id.* Thus, it complies with the rule. *See id.*

Accordingly, the point of order is respectfully overruled.

### HB 4 - AMENDMENTS LIMITED

Representative C.J. Harris moved to limit amendments to **HB 4** to those pending on the speaker's desk.

The motion was seconded by Representatives Cain, Gerdes, Leach, Oliverson, Buckley, VanDeaver, Burns, Landgraf, Meyer, Bumgarner, Klick, Hefner, C.E. Harris, Vasut, Holland, Burrows, Isaac, Thimesch, Troxclair, Orr, Harless, Cunningham, Noble, Cook, Frank, and Capriglione.

A record vote was requested.

The motion to limit amendments prevailed by (Record 25): 76 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burrows; Button; Cain; Capriglione; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Howard; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Romero; Rose; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Wiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gervin-Hawkins; Shine.

Absent — Allen; Anchía; Ashby; Bailes; Burns; Clardy; Cole; Guerra; Herrero; Jetton; Johnson, A.; Kacal; Longoria; Muñoz; Raney; Reynolds; Rosenthal; Sherman.

### STATEMENTS OF VOTE

When Record No. 25 was taken, I was in the house but away from my desk. I would have voted no.

Allen

When Record No. 25 was taken, my vote failed to register. I would have voted no.

Anchía

When Record No. 25 was taken, I was temporarily out of the house chamber. I would have voted yes.

Ashby

When Record No. 25 was taken, I was in the house but away from my desk. I would have voted yes.

Burns

When Record No. 25 was taken, I was excused because of important business in the district. I would have voted no.

Gervin-Hawkins

When Record No. 25 was taken, I was in the house but away from my desk. I would have voted yes.

Jetton

### HOUSE AT EASE

At 6:24 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 9:34 p.m.

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Anchía on motion of Ortega.

### HB 4 - (consideration continued)

#### Amendment No. 1

Representative Neave Criado offered the following amendment to **HB 4**:

Amend **HB 4** (house committee printing) by striking the enacting clause (page 1, line 7).

(Shine now present)

A record vote was requested.

Amendment No. 1 failed of adoption by (Record 26): 61 Yeas, 84 Nays, 1 Present, not voting.

Yeas — Allen; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Bernal.

### STATEMENT OF VOTE

When Record No. 26 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 2

Representatives Spiller and Schatzline offered the following amendment to **HB 4**:

Amend **HB 4** (house committee printing) as follows:

(1) On page 1, line 18, between "state" and "from", insert "directly".

(2) On page 2, strike lines 17-20 and substitute the following:

(e) Notwithstanding any other law, a peace officer who is charging a person detained for a violation of this section with committing an offense under this section may, in lieu of arresting the person or taking the person before a magistrate, remove the person by:

(1) collecting available identifying information of the person, which may include the use of photographic and biometric measures that are cross-referenced with all relevant local, state, and federal criminal databases;



(3) Strike page 3, line 27, through page 4, line 3, and substitute the following:

(d) Notwithstanding any other law, a peace officer who is charging a person detained for a violation of this section with committing an offense under this section may, in lieu of arresting the person or taking the person before a magistrate, remove the person by:

(1) collecting available identifying information of the person, which may include the use of photographic and biometric measures that are cross-referenced with all relevant local, state, and federal criminal databases;

(4) On page 5, strike lines 5-15 and substitute the following: from a cause of action resulting from an action taken by the official, employee, or contractor to enforce Chapter 51, Penal Code, during the course and scope of the official's, employee's, or contractor's office, employment, or contractual performance for or service on behalf of the local government.

(b) Indemnification payments made under Subsection (a) by a local government may not exceed:

(1) \$100,000 to any one person or \$300,000 for any single occurrence in the case of personal injury or death; or

(2) \$10,000 for a single occurrence of property damage.

(5) On page 5, between lines 23 and 24, insert the following:

(d) This section may not be construed to waive any statutory limits on damages under state law.

(6) On page 6, strike lines 4-14 and substitute the following: from an action taken by the official, employee, or contractor to enforce Chapter 51, Penal Code, during the course and scope of the official's, employee's, or contractor's office, employment, or contractual performance for or service on behalf of the state.

(b) Notwithstanding any other law, indemnification under Subsection (a) is not subject to any indemnification limits under state law.

(7) On page 6, between lines 26 and 27, insert the following:

(e) This section may not be construed to waive any statutory limits on damages under state law.

### **Amendment No. 3**

Representative Spiller offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Spiller by adding the following appropriately numbered items to the amendment and renumbering subsequent items of the amendment accordingly:

( ) On page 1, between lines 13 and 14, insert the following appropriately numbered subdivision and renumber the subdivisions accordingly:

( ) "Child" means a person younger than 18 years of age.

( ) On page 1, between lines 15 and 16, insert the following:

Sec. 51.015. ENFORCEMENT PROHIBITED IN CERTAIN LOCATIONS. Notwithstanding any other provision of this chapter, a peace officer may not arrest, remove, or otherwise detain a person for purposes of enforcing a provision of this chapter if the person is on the premises or grounds of:

(1) a public or private primary or secondary school;  
(2) a church, synagogue, or other established place of religious worship; or

(3) a hospital licensed under Chapter 241, Health and Safety Code.  
 ( ) On page 4, between lines 17 and 18, insert the following:

Sec. 51.05. CERTAIN ACTS PROHIBITED. A peace officer enforcing Section 51.02 or 51.03 may not:

- (1) push a child into water;
- (2) deny a child access to drinking water; or
- (3) deny a child urgent medical care.

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

#### **Amendment No. 4**

Representative Garcia offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) as follows:

(1) On page 1, between lines 7 and 8, insert the following:

SECTION 1. It is the intent of the legislature to discourage the detention, removal, or incarceration of women and minors under this Act.

(2) Renumber subsequent SECTIONS of the bill accordingly.

A record vote was requested.

Amendment No. 4 failed of adoption by (Record 27): 62 Yeas, 84 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul;

Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

### STATEMENT OF VOTE

When Record No. 27 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 5

Representative C. Morales offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) on page 1, between lines 15 and 16, by inserting the following:

Sec. 51.015. ENFORCEMENT PROHIBITED IN CERTAIN LOCATIONS. Notwithstanding any other provision of this chapter, a peace officer may not arrest, remove, or otherwise detain a person for purposes of enforcing a provision of this chapter if the person is on the premises or grounds of a SAFE-ready facility, as defined by Section 323.001, Health and Safety Code, or another facility that provides forensic medical examinations to sexual assault survivors in accordance with Chapter 323, Health and Safety Code.

(Kuempel in the chair)

Pursuant to Rule 5, Section 28, of the House Rules, Representative Howard requested an extension of speaking time on Amendment No. 5.

There being objection, the request was not granted by (Record 28): 61 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Lopez, R.; Manuel; Martínez; Martínez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frazier; Gates; Gerdes; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer;

Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Clardy; Frank; Geren; Hunter; King, T.; Morrison; Smithee.

### STATEMENT OF VOTE

When Record No. 28 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

Amendment No. 5 was withdrawn.

### Amendment No. 6

Representative Goodwin offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) on page 1, between lines 15 and 16, by inserting the following:

Sec. 51.015. ENFORCEMENT AUTHORITY LIMITED TO ONLY CERTAIN PEACE OFFICERS. Notwithstanding any other provision of this chapter, this chapter may be enforced only by the following types of peace officers:

(1) a sheriff, a sheriff's deputy, or a reserve deputy sheriff who holds a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) a constable, a deputy constable, or a reserve deputy constable who holds a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) a marshal or police officer of a municipality or a reserve municipal police officer who holds a permanent peace officer license issued under Chapter 1701, Occupations Code; or

(4) a ranger, officer, or member of the reserve officer corps commissioned by the Public Safety Commission and the director of the Department of Public Safety.

A record vote was requested.

Amendment No. 6 failed of adoption by (Record 29): 61 Yeas, 83 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Reynolds.

### STATEMENT OF VOTE

When Record No. 29 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 7

Representative Flores offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) on page 1, between lines 15 and 16, by inserting the following:

Sec. 51.015. ENFORCEMENT PROHIBITED IN CERTAIN LOCATIONS. Notwithstanding any other provision of this chapter, a peace officer may not arrest, remove, or otherwise detain a person for purposes of enforcing a provision of this chapter if the person is on the premises or grounds of a family violence center, as defined by Section 51.002, Human Resources Code.

(Speaker in the chair)

A record vote was requested.

Amendment No. 7 failed of adoption by (Record 30): 62 Yeas, 83 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C); Hunter.

Absent, Excused — Anchía; Gervin-Hawkins.

### STATEMENT OF VOTE

When Record No. 30 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 8

Representative Hinojosa offered the following amendment to **HB 4**:

Amend **HB 4** (house committee printing) as follows:

(1) On page 1, between lines 23 and 24, insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) A peace officer may not arrest a person for an offense under this section unless the officer visually observes the person engaging in the conduct constituting the offense.

(2) On page 3, lines 1 and 2, strike "enters, attempts to enter, or is at any time found in" and substitute "enters or attempts to enter".

(3) On page 3, between lines 26 and 27, insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) A peace officer may not arrest a person for an offense under this section unless the officer visually observes the person engaging in the conduct constituting the offense.

A record vote was requested.

Amendment No. 8 failed of adoption by (Record 31): 61 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Lujan; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.;

Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Bhojani; Johnson, J.D.

### STATEMENTS OF VOTE

When Record No. 31 was taken, I was in the house but away from my desk. I would have voted yes.

Bhojani

When Record No. 31 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 9

Representative Moody offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) as follows:

(1) On page 1, line 24, strike "affirmative defense to prosecution under" and substitute "exception to the application of".

(2) On page 2, line 11, strike "affirmative defense" and substitute "exception".

### MIDNIGHT

The proceedings continued after 12 a.m., and the following actions occurred on Thursday, October 26:

A record vote was requested.

Amendment No. 9 failed of adoption by (Record 32): 61 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hayes; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.;

Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Bhojani; Johnson, J.D.

### STATEMENTS OF VOTE

When Record No. 32 was taken, I was in the house but away from my desk. I would have voted yes.

Bhojani

When Record No. 32 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 10

Representative C. Morales offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) on page 1, between lines 15 and 16, by inserting the following:

Sec. 51.015. ENFORCEMENT PROHIBITED IN CERTAIN LOCATIONS. Notwithstanding any other provision of this chapter, a peace officer may not arrest, remove, or otherwise detain a person for purposes of enforcing a provision of this chapter if the person is on the premises or grounds of a SAFE-ready facility, as defined by Section 323.001, Health and Safety Code, or another facility that provides forensic medical examinations to sexual assault survivors in accordance with Chapter 323, Health and Safety Code.

### Amendment No. 11

Representatives C. Morales and Perez offered the following amendment to Amendment No. 10:

Amend Amendment No. 10 by C. Morales on line 6, between "if" and "the person", by inserting ", for purposes of obtaining a forensic medical examination and treatment,".



Amendment No. 11 was adopted.

Amendment No. 10, as amended, was adopted.

### **Amendment No. 12**

Representatives Tinderholt, Schatzline, Toth, and Harrison offered the following amendment to **HB 4**:

Amend **HB 4** (house committee printing) on page 2 as follows:

- (1) On line 4, immediately following "1158;", insert "or".
- (2) On line 6, strike "or" and substitute ".".
- (3) Strike lines 7-9.
- (4) On line 13, strike "and".
- (5) Between lines 13 and 14, insert the following:  
  - (2) the Deferred Action for Childhood Arrivals program; and
- (6) On line 14, strike "(2)" and substitute "(3)".
- (7) On line 16, strike "Subsection (c)(3) or Subdivision (1)" and substitute "Subdivision (1) or (2)".

### **Amendment No. 12 - Point of Order**

Representative Moody raised a point of order against further consideration of Amendment No. 12 under Article III, Section 40, of the Texas Constitution. The speaker sustained the point of order, announcing his decision to the house as follows:

Representative Moody raises a point of order against further consideration of the Tinderholt Amendment under Article III, Section 40, Texas Constitution, on the grounds that the subject matter of the amendment is not included in the governor's proclamation.

The proclamation submits the subject of "legislation to do more to reduce illegal immigration by," among other things, "creating criminal offenses for illegal entry into this state from a foreign nation and illegal reentry or presence."

The bill authorizes an affirmative defense to prosecution for a "defendant who was approved for benefits under the federal" DACA program before that program was effectively ended in 2021. The Tinderholt Amendment would strike that affirmative defense.

The proclamation "confine[s] the business to a particular field which may be covered in such way as the Legislature may determine." 55 H. Jour. 1st C.S. 156 (1957). The field in this case is confined to legislation affecting the class of persons who unlawfully enter or remain in this state. As conceded by both sides, DACA recipients are, for purposes of federal law, considered to be lawfully present in this state. Further, because of both the cutoff date for DACA enrollment and the two-year statute of limitations for misdemeanors, their entry is not covered by the bill. Thus, the amendment affects a class of persons not embraced by the call. 87 H. Jour. 2d C.S. 354 (2021).

Accordingly, the point of order is well-taken and sustained.

The ruling precluded further consideration of Amendment No. 12.

**Amendment No. 13**

Representative Ordaz offered the following amendment to **HB 4**:

Amend **HB 4** (house committee printing) as follows:

(1) Strike "peace officer" and substitute "commissioned officer of the Department of Public Safety" in each of the following places it appears:

(A) page 2, line 17; and

(B) page 3, line 27.

(2) On page 4, line 13, strike "a peace officer's order" and substitute "an order issued".

A record vote was requested.

Amendment No. 13 failed of adoption by (Record 33): 59 Yeas, 85 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Martinez Fischer; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Bhojani; Johnson, J.D.

**STATEMENTS OF VOTE**

When Record No. 33 was taken, I was in the house but away from my desk. I would have voted yes.

Bhojani

When Record No. 33 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 33 was taken, I was shown voting no. I intended to vote yes.

Martinez Fischer

#### **Amendment No. 14**

Representative Goodwin offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report), by inserting "located on the border with the United Mexican States" between "a port of entry" and the underlined semicolon in the following places:

- (1) Page 2, line 21; and
- (2) Page 4, line 4.

A record vote was requested.

Amendment No. 14 failed of adoption by (Record 34): 60 Yeas, 84 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Bhojani; Sherman.

#### **STATEMENTS OF VOTE**

When Record No. 34 was taken, I was in the house but away from my desk. I would have voted yes.

Bhojani

When Record No. 34 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### **Amendment No. 15**

Representative Ortega offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) as follows:

(1) On page 2, line 21, between "entry" and the underlined semicolon, insert ", other than a port of entry at an airport".

(2) On page 4, line 4, between "entry" and the underlined semicolon, insert ", other than a port of entry at an airport".

A record vote was requested.

Amendment No. 15 failed of adoption by (Record 35): 61 Yeas, 84 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Bhojani.

### **STATEMENTS OF VOTE**

When Record No. 35 was taken, I was in the house but away from my desk. I would have voted yes.

Bhojani

When Record No. 35 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### **Amendment No. 16**

Representative Goodwin offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) by striking "a port of entry" and substituting "the closest port of entry" in the following places:

- (1) Page 2, line 21; and
- (2) Page 4, line 4.

A record vote was requested.

Amendment No. 16 failed of adoption by (Record 36): 60 Yeas, 84 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Bhojani; Hinojosa.

### **STATEMENTS OF VOTE**

When Record No. 36 was taken, I was in the house but away from my desk. I would have voted yes.

Bhojani

When Record No. 36 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

**Amendment No. 17**

Representative Wu offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) as follows:

(1) On page 2, line 21, between "entry" and the underlined semicolon, insert "through which the person is reasonably able to return to the foreign nation from which the person entered or attempted to enter".

(2) On page 4, line 4, between "entry" and the underlined semicolon, insert "through which the person is reasonably able to return to the foreign nation from which the person entered or attempted to enter".

A record vote was requested.

Amendment No. 17 failed of adoption by (Record 37): 60 Yeas, 84 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Manuel; Sherman.

**STATEMENT OF VOTE**

When Record No. 37 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

**Amendment No. 18**

Representative Moody offered the following amendment to **HB 4**:

Amend **HB 4** (house committee printing) as follows:

(1) On page 2, strike lines 17-23 and reletter subsequent subsections accordingly.

(2) Strike page 3, line 27, through page 4, line 6, and reletter subsequent subsections accordingly.

(3) On page 4, strike lines 10-17.

A record vote was requested.

Amendment No. 18 failed of adoption by (Record 38): 59 Yeas, 84 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Herrero; Ramos; Thierry.

### STATEMENTS OF VOTE

When Record No. 38 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 38 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

### Amendment No. 19

Representative Turner offered the following amendment to **HB 4**:

Amend **HB 4** (house committee printing) as follows:

(1) On page 2, between lines 23 and 24, insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

( ) If a person attempts to comply with a peace officer's order under Subsection (e) but is unable to comply with that order due to a denial of entry by the foreign nation to which the person was ordered to return, the officer shall transfer custody of the person to an appropriate officer of the United States Department of Homeland Security.

(2) On page 4, between lines 6 and 7, insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

( ) If a person attempts to comply with a peace officer's order under Subsection (d) but is unable to comply with that order due to a denial of entry by the foreign nation to which the person was ordered to return, the officer shall transfer custody of the person to an appropriate officer of the United States Department of Homeland Security.

A record vote was requested.

Amendment No. 19 failed of adoption by (Record 39): 62 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Harrison.

### STATEMENTS OF VOTE

When Record No. 39 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins



When Record No. 39 was taken, I was in the house but away from my desk. I would have voted no.

Harrison

### Amendment No. 20

Representative Bucy offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) as follows:

(1) On page 2, between lines 23 and 24, insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) A peace officer may not remove a person under Subsection (e) without verifying the person's immigration status.

(2) On page 4, between lines 6 and 7, insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) A peace officer may not remove a person under Subsection (d) without verifying the person's immigration status.

(Speaker pro tempore in the chair)

A record vote was requested.

Amendment No. 20 failed of adoption by (Record 40): 61 Yeas, 81 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Harrison; Landgraf; Thierry.

### STATEMENTS OF VOTE

When Record No. 40 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 40 was taken, I was in the house but away from my desk. I would have voted no.

Harrison

#### Amendment No. 21

On behalf of Representative Morales Shaw, Representative Garcia offered the following amendment to **HB 4**:

Amend **HB 4** (house committee printing) as follows:

(1) On page 2, between lines 23 and 24, after the "." insert "A peace officer authorized to remove a person under this section shall complete the education and training program on civil rights, racial sensitivity, and cultural diversity required in Occupations Code 1701.253(c).".

(2) On page 4, between lines 6 and 7, after the "." insert "A peace officer authorized to remove a person under this section shall complete the education and training program on civil rights, racial sensitivity, and cultural diversity required in Occupations Code 1701.253(c).".

A record vote was requested.

Amendment No. 21 failed of adoption by (Record 41): 62 Yeas, 82 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithe; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Harrison.

### STATEMENTS OF VOTE

When Record No. 41 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 41 was taken, I was in the house but away from my desk. I would have voted no.

Harrison

#### Amendment No. 22

Representative Garcia offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) as follows:

(1) On page 2, line 26, between "pending" and the underlined period, insert "unless the defendant is seeking asylum in accordance with federal law".

(2) On page 4, line 9, between "pending" and the underlined period, insert "unless the defendant is seeking asylum in accordance with federal law".

#### Amendment No. 23

Representative Gámez offered the following amendment to Amendment No. 22:

Amend Amendment No. 22 by Garcia by adding the following appropriately numbered item to the amendment and renumbering subsequent items of the amendment accordingly:

( ) Strike "not" in each of the following places it appears:

(A) page 2, line 24; and

(B) page 4, line 7.

A record vote was requested.

Amendment No. 23 failed of adoption by (Record 42): 58 Yeas, 80 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Goldman; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers;

Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Bumgarner; Davis; Guillen; Harrison; King, T.; Raymond; Reynolds.

### STATEMENTS OF VOTE

When Record No. 42 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 42 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 42 was taken, I was in the house but away from my desk. I would have voted no.

Harrison

(Speaker in the chair)

A record vote was requested.

Amendment No. 22 failed of adoption by (Record 43): 62 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Harrison.

### STATEMENTS OF VOTE

When Record No. 43 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 43 was taken, I was in the house but away from my desk. I would have voted no.

Harrison

### Amendment No. 24

Representative Ramos offered the following amendment to **HB 4**:

Amend **HB 4** (house committee printing) as follows:

(1) On page 2, between lines 26 and 27, insert the following appropriately lettered subsection:

( ) As soon as practicable after an individual's arrest under this section, the arresting officer shall provide to the individual the following written information in English, Spanish, Vietnamese, Chinese, Tagalog, German, and Arabic:

(1) the arresting officer's name, position, badge number or other equivalent identifier, and employing law enforcement agency;

(2) the criminal case number for the offense; and

(3) the immigration and asylum information manual described by Section 405.025, Government Code, in the applicable language of the arrested individual.

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 405, Government Code, is amended by adding Section 405.025 to read as follows:

Sec. 405.025. IMMIGRATION AND ASYLUM INFORMATION MANUAL. The secretary of state, in consultation with United States Immigration and Customs Enforcement, shall develop and publish on the secretary of state's Internet website a written manual that includes the following information in English, Spanish, Vietnamese, Chinese, Tagalog, German, and Arabic:

(1) an individual's right to seek asylum in the United States, including information regarding eligibility for asylum and the process for applying for asylum;

(2) information regarding methods for entering the United States lawfully; and

(3) information regarding the process for granting power of attorney to secure temporary care of their children.

**Amendment No. 25**

Representative Zwiener offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 by Ramos by adding the following appropriately numbered item to the amendment and renumbering subsequent items of the amendment accordingly:

(\_\_\_\_) On page 4, between lines 17 and 18, insert the following:

Sec. 51.05. RIGHT TO LEGAL REPRESENTATION. A person charged with an offense under this chapter is entitled to legal counsel appointed by a court.

A record vote was requested.

Amendment No. 25 failed of adoption by (Record 44): 59 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Harrison; Herrero; Reynolds; Thierry.

**STATEMENTS OF VOTE**

When Record No. 44 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 44 was taken, I was in the house but away from my desk. I would have voted no.

Harrison

A record vote was requested.

Amendment No. 24 failed of adoption by (Record 45): 59 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Harrison; Herrero; King, T.; Thierry.

### STATEMENTS OF VOTE

When Record No. 45 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 45 was taken, I was in the house but away from my desk. I would have voted no.

Harrison

### Amendment No. 26

Representative Walle offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) on page 4, between lines 17 and 18, by inserting the following:

Sec. 51.05. CERTAIN DETENTION PROHIBITED. A peace officer may not detain a person under 11 years of age in connection with the investigation of an offense under Section 51.02 or 51.03.

A record vote was requested.

Amendment No. 26 failed of adoption by (Record 46): 61 Yeas, 81 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; Geren; González, J.; González, M.; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Timesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C); Hunter.

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Herrero; Schofield; Thierry.

### STATEMENT OF VOTE

When Record No. 46 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 27

Representative Hernandez offered the following amendment to **HB 4**:

Amend **HB 4** (house committee printing) on page 4, between lines 17 and 18, by inserting the following appropriately lettered subsection:

( ) It is an affirmative defense to prosecution under this section that the actor attempted to comply with the order described by Subsection (a) but was unable to comply with that order due to a denial of entry by the foreign nation to which the actor was ordered to return.

A record vote was requested.

Amendment No. 27 failed of adoption by (Record 47): 62 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard;



Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Schatzline.

### STATEMENT OF VOTE

When Record No. 47 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 28

Representative Ramos offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) as follows:

(1) On page 2, line 17, strike "A" and substitute "Except as provided by Section 51.05, a".

(2) On page 3, line 27, strike "A" and substitute "Except as provided by Section 51.05, a".

(3) On page 4, between lines 17 and 18, insert the following:

(c) It is an affirmative defense to prosecution under this section that, at the time of the commission of an offense described by Section 51.02 or 51.03, the person was accompanied by a minor child related to the person within the fourth degree of consanguinity or affinity.

Sec. 51.05. CERTAIN REMOVALS PROHIBITED. A peace officer detaining a person for an offense described by Section 51.02 or 51.03 may not order the person under Section 51.02(e) or 51.03(d) to return to the foreign nation from which the person entered or attempted to enter if, at the time of the commission of the offense, the person was accompanied by a minor child related to the person within the fourth degree of consanguinity or affinity.

**Amendment No. 29**

Representative Talarico offered the following amendment to Amendment No. 28:

Amend Amendment No. 28 by Ramos to **HB 4** by adding the following appropriately numbered item to the amendment and renumbering subsequent items of the amendment accordingly:

( ) On page 2, lines 8 and 9, strike "between June 15, 2012, and July 16, 2021".

A record vote was requested.

Amendment No. 29 failed of adoption by (Record 48): 61 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Schatzline; Thierry.

**STATEMENT OF VOTE**

When Record No. 48 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

A record vote was requested.

Amendment No. 28 failed of adoption by (Record 49): 60 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Ortega; Schatzline; Thierry.

### STATEMENT OF VOTE

When Record No. 49 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 30

Representative Ortega offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.36 to read as follows:

Art. 2.36. PEACE OFFICER TRAINING REGARDING DETENTION OF PERSONS IMPROPERLY ENTERING FROM FOREIGN NATION. Each peace officer who enforces compliance with Chapter 51, Penal Code, must complete an annual training regarding the rights of persons being detained under that chapter, including rights provided under federal immigration law. The officer's employing law enforcement agency shall provide the training required by this article.

A record vote was requested.

Amendment No. 30 failed of adoption by (Record 50): 61 Yeas, 84 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Thierry.

### STATEMENT OF VOTE

When Record No. 50 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 31

Representative Martinez Fischer offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) as follows:

(1) On page 2, between lines 26 and 27, insert the following:

(g) A peace officer may not inquire into the immigration status of a person unless the officer has probable cause to believe that the person has committed an offense under this section.

(2) On page 4, between lines 9 and 10, insert the following:

(f) A peace officer may not inquire into the immigration status of a person unless the officer has probable cause to believe that the person has committed an offense under this section.

A record vote was requested.

Amendment No. 31 failed of adoption by (Record 51): 62 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Johnson, A.;

Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Lujan; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Schofield; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Wiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Herrero; Thierry.

### STATEMENT OF VOTE

When Record No. 51 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### Amendment No. 32

Representative C. Morales offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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

Sec. 411.02098. REPORT REGARDING PERSONS DETAINED FOR ILLEGAL ENTRY FROM FOREIGN NATION AND ILLEGAL REENTRY. (a) Not later than January 31 of each year, the department shall collect information for the preceding calendar year regarding persons arrested, detained, or removed for an offense under Chapter 51, Penal Code, including, with regard to each person arrested, detained, or removed:

(1) the reason the person was originally arrested, detained, or subject to removal proceedings;

(2) the language spoken by the person;

(3) whether the person required a translator and whether the arresting law enforcement agency provided a translator to the person;

(4) any evidence requested by the peace officer that arrested, detained, or removed the person regarding the person's residence in the United States;

(5) any evidence presented by the person regarding the person's residence in the United States;

(6) whether the person contested removal or refused to comply with removal under Chapter 51, Penal Code;

(7) the county in which the person was arrested or detained;

(8) if the person was removed under Section 51.02(e) or 51.03(d), Penal Code, the county from which the person was removed;

(9) whether the person had children accompanying them; and

(10) the person's age, entry point into the United States, and country of origin.

(b) The department shall identify the entities that possess information required by Subsection (a) and require each entity to report the information to the department in the manner prescribed by the department.

(c) Not later than February 1 of each year, the department shall prepare and submit to the governor, the lieutenant governor, and each member of the legislature a report that:

(1) includes the information described by Subsection (a); and

(2) identifies the total number of persons arrested, detained, or removed for an offense under Chapter 51, Penal Code, during the preceding year.

A record vote was requested.

Amendment No. 32 failed of adoption by (Record 52): 61 Yeas, 83 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C); Hayes.

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Thierry.

### STATEMENTS OF VOTE

When Record No. 52 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

When Record No. 52 was taken, I was shown voting present, not voting. I intended to vote no.

Hayes

#### Amendment No. 33

Representative Turner offered the following amendment to **HB 4**:

Amend **HB 4** (house committee report) on page 4, between lines 17 and 18, by inserting the following:

Sec. 51.05. DETENTION IN CERTAIN COUNTY JAILS PROHIBITED.

(a) This section applies only to a county jail that:

(1) the Commission on Jail Standards has determined is not in compliance with the minimum standards for county jails;

(2) is transferring prisoners pursuant to a contract entered into by a county with another political subdivision to confine the county's prisoners; or

(3) is at full capacity for purposes of confining prisoners.

(b) A person arrested for an offense under this chapter may not be detained in a facility described by Subsection (a).

A record vote was requested.

Amendment No. 33 failed of adoption by (Record 53): 60 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Manuel; Thierry; Toth.

### STATEMENT OF VOTE

When Record No. 53 was taken, I was excused because of important business in the district. I would have voted yes.

Gervin-Hawkins

### HB 4 - MOTION FOR PREVIOUS QUESTION

Representative Shaheen moved the previous question on passage to engrossment of **HB 4**, as amended.

The motion was seconded by Representatives Hefner, Patterson, C.E. Harris, Capriglione, Isaac, Harless, Morrison, Thimesch, Troxclair, Cunningham, Kitzman, Hayes, Rogers, Cain, Vasut, Jetton, Slawson, Hull, Klick, Gerdes, Leo-Wilson, Allison, Paul, Anderson, Bumgarner, Schaefer, and Smith.

A record vote was requested.

The motion for the previous question prevailed by (Record 54): 83 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; Geren; González, J.; González, M.; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Herrero.



### STATEMENT OF VOTE

When Record No. 54 was taken, I was excused because of important business in the district. I would have voted no.

Gervin-Hawkins

A record vote was requested.

**HB 4**, as amended, was passed to engrossment by (Record 55): 83 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Isaac; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

### STATEMENTS OF VOTE

When Record No. 55 was taken, I was excused because of important business in the district. I would have voted no.

Gervin-Hawkins

When Record No. 55 was taken, I was shown voting no. I intended to vote yes.

Isaac

### REMARKS ORDERED PRINTED

Representative Neave Criado moved to print all remarks on **HB 4**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **HB 4**.]

Representative Gates moved to print remarks between the chair and Representative Gates.

The motion prevailed.

### **ADJOURNMENT**

At 3:31 a.m. Thursday, October 26, the chair announced that the house would stand adjourned until 3:36 a.m. today.

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### **APPENDIX**

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#### **STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

##### **October 23**

Appropriations - **HB 6**

State Affairs - **HB 4, SB 4, SB 7**