

SUBJECT: Applying certain provisions to foreign terrorist organizations

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 10 ayes — Hunter, Dean, Geren, Guillen, Metcalf, Raymond, Slawson, Smithee, Spiller, Turner

0 nays

2 absent — Hernandez, Anchía

1 present not voting — S. Thompson

SENATE VOTE: On final passage (April 12) — 29 - 2

WITNESSES: For — (*Registered, but did not testify*: Sheena Rodriguez, Alliance for a Safe Texas; James Parnell, Dallas Police Association; MerryLynn Gerstenschlager, Eagle Forum; Ray Hunt, Houston Police Officers' Union; Anthony Kivela, Houston Police Retired Officers Association; Bill Kelly, Mayor's Office, City of Houston; John Wilkerson, Texas Municipal Police Association; AJ Louderback, Texas Sheriff's Regional Alliance; Henry Bohnert; Karen Marshall; Clinton Thornburg)

Against — (*Registered, but did not testify*: Jaime Puente, Every Texan; Roberto Lopez, Texas Civil Rights Project)

BACKGROUND: Penal Code secs. 71.022 and 71.023 establish provisions regarding coercing, inducing, or soliciting membership in a criminal street gang and directing activities of a criminal street gang, respectively.

Some have suggested that amending certain designations regarding foreign terrorist organizations could allow law enforcement and prosecutors to pursue higher penalties for criminal activity associated with terrorist organizations.

DIGEST: SB 1900 would amend the Penal Code to define "foreign terrorist

organization" as three or more persons operating as an organization at least partially outside the United States who engage in criminal activity and threaten the security of the state or its residents, including but not limited to a drug cartel. Civil Practice and Remedies Code also would be amended to expand the definition of "gang activity" to include coercing, inducing, or soliciting membership in a foreign terrorist organization.

The bill would make conforming changes to include a foreign terrorist organization or member of a foreign terrorist organizations in provisions governing:

- public nuisances;
- prima facie evidence;
- civil action for violations of an injunctive order;
- intelligence databases and criminal information collected for an intelligence database, including criminal information relating to a child associated with a foreign terrorist organization; and
- a gang resource system established by the attorney general.

SB 1900 would amend the Penal Code secs. 71.022 and 71.023 to establish the offenses of coercing, inducing, or soliciting membership in a foreign terrorist organization and directing the activities of a foreign terrorist organization.

Under the bill, a person would commit an offense of engaging in organized criminal conduct if the person committed or conspired to commit certain qualifying criminal conduct with the intent to establish, maintain, or participate as a member of a foreign terrorist organization. The bill also would expand the conduct that constituted the offense of engaging in organized criminal activity to include the unlawful manufacture, delivery, dispensation, distribution, or possession of a controlled substance or dangerous drug with the intent to deliver the controlled substance or dangerous drug.

The bill would take effect September 1, 2023. The bill's revisions to the Penal Code would apply only to an action or offense committed on or

after the effective date.

NOTES:

According to the Legislative Budget Board, expanding the conduct constituting and modifying the penalty for an existing offense could result in additional demands upon state correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement. The fiscal implications of the bill could not be determined due to the lack of data to identify the number of additional cases that would qualify as an offense of engaging in organized criminal activity under the provisions of the bill.