

BILL ANALYSIS

Senate Research Center
81R4138 JD-F

S.B. 501
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The transportation of undocumented aliens by commercial truck drivers in Texas has increased in recent years for a number of reasons, including the difficulty of detecting this activity, due to the large volume of commercial vehicle traffic in this state and the limited resources of law enforcement. The United States Border Patrol, working with the Texas Department of Public Safety to address this problem, has suggested that increased penalties at the state level for offenses involving the smuggling of undocumented aliens would be helpful in curbing this illegal and dangerous activity.

Currently, Section 522.081(b)(1) (relating to a person being disqualified from driving a commercial vehicle if convicted of three violations), Transportation Code, provides for a one-year suspension of a commercial driver's license (CDL) upon the conviction of certain criminal offenses, none of which relate to human smuggling. Section 522.081 (Disqualification) generally mirrors the federal regulation of Section 49, C.F.R. 383.51, which relates to CDLs, however, this section also does not address human smuggling. There also exists no statutory license suspension for a juvenile who commits any offense relating to human smuggling.

As proposed, S.B. 501 provides that a person is automatically disqualified from driving a commercial motor vehicle for life if the person uses a motor vehicle in the commission of an offense that involves the transportation, harboring, or concealment of an undocumented alien. S.B. 501 also requires that the license of a juvenile be suspended or denied issuance if the juvenile violates a state or federal law involving a severe form of trafficking in persons as defined by federal law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 522.081(d), Transportation Code, to provide that a person is automatically disqualified from driving a commercial motor vehicle for life if the person uses a motor vehicle in the commission of an offense under 8 U.S.C. Section 1324 that involves the transportation, concealment, or harboring of an alien.

SECTION 2. Amends Section 54.042(a), Family Code, to require a juvenile court, in a disposition hearing under Section 54.04 (Disposition Hearing), to order the Department of Public Safety to suspend a child's driver's license or permit, or if the child does not have a license or permit, to deny the issuance of a license or permit to the child if the court finds that the child has engaged in conduct that violates a penal law of this state or the United States, an element or elements of which involves a severe form of trafficking in persons, as defined by 22 U.S.C. Section 7102.

SECTION 3. (a) Makes application of Section 522.081, Transportation Code, as added by this Act, prospective.

(b) Makes application of Section 54.042, Family Code, of this Act, prospective.

SECTION 4. Effective date: September 1, 2009.